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ENDORSED  
FILED  
ALAMEDA COUNTY  
JAN 07 2022  
CLERK OF THE SUPERIOR COURT  
By TANIA PIERCE

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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF ALAMEDA  
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11 GENE HAZZARD,

12 Petitioner/Plaintiff,

13 v.

14 MAYOR LIBBY SCHAAF; CITY OF  
15 OAKLAND, a municipal corporation;  
16 MIALISA BONTA, former CEO Oakland  
17 Promise; DAVID SILVER, Educational  
18 Director; BARBARA PARKER, City  
19 Attorney; ED REISKIN, City Administrator;  
20 COURTNEY RUBY, City Auditor; ANDY  
21 FREMDER, co-founder East Bay College  
22 Fund; ROB BONTA, former California 18<sup>th</sup>  
23 Assemblymember Representative; SABRINA  
24 LANDRETH, former City Administrator,

25 Defendants/Respondents.

Case No.: RG21106953

ASSIGNED FOR ALL PURPOSES TO  
JUDGE Patrick R. McKinney II  
DEPARTMENT 15

**PETITIONER/PLAINTIFF GENE HAZZARD'S  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
DEFENDANTS'/RESPONDENTS' DEMURRER  
TO FIRST AMENDED COMPLAINT**

Reservation No.: R-590199965597  
Date: February 17, 2022  
Time: 1:30 p.m.  
Department: 15

Complaint Filed: July 29, 2021  
Trial Date: Not Assigned Yet

26 CCP §§ 472(a), 526(a), 863, 1060(a), 1085, 1090  
27 Business & Professions Code §§ 17200-17204  
28 18 U.S.C. §§ 430.1(c), 1028

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## I. INTRODUCTION

Defendants/Respondents (“DEFS”) have requested that the Court take Judicial Notice of Petitioner’s/Plaintiff’s (“PTF”) Verified Complaint filed on July 29, 2021 (“COMPLAINT”) as Exhibit 1 in DEFS’ Demurrer to PTF’s First Amended Complaint (“FAC”) filed on November 8, 2021.

PTF shall reference the same documents to exhibits contained therein that support PTF’s Opposition to DEFS’ Demurrer to the FAC.

All such exhibits by reference are pursuant to Evidence Code § 452(c). *Trinity Park L.P. v. City of Sunnyvale* (2011) 193 Cal. App 4th 1014 (“Thus, we may take notice of Resolutions, and other official acts of the City”).

In order to fully understand the gravamen of PTF’s COMPLAINT challenging the legal status of DEFS’ false claims that the privately held company known as Oakland Promise is a 501(c)(3) nonprofit, tax-exempt, public-benefit corporation, it is important that one understands the evolution of this embryonic and fledgling non-governmental company.

Defendant/Respondent Mayor Libby Schaaf launched her Oakland Promise Initiative as a project whose mission was to provide “children and families cradle to career education, financial and other support for higher education opportunities.” Exhibit B to COMPLAINT. In order to fund the initiative’s objective, this required the creation of a formal private business company, and thus Oakland Promise was formed.

However, Oakland Promise was **not** originally incorporated as a nonprofit and has **never** been a nonprofit—it simply operated under the fiscal sponsorship of Oakland Public Education Fund (“OPEF”) for a short time. Exhibit 22(b) to COMPLAINT, ¶ 16, March 3, 2020 legal opinion of City Attorney Barbara Parker. Another confirmation that Oakland Promise was never a nonprofit was the September 17, 2020 letter of former California Attorney General Xavier Becerra in response to the September 7, 2020 Public Records Request, where the AG stated, “Oakland Promise has never filed an application for a 501(c)(3).” Exhibit 5 to COMPLAINT, ¶ 15. **Exhibit D**, Open 990, p.1/5. Additionally, Mialisa Bonta, former Chief Executive Officer for Oakland Promise, submitted three false 990’s for tax years 2017, 2018, and 2019. Exhibit D in Plaintiffs Opposition to Defendant Rob Bonta’s Demurrer to COMPLAINT filed September 9, 2021. There were two 990 documents filed in 2017 with the same Employer Identification

1 Number ("EIN") of 54-2103707, one by East Bay College Fund President Susan Stuzman, and the other  
2 by Mialisa Bonta, CEO of Oakland Promise.

3 On October 13, 2016, the OPEF became the fiscal sponsor for Oakland Promise. Exhibit 21(a) to  
4 COMPLAINT, ¶ 73. The OPEF established a restricted account to receive charitable and other property  
5 and to make disbursements to Oakland Promise. The fiscal sponsorship agreement also delegated  
6 oversight of the program activities to the project administrator, David Silver, who was an OPEF employee  
7 known as the Mayor's Education Director.

8 The causal relationship between a fiscal sponsor and an independent non-governmental company  
9 like Oakland Promise requires further illumination with regards to the legal liability of the fiscal sponsor.

10 The Justice & Diversity Center of the Bar Association of San Francisco provides a clear and  
11 unambiguous relationship of fiscal sponsors with the sponsoree:

12 Fiscal sponsorship is an alternative to forming a traditional nonprofit benefit  
13 corporation. A fiscal sponsorship confers the sponsors 501(c)(3) tax-exempt status  
14 and certain administrative benefits onto the charitable project so that it can receive  
15 grants and tax-deductible contributions that it would be unable to receive. In  
16 essence it provides an opportunity for a small charitable project to piggy-back on  
17 the fiscal sponsors IRS status and pass certain overhead costs to the sponsor;  
18 however, the fiscal sponsor typically retains the ability to exercise certain controls  
19 over the sponsoree ... the fiscal sponsor is both fiscally and legally liable for actions  
20 of the project. (**Exhibit A.**)

21 As long as Oakland Promise operated under the conditions set forth in the agreement of the fiscal  
22 sponsor OPEF, Oakland Promise was legally able to solicit donations and hold fundraising events under  
23 OPEF's EIN # 45-2014630.

24 Oakland Promise's legal status as a 501(c)(3) company began to unravel after the Independent  
25 Audit Report of Hood & Strong of OPEF in 2018-2019. OPEF had entered into an Exit Agreement with  
26 Oakland Promise effective July 1, 2019 ("EXIT AGREEMENT"). Exhibit 4(a) to COMPLAINT, ¶ 8.  
27 OPEF absolved any further legal responsibility for the fiduciary affairs of Oakland Promise.

28 This was problematic for Oakland Promise because just prior to this time, DEFS began to espouse  
the false claims that Oakland Promise was a 501(c)(3) tax-exempt, nonprofit, public-benefit corporation  
without any affirming documentation of a required Determination Letter from the IRS, nor is there a  
Certificate of Merger from the Charitable Trust, pursuant to California Corporation Code 6010(a). The  
California Attorney General has stated that Oakland Promise has **never** filed an application for a nonprofit,

1 and this is further confirmed by City Attorney Barbara Parker, who opined in her legal opinion of March  
2 3, 2020 that "Prior to 2019, Oakland Promise was not a nonprofit. The Defendants of Oakland Promise  
3 are in violation of all required legal protocols to substantiate that Oakland Promise is a 501(c)(3) tax-  
4 exempt nonprofit public-benefit corporation." Exhibit 22(b) to COMPLAINT.

## 5 **II. SUMMARY OF ALLEGATIONS**

6 PTF brings forth allegations that the company known as Oakland Promise has been operating  
7 illegally as a 501(c)(3) tax-exempt, nonprofit, public-benefit corporation since the 2019 EXIT  
8 AGREEMENT with Oakland Promise's fiscal sponsor OPEF (EIN # 45-2014630) in 2019 that ended  
9 Oakland Promise's ability to legally solicit donations and do fundraising events to support Oakland  
10 Promise's program objectives. There is no evidence that since that EXIT AGREEMENT (identified in  
11 Hood & Strong's Financial Statement Audit Report), Oakland Promise has retained the services of any  
12 other fiscal sponsor. Instead, the Chief Executive Officer of Oakland Promise (Respondent/Defendant  
13 Mialisa Bonta) has been falsely claiming that Oakland Promise is a 501(c)(3) corporation and that Oakland  
14 Promise has merged with the East Bay College Fund, and DEFS have not provided any legally required  
15 protocol documentation in support of either of these claims. In addition, both former California Attorney  
16 General Xavier Becerra and Oakland City Attorney Barbara Parker have refuted in writing the false claims  
17 of the legal status of Oakland Promise.

18 Despite the exhaustive written correspondence and discussions with the Alameda County District  
19 Attorney, as noted in the letters of December 18, 2019 and January 17, 2020 (see Exhibits 14 and 14(a) to  
20 COMPLAINT), no action was taken to open an investigation. In a February 11, 2020 letter to the  
21 California Secretary of State (see Exhibit 16 to COMPLAINT), PTF requested that the Secretary of State  
22 revoke the Business Registration # C2504888 of Oakland Promise because this registration number  
23 belongs to East Bay College Fund, yet once again no action was taken. Yet another request was made on  
24 March 9, 2020, this time to the California Attorney General's Office (see Exhibit 17(a) to COMPLAINT),  
25 which forwarded the request to the Charitable Trust on March 19, 2020 (Claim # 122080), but still no  
26 action was taken.

27 Because none of the above local and state agencies took action despite the fact that PTF provided  
28 compelling evidence warranting an investigation, Plaintiff was compelled to file the COMPLAINT in the  
instant matter.

1 In January 1969, the Charter of the City of Oakland went into effect. On November 6, 2018, a  
2 ballot measure was presented to amend the Oakland City Charter. That ballot measure, known as "The  
3 Children's Initiative of 2018" and also referred to as Measure AA, did not receive the required two-thirds  
4 (2/3) voter approval for passage; however, on December 14, 2018, DEFS members of the Oakland City  
5 Council approved Resolution 87485 reversing the certified election results of the Alameda County  
6 Registrar of Voters. One of the results of this reversal was that a \$198 parcel tax was levied despite its not  
7 having received the required two-thirds (2/3) voter approval.

8 A more egregious issue that is presented as a result of Resolution 87485 is that DEFS are not even  
9 following the law when it comes to the Oakland City Charter. The Charter was established for  
10 governmental purposes and not for non-governmental entities, yet Section 1607 of Measure AA refers to  
11 the "Oakland Promise Fund," which is a non-governmental entity.

12 All of these pernicious acts are antithetical to the integrity of our governmental institution and  
13 these violations must be addressed.

### 14 III. LEGAL STANDARD

15 As cited in *White v. Davis* (1975) 13 Cal.3d 757, 764, CCP § 526(a) provides in pertinent part:

16 An action to obtain a judgment restraining and preventing any illegal expenditure  
17 of, waste of, or injury to the estate of a county, town, city or city and county of the  
18 State may be maintained against any officer thereof or agent or other person acting  
19 in its behalf ... by a citizen resident therein. ... [N]o showing of special damage to  
20 the particular taxpayer [is] necessary to prevent injury to the public.

21 Where the question is one of public right and the object of the mandamus is to procure the  
22 enforcement of the public duty, it is not necessary to show that a citizen has a legal or special interest in  
23 the results; it is sufficient that he is interested as a citizen and the duty in question enforced. Moreover,  
24 the public interest standing doctrine is designed to ensure the government misconduct can be challenged.  
25 *Simas v. City of Oakland* (1956) 142 Cal. App. 2d. 302.

26 Thus, PTF is within his rights as a citizen and has legal standing to bring the instant action.

### 27 IV. LEGAL ARGUMENT

28 DEFS must comply with all required legal protocols relative to establishing a company's legal  
status as a 501(c)(3) tax-exempt, nonprofit, public-benefit corporation, and must also be in compliance

1 with the laws and regulations regarding a company's merger. DEFS have demonstrated a total disregard  
2 for the rule of law as it pertains to Oakland Promise.

3 As long as the DEFS for Oakland Promise were operating under the fiscal sponsorship of OPEF,  
4 they were legally operating within the bounds of the law. The legal issues arose when Oakland Promise  
5 no longer had a fiscal sponsor; it was at that point that the deception and false claims began to surface as  
6 to Oakland Promise's legal status as a 501(c)(3) corporation.

7 The issues regarding the November 6, 2018 Measure AA have been clearly elucidated above,  
8 specifically regarding section 1607 of the City Charter and the request for an immediate enforcement to  
9 remove the non-government company Oakland Promise from the Oakland City Charter.

### 10 V. CONCLUSION

11 PTF has presented uncontroverted facts. In the best interest of preserving the integrity of our  
12 governmental institution, this matter must be investigated. DEFS have been engaged in a campaign of  
13 obfuscation and deception. They have avoided all efforts to provide the legally required documents that  
14 confirm that Oakland Promise is a 501(c)(3) tax-exempt, nonprofit, public-benefit corporation.

15 DATED: January 7, 2022

16 Respectfully submitted,

17   
18 Gene Hazzard  
19 Petitioner/Plaintiff

EXHIBIT [A]

JUSTICE & DIVERSITY

# Justice & Diversity CENTER

OF THE BAR ASSOCIATION OF SAN FRANCISCO

## Fiscal Sponsorship Basics

### **What is fiscal sponsorship?**

Fiscal sponsorship is an alternative to forming a traditional nonprofit public benefit corporation. A fiscal sponsorship relationship confers the sponsor's 501(c)(3) tax-exempt status and certain administrative benefits onto a charitable project so that it can receive grants and tax-deductible contributions that it would otherwise be unable to receive. In essence, it provides an opportunity for a small charitable project to piggy-back on the fiscal sponsor's IRS status and pass certain overhead costs to the sponsor; however, the fiscal sponsor typically retains the ability to exercise certain controls over the sponsoree, and often requests a fee from the sponsoree in exchange for its services. This legal alert explores the different models of fiscal sponsorship and discusses the advantages and disadvantages of these types of relationships.

### **What are the different types of fiscal sponsorships?**

A fiscal sponsorship can take various forms, depending on the needs of the specific project. The most common forms of fiscal sponsorship are the Direct Model and the Grant Model.

#### *The Direct Model*

The Direct Model is the most common form of fiscal sponsorship. In the Direct Model, the project becomes an integrated part of the fiscal sponsor, with no legal identity separate from the fiscal sponsor. The fiscal sponsor directly receives donations and grants for the project, and the receipt and use of these funds is reported on the sponsor's tax filings. The project and fiscal sponsor form an employer-employee relationship, and the project's staff and volunteers become employees and volunteers of the fiscal sponsor, respectively. Due to the employee-employer relationship, the fiscal sponsor is both fiscally and legally liable for the actions of the project. Thus, the fiscal sponsor must exercise significant control over the project's actions and funding to safeguard itself from legal liability and losing its 501(c)(3) status.

#### *The Grant Model*

The Grant Model gives projects more autonomy over the project than the Direct Model because the project does not become part of the fiscal sponsor; rather, the fiscal sponsor and project have a grantor-grantee relationship. The project writes a grant request to the fiscal sponsor, detailing the project and its activities. Once approved, the fiscal sponsor then receives funds on behalf of the project, and disperses them accordingly. A fiscal sponsor may receive a single, one-time grant on behalf of project, or the relationship may be continual. Unlike the Direct Model, the



fiscal sponsor in the Grant Model is not legally liable for all actions of the project, but is still fiscally liable for the project's actions. Thus, the fiscal sponsor must still exercise sufficient control over the project's funds to ensure the funds are used in accordance with the grant agreement. This level of control also requires the fiscal sponsor to retain the ability to redirect the funds it receives to other purposes or projects.

Although the fiscal sponsor receives funds and grants for the project, the project is still responsible for maintaining its own tax liability. Unlike in the Direct Model, a project working under the Grant Model is still required to comply with the necessary tax reporting requirements required by the legal status of the project. For example, a project that is an incorporated nonprofit must file its own IRS form 990 if the project would have to file the form without fiscal sponsorship.

#### **What are the benefits of fiscal sponsorship?**

- *Ability to receive tax-deductible donations.* A fiscal sponsorship allows a charitable project to use the sponsor's 501(c)(3) tax-exempt status to receive tax-deductible donations.
- *Better fundraising opportunities using the fiscal sponsor's network and expertise.* Often, a fiscal sponsor is a well-established 501(c)(3) organization with a large network of donors and experience in raising funds for charitable purposes. The project benefits from the experience and reputation of the sponsor, enabling the project to raise funds more effectively.
- *Fewer up-front costs.* A project seeking fiscal sponsorship is not required to incorporate or acquire its own 501(c)(3) status, saving the project these essential start-up fees.
- *Use of various services provided by the fiscal sponsor.* Fiscal sponsors provide numerous services to a project, including administrative support, accounting, office space, grant writing, and technical support. These services can be invaluable to a new project.
- *Lower insurance costs.* In the Direct Model, the sponsor can purchase a blanket liability covering all projects, often at a much lower cost than the projects could purchase separately.

#### **What are the disadvantages of fiscal sponsorship?**

- *Loss of control of the project.* Depending on the fiscal sponsorship model selected, a fiscal sponsor may be both legally and fiscally responsible for the projects it sponsors. This liability requires the fiscal sponsor to exercise control over the project's funds and operation to ensure the funds are used for proper purposes to avoid tax and other legal liabilities, which may limit the project's ability to direct its operation in the way it wishes.
- *Administrative fees.* Many fiscal sponsors charge administrative fees for use of their facilities, services, and staff.
- *Sponsor may receive credit for project's actions.* Since the fiscal sponsor receives donations and often fundraises for the project, the sponsor may receive credit from the community for the charitable work the project performs.

- *Difficultly separating from the sponsor.* It may be challenging to separate from a fiscal sponsor if the fiscal sponsorship agreement does not specifically provide for separation. Additionally, if the project is unincorporated, it may have limited legal power when trying to separate from the sponsor.

### **Who should consider a fiscal sponsorship?**

- *Projects with a short duration.* Incorporating and obtaining 501(c)(3) status takes time. If the project will only last a short duration, a fiscal sponsorship may be the more economical choice.
- *Time-sensitive projects.* Fiscal sponsorship may be a good choice for projects that need to get off the ground quickly. Since the fiscal sponsor already has tax-exempt status, the project can immediately begin receiving tax-deductible donations and grants.
- *Projects waiting to obtain 501(c)(3) status.* Obtaining federal tax-exempt status usually takes a minimum of four months. Although tax-exempt status can be applied retroactively, it may be prudent to consider a fiscal sponsorship while awaiting a determination from the IRS in case the project's application is rejected.
- *Test projects.* Fiscal sponsorship gives projects a platform to test the project's success before expending the time and resources on incorporation and obtaining tax-exempt status.
- *Projects that want to focus their resources on the charitable purpose.* Because a fiscal sponsor often supplies administrative and technical assistance to projects, the project can focus its time and resources on furthering its mission instead of administrative tasks.
- *Collaboratives or coalitions.* A fiscal sponsorship can be useful for groups of organizations or individuals working together on a project. The fiscal sponsor can centrally receive and disperse the grants and donations for the project, making money handling more efficient and tax reporting simpler.

### **Can I have a fiscal sponsor if I already have 501(c)(3) tax-exempt status?**

Yes, but the relationship with the fiscal sponsor will likely take a form different from both the Direct Model and the Grant Model. Projects that are already a 501(c)(3) organization generally form a relationship with the fiscal sponsor as a "Supporting Organization." The major benefit of the Supporting Organization Model is that the project does not need to meet the public support test required to qualify as a public charity instead of a private foundation; the project qualifies under the fiscal sponsor's public charity status under IRS Code Section 509(a)(3). Classification as a public charity is preferable because public charities benefit from more favorable tax treatment than private foundations. For example, a private foundation is subject to various federal excise taxes, while a public charity is exempt. The Supporting Organization Model is best for projects that would not meet the public support test on their own and thus would be classified as a private foundation, such as projects that receive its funding from fewer than five private individuals, businesses, or foundations.

## **How do I choose a fiscal sponsor?**

Choosing the right fiscal sponsor is an important factor in the fiscal sponsorship relationship. Some characteristics the sponsor should have are:

- *Similar mission statement as the project.* This will ensure proper tax treatment of donations and grants.
- *Limited funding overlap.* Choosing a sponsor with limited funding overlap from the project will avoid conflict in donations between the sponsor and project. The project may receive inadequate funding if the sponsor has significant funding overlap.
- *Sufficient resources and infrastructure.* A fiscal sponsor should have sufficient resources and infrastructure to adequately support the project.
- *Good reputation.* A fiscal sponsor with a good reputation in the community will help attract donors and funding to the project.

## **How do I find a fiscal sponsor?**

Many different types of 501(c)(3) organizations engage in fiscal sponsorships. Consider asking existing 501(c)(3) organizations in your community if they would consider being a fiscal sponsor. You may also want to consider 501(c)(3) organizations that specialize in fiscal sponsorship. Visit <http://www.fiscalsponsordirectory.org/> for a searchable directory of organizations that act as fiscal sponsors.

## **What are the steps to establishing a fiscal sponsorship?**

- 1) *Evaluate the charitable project.* Evaluate the goals and needs of the project. Be sure to consider and decide what type of legal entity the project will become. If you decide to become an incorporated nonprofit entity, follow the steps to do so. If you do not wish to become an incorporated nonprofit entity, you may want to consider becoming an unincorporated association in order to preserve some legal rights of your project. The types of legal rights the project preserves as an unincorporated association include the power to enter into the fiscal sponsorship agreement, the right to enforce the terms of the agreement in court, and the ability to be represented by an attorney, such as through the CORP program (This approach is suggested in *Fiscal Sponsorship: 6 Ways to Do it Right*, by Greg Colvin.).
- 2) *Decide on a fiscal sponsorship model.* Consider the different fiscal sponsorship models and decide which will best suit the needs of the project.
- 3) *Find a fiscal sponsor.* Do your research. Use the resources discussed in this paper to find the right fiscal sponsor to meet the goals and needs of the project discovered in step one.
- 4) *Contact the sponsor to discuss your ideas.* Contact preferred fiscal sponsors to discuss the project and plans for fiscal sponsorship.
- 5) *Execute a fiscal sponsorship agreement.* Once an organization has agreed to be the project's fiscal sponsor, a fiscal sponsorship agreement must be drafted and executed. A properly drafted and executed fiscal sponsorship agreement, which will ensure the goals of the sponsor and project are aligned, is essential to a fiscal sponsorship.

## **I am ready to leave my fiscal sponsor – now what?**

It is important that you discuss the possibility of the project separating from the fiscal sponsor when drafting the fiscal sponsorship agreement. Provide for the terms of separation in the agreement to ensure a swift and easy separation from the fiscal sponsor. The steps to end a fiscal sponsorship relationship vary depending on the reason for the separation. Some reasons include:

- *The project is ending.* The project might be coming to a close because its charitable work is complete, loss of funding, or many other reasons. In this situation, it is advisable to use any remaining grants and funds dedicated to the project to guarantee proper tax compliance for both the sponsor and project.
- *Changing fiscal sponsors.* You may decide you want to change fiscal sponsors. In this case, you will need to execute an agreement with a new fiscal sponsor and negotiate a separation from your current fiscal sponsor. The funds held by your fiscal sponsor must be transferred to your new sponsor, a 501(c)(3) organization.
- *The project obtained 501(c)(3) status.* If you decide to become your own 501(c)(3) organization, you should complete the steps to become a tax-exempt organization before separating from your fiscal sponsor. Once tax-exempt status has been achieved, an agreement can be executed to transfer the funds from the sponsor directly to your new 501(c)(3) organization.

## **Additional Resources**

- Sample fiscal sponsorship agreements for the Direct Model (Model A) and the Grant Model (Model C), available at [http://www.adlercolvin.com/resources/basic-resources.php#tab\\_forms](http://www.adlercolvin.com/resources/basic-resources.php#tab_forms)
- <http://fiscalsponsorship.com/> – Created by Greg Colvin, author of *Fiscal Sponsorship: 6 Ways to Do it Right*.
- <http://www.fiscalsponsordirectory.org/> – A directory of potential fiscal sponsors.
- Tides.org – Tides is a nonprofit organization dedicated to fiscal sponsorship with offices in San Francisco and New York.

Please feel free to contact CORP with requests to apply for pro bono legal assistance in drafting agreements with your chosen fiscal sponsor, and incorporating as your own 501(c)(3) organization, should you chose to do so.

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EXHIBIT [B]

AGENDA REPORT 8/12/15



CITY OF OAKLAND

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2015 AUG 13 AM 8:54

## AGENDA REPORT

TO: SABRINA B. LANDRETH  
CITY ADMINISTRATOR

FROM: Mayor Libby Schaaf

SUBJECT: MOU with East Bay College Fund

DATE: August 11, 2015

City Administrator  
Approval

Date

8/12/15

COUNCIL DISTRICT: City- Wide

### RECOMMENDATION

Mayor Schaaf recommends that the City Council adopt a resolution to enter into a Memorandum of Understanding (MOU) with the East Bay College Fund to Implement the Oakland Promise Initiative which will provide children and families cradle to career education, financial, and other support for higher education opportunities.

East Bay College Fund is providing significant funding and support to the Oakland Promise Initiative. It is important that the Board of Directors have a clear understanding and collaboration with the City, as they scale their program in conjunction with the Mayor's Oakland Promise initiative. Additionally these discussions will begin at the board's annual retreat the first week of September.

### OUTCOME

This MOU is to provide clarity of roles and responsibilities between the Mayor's Office and East Bay College Fund for the sole purpose of implementing the Oakland Promise Initiative, a cross-sector partnership between the Oakland Unified School District (OUSD), the Mayor's Office, and the East Bay College Fund (EBCF). The vision for the Oakland Promise initiative is that we as a community will ensure every child in Oakland graduates high school with the expectations, resources, and skills to complete college and be successful in the career of their choice. The MOU provides that the Oakland Mayor's Office will appoint one voting member to the EBCF Board of Directors, subject to the approval of the EBCF Board.

### BACKGROUND/LEGISLATIVE HISTORY

EBCF is a college access and persistence organization, focused on graduating underrepresented Oakland students from college. EBCF awards over \$1,000,000 in scholarships annually and has over a decade of experience with Oakland students, providing college advising, counseling, mentoring, and persistence services high school through college. The EBCF's college graduation rate is 80% - four times the national average of this demographic. Oakland Promise will leverage and scale these assets of EBCF to support students across the city.

2

Mayor's Summer Recess Agenda  
August 25, 2015

## **ANALYSIS**

### **Oakland Promise: Cradle to Career**

Imagine that every child in Oakland was on a track to college from the day they were born. How? By creating an expectation that college is possible, helping Oakland parents and children save and plan for college at every stage of a child's life, and providing the critical guidance and support needed to access college and persist to earn a degree. *The vision of the Oakland Promise is that we as a community will ensure every child in Oakland graduates from high school with the expectations, resources, and skills to complete college and be successful in the career of their choice.*

### **WHY?**

Completing post-secondary education—an associates or undergraduate degree, or career technical education certificate—has tremendous impact on earning power and upward mobility. Low-income children are five times more likely to move up the income ladder as adults if they achieve a college degree.<sup>i</sup> However, too many Oakland students do not believe that college is a real possibility in their future. Almost four in ten Oakland high school students do not complete high school, and among our low-income graduates who do attend college, only 13% graduate within six years.

When children know they have money set aside from an early age for college or career technical education, they and their parents embrace a college success expectation and feel inspired to invest in this goal. *Research shows that children with \$500 (or even less) in a college savings account are three times more likely to attend college and four times more likely to graduate." In Oakland, 80% of low-income teens who receive advising, mentors, college scholarships and retention support through the East Bay College Fund secure their college degrees.*<sup>iii</sup>

### **HOW WILL OAKLAND PROMISE WORK?**

At key stages—at birth, the start of kindergarten, and in middle school and high school—the Oakland Promise will help parents and children save, build their financial know how, and connect to needed support systems and resources. The Oakland Promise initiative will invest in Oakland's children in every stage of their lives:

**Brilliant Baby:** A dual child and parent savings strategy will help a target group of low-income mothers prepare their babies for academic success. College savings accounts will be established with seed funding for the newborns and mothers will be supported to build their own savings, increase their financial know how, and optimize their babies' early years of development.

**Kindergarten to College:** Beginning in kindergarten, all of Oakland's public school children and their parents will have the opportunity to save for college and earn matching deposits. Every child enrolled in kindergarten will automatically receive a college savings account with an initial deposit and incentives for them and their families to save. For kindergarteners who already have

savings accounts from the Brilliant Baby program, deposits will be made into those accounts. Financial skills and a college going culture will be supported in the classroom throughout grade school.

**Middle School through College to Career:** Beginning in middle school and continuing throughout high school, Oakland's students will be supported to enroll in and complete college or career technical education programs. The East Bay College Fund will expand to offer advising, scholarships and persistence support to all qualifying Oakland students. Each middle and high school campus will have a Future Center staffed by college advisors to help students explore college options and apply for colleges and financial aid. High-value scholarships of \$2,000 for career and technical education and up to \$16,000 for four-year schools will be available to qualifying students. And mentors will provide ongoing and intensive support to persist through and graduate from college.

#### **PUBLIC OUTREACH/INTEREST**

Discussions have occurred with the East Bay College Fund, Oakland Unified School District and Councilmember Annie Campbell Washington, as well as potential funders. No additional public outreach is required at this time.

#### **COORDINATION**

The Office of the City Attorney was consulted in preparation of this report.

#### **COST SUMMARY/IMPLICATIONS**

This MOU has no cost implications to the City of Oakland.

#### **FISCAL/POLICY ALIGNMENT**

Achieving the Oakland Promise initiative would allow the City to better meet the goals outlined by the Mayor and Council President in their budget priorities:

- Holistic Community Safety
- Sustainable and Vibrant Infrastructure
- Equitable Jobs and Housing
- Responsive and Trustworthy Government



## SUSTAINABLE OPPORTUNITIES

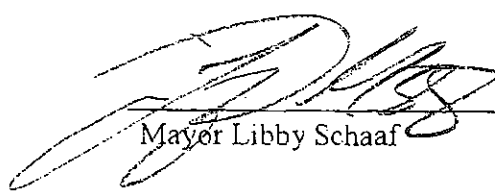
**Economic:** The Oakland Promise will help parents and children save, build their financial know how, and connect to needed support systems and resources. The Oakland Promise will invest in Oakland's children in every stage of their lives.

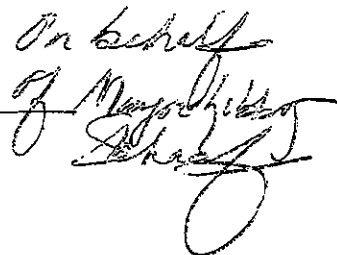
**Environmental:** No environmental opportunities have been identified.

**Social Equity:** The Oakland Promise initiative will ensure better educational outcomes for all of Oakland's young people allowing them to access 21<sup>st</sup> careers.

For questions regarding this report please contact Shereda Nosakhare, Deputy Chief of Staff at (510) 238-7439.

Respectfully submitted,

  
Mayor Libby Schaaf

*On behalf of Mayor Libby Schaaf*  


Reviewed by: Tomiquia Moss  
Chief of Staff, Office of the Mayor

Prepared by:  
Shereda Nosakhare  
Deputy Chief of Staff, Office of the Mayor

Attachment A: MOU between East Bay College Fund and City of Oakland  
Attachment B: Oakland Promise Vision

<sup>i</sup> Diana Elliott, Pew Charitable Trusts, Economic Mobility Project presentation at the Asset Learning Conference, 2014.

<sup>ii</sup> Assets and Education Initiative and University of Kansas School of Social Welfare, *Building Expectations, Delivering Results: Asset-Based Financial Aid and the Future of Higher Education*, 2013.

<sup>iii</sup> East Bay College Fund, 2015 Outcomes report

**Draft - Memorandum of Understanding for Implementation of the Oakland Promise  
between the Mayor's Office And  
East Bay College Fund**

**Introduction:**

Since September 2014, the Oakland Unified School District, has been working to build an Oakland Promise Initiative with East Bay College Fund (EBCF). In January 2015, the Mayor's Office became strategic leaders in championing Oakland Promise as a cross-sector partnership.

**Purpose:** The purpose of this Memorandum of Understanding (MOU) is to provide clarity of roles and responsibilities between the Mayor's Office and East Bay College Fund for the sole purpose of implementing the Oakland Promise Initiative, a cross-sector partnership between the Oakland Unified School District, the Mayor's Office and the East Bay College Fund. The vision for the Oakland Promise initiative is that we as a community will ensure every child in Oakland graduates high school with the expectations, resources, and skills to complete college and be successful in the career of their choice.

This MOU shall be effective as of September 1, 2015.

**Organizations:**

The Oakland Mayor's Office is committed to developing a community that will ensure that every child graduates high school with the expectations, resources and skills to complete college and be successful in their career of choice. The Mayor's vision, "bully pulpit", fundraising, and convening expertise are leading the Oakland Promise Cradle to Career.

East Bay College Fund (EBCF) is a college access and persistence organization, focused on graduating underrepresented Oakland students from college. EBCF awards over \$1,000,000 in scholarships annually and has over a decade of experience with Oakland students, providing college advising, counseling, mentoring, and persistence services high school through college. The EBCF's college graduation rate is 80% - four times the national average for this demographic. Oakland Promise will leverage and scale these assets of EBCF to support students across the city.

Oakland Unified School District (OUSD) is committed to have every student graduate with the skills to be college, career, and community ready. OUSD, as Oakland's educational leader, is committed to increasing the number of students entering college and career programs and persisting to a degree.

**Definition of Terms used in this document:**

**Oakland Promise**- Cradle to Career College Program, a cross-sector collaboration between the Oakland Unified School District, Oakland Mayor's Office, East Bay College Fund, Brilliant Babies, and K2College.

**Oakland Promise Advisory Committee**- A convening of organizations leading key components of Oakland Promise that advises on the planning, implementation, and evaluation of the Oakland Promise. They will be responsible for making sure that we generate the necessary revenue and meet appropriate timelines to make the Oakland Promise occur with high quality and appropriate scale. This group is composed of representatives from the Mayor's Office, Oakland Unified School District, Oakland Public Education Fund, the East Bay College Fund and others providing technical support as needed.

CAPS Program- the working title used in this document to describe what was formerly called Oakland Promise that East Bay College Fund is leading—the Future Centers/College Access work (in partnership with OUSD), Persistence, and Scholarships

**External Communication:**

**I. Marketing**

Mayor's Office, EBCF and OUSD agree to use the name "Oakland Promise" for the entire cradle to college effort.

The Oakland Promise Advisory Committee will create marketing collateral for The Oakland Promise/Cradle to College to reflect the interface of all aspects of the work from birth to career that will include the CAPS Program. Collateral specifically describing the CAPS Program work will highlight the Mayor's Office and OUSD and will include district, city, and EBCF logos. Representatives from each body will have an opportunity for input. The Oakland Promise Advisory Committee will agree on basic talking points and promote appropriate social media and will cross market between institutions as appropriate.

**II. Leadership/Governance:**

1. There is a working Oakland Promise Advisory Committee to advise on overall Oakland Promise strategy. Representatives include the Oakland Mayor's Office, OUSD, Oakland Public Education Fund, East Bay College Fund and others who are responsible for the Oakland Promise services to the participating age groups. East Bay College Fund will participate as leader of the middle school to career effort.
2. EBCF is the governing, fiduciary, and implementing organization for CAPS Program, the middle school to career program of Oakland Promise. This includes all Oakland Promise Scholarships and persistence services and, in partnership with OUSD, all Promise Future Centers.
3. EBCF and OUSD will develop MOU's with college partners, and EBCF will ensure implementation of the services.
4. Oakland Mayor's Office and OUSD will each appoint one voting member to the EBCF Board of Directors, subject to the approval of the EBCF Board. (Typically 16-20 members total, meeting bi-monthly)
5. Annually, an independent auditor will audit EBCF's finances and the results will be distributed to partners.
6. EBCF's College Access and Persistence programming will be evaluated annually by an independent program evaluator and shared with partners (currently Root Cause Evaluators).
7. EBCF is responsible to convene other groups working in the college access and persistence field for best coordination and implementation, to sub-contract support for additional services if needed, collect and provide data

on objectives, and serve as lead agency responsible to implement the services and fulfill the outcomes of the Oakland Promise middle school through college (CAPS).

### III. Fundraising

1. EBCF currently awards over \$1,000,000 in scholarships annually and provides over \$500,000 in services. It has over a decade of experience with Oakland students, providing mentoring and persistence services district-wide through college. Oakland Promise will leverage and scale these assets of EBCF to support students across the city.
2. Fundraising for CAPS Program is conducted in a unified and supportive approach. All partners understand that in order for Oakland Promise to be successful, students must not only enter college but also persist and graduate. Therefore, to sponsor a Future Center, the donor must also sponsor a portion of the scholarships and persistence services for the students at that school.
3. In discussions with major donors and industry partners all partners will include requests for volunteers and mentors to serve in the CAPS mentoring program whenever possible.
4. The main Advisory Committee partners will request a letter of support from each partner for grant writing purposes and will provide the same for partners, including the City of Oakland.
5. Partners will work together to support outreach and follow-up to donors.

### IV. Contribution of Partners

#### East Bay College Fund:

1. EBCF anticipates a contribution of \$1,500,000 or more annually in a combination of scholarships, persistence services, and funding match with OUSD for advisors.
2. EBCF, with OUSD, will convene college access and persistence partners across the city to connect Oakland Promise services and scholarships and to build best practices, reinforce each other's efforts, and ensure all of Oakland's students are served.
3. EBCF will provide \$15,000 match with OUSD for a FT College Advisor for three large school Future Centers.
4. EBCF, in combination with Oakland Promise funding, will administer multi-year scholarships for students attending community college and 4-year colleges, including transfer support for students transferring from community college to four-year schools. EBCF will connect the scholarships to the persistence services and best practices in college success to help students complete their degrees. Anticipated amounts are up to \$3,000 for community college and up to \$16,000 for

4-year colleges. Students who transfer in three years will qualify for up to \$8,000 in additional 4-year college funding.

5. As governing board, EBCF will determine the amount of scholarships and the requirements, which are subject to change based on funding and consideration of best practices in persistence. The EBCF Scholarship committee will have the right to make exceptions to their policy on based on individual special circumstances, and to deny or discontinue funding an individual student.
6. EBCF will develop a college-student led committee to help design and advise on CAPS services provided by Oakland Promise
5. EBCF will share access, scholarship and persistence data with OUSD and the Oakland Promise Advisory Committee.
6. EBCF will negotiate and maintain MOU's with colleges to support persistence and scholarship matching funds to support Oakland Promise. EBCF will work with implementation of college agreements on an individual student level.
7. EBCF, with Promise funding, will offer college persistence services for every OUSD student from spring of senior year through college:  
**All College students 2 and 4-year schools:**
  - Additional support services through persistence programs offered by colleges under MOUs with EBCF to provide services for Oakland students. The vision is that each Oakland student would receive additional academic counseling, tutoring, cohort services, and scholarship matching funds as an Oakland Promise student attending a partner college.
  - Financial aid and financial literacy support. Support for annual completion of the FAFSA, review of financial aid packages and support for challenges and appeals, and annual financial training.
  - CREWS Peer Mentoring Cohorts that provide bi-weekly support for freshman and sophomore students from Oakland upper-classmen on their college campus or online.
  - Reboot counseling services to students who drop or stop out of college and want to return
  - Retreats twice a year throughout college to gather Oakland students together to support each other, learn hard and soft skills of persistence, and celebrate their successes each year.

**Additional services for four-year college students:**

- Persistence counseling support throughout college, including a minimum of six sessions per student, starting in the summer before college.
- A mentor to support all students attending college in California (with the aim to include all students nation-wide) throughout their college journey, with personal support, college navigation advice, financial aid, and career development/networking.

**Oakland Mayor's Office:**

1. Oakland Mayor's Office will convene and lead the Oakland Promise Advisory Committee that will advise the overall Oakland Promise.
2. Oakland Mayor's Office will use its "bully pulpit" to help educate the community about college access and persistence challenges and how Oakland Promise will transform individuals, families and the city.
3. Oakland Mayor's Office will engage in fundraising with OUSD & EBCF to industry and individuals to help fund the CAPS Program with an overall goal of \$35,000,000 and a minimum goal of \$5,000,000 per year. EBCF will oversee and administer funding for scholarships and persistence.
4. Mayor will appoint a representative to serve on the EBCF board of directors, which is the governing body (over seeing scholarship and persistence) subject to approval of the EBCF Board.
5. Oakland Mayor's Office will provide communication support, marketing collateral, engagement opportunities, and support for promotion and collaborate on annual fundraising events for Oakland Promise.
6. Mayor's office will engage and publicize larger CAPS Program events including Decision Day, Awards Night, and Retreats and share with EBCF any cross-marketing materials for EBCF to promote.

**V. Funding Decisions and Process**

1. Scholarship amounts and eligibility may need to be adjusted at times depending on fundraising and agreeable adjustments for major funder priorities. The EBCF Board will make decisions on the amounts of scholarships and the scholarship eligibility criteria, taking into consideration any advice from the Oakland Promise Advisory Committee.
2. Oakland Promise scholarships criteria will be nimble and will grow in phases, focusing at the start with the most at need, with the ambition to eventually serve all Oakland students. The following outlines the anticipated projection from narrow to broad:
  - Low-income, to middle-income, to expand to all students
  - Determination of which schools will host Future Centers at what phase is determined by 1) need (student financial, other programs on campus), 2) School leadership, and 3) committed funds from schools and donors.
  - Minimum 2.0 GPA for 2 year college and 2.7 GPA for 4-year colleges, with the expectation to expand to serve all students above 2.0 GPA

- Attending colleges with MOU's with EBCF that will provide additional scholarships and services (Original focus on UC's, CSUs, and private colleges in California, with some HBCU, some privates out of state), to all colleges in the US
- Students attending 3 or more years of OUSD; to all students
- **NOTE:** To be eligible for Promise Funding EBCF may require additional step, including the following: students must demonstrate that they have applied to a minimum of 5 colleges including a CSU and community college, applied to 3 additional scholarships, and applied by the Promise Scholarship deadline in order to receive Promise Scholarship.
- **NOTE:** To be eligible for on-going Promise Funding each year of college EBCF will set eligibility requirements and have a mechanism for individual cases: 1) FT enrollment, 2) minimum 2.0 GPA, 3) complete of FAFSA or Dream App, and 4) participate in a minimum of services provided by the college and/or EBCF.

All parties are dedicated to making Oakland Promise CAPS successful and agree to the above understanding.

In Agreement:

\_\_\_\_\_  
Sabrina Landreth  
City Administrator of Oakland

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diane Dodge  
Executive Director  
East Bay College Fund

\_\_\_\_\_  
Date

Approved as to Form and Legality:

\_\_\_\_\_  
Office of the City Attorney

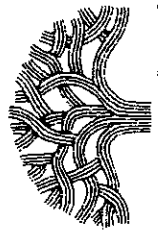
\_\_\_\_\_  
Date

**2**  
**Mayor's**  
**Recess Agenda**  
**AUG 28 2015**

# THE OAKLAND PROMISE

*Cradle to Career*

**OUR VISION:** We as a community will ensure every child in Oakland graduates high school with the expectations, resources and skill to complete college and be successful in the career of their choice.



Community Schools. Thriving Students.





# THE OAKLAND PROMISE *Cradle to Career*

0-5

## A. OUTCOMES

HOPE: COLLEGE  
AS EXPECTATION

3RD GRADE  
LITERACY

HIGH SCHOOL  
GRADUATION

COLLEGE  
GRADUATION

KINDERGARTEN  
READINESS

8TH GRADE  
ALGEBRA

COLLEGE  
ENROLLMENT

CAREER  
OUTCOME TBD

K-12

COLLEGE/CAREER

## B. OAKLAND PROMISE INITIATIVES

Brilliant Baby

K2College

Future Centers

College  
Scholarships

College  
Completion

## C. SUPPORTING INITIATIVES to reach goal of college graduation and career success

Alameda County Home Visiting Program

Talk Read Sing (0-3)

Oakland Starting Smart and Strong Initiative

High Quality, Accessible Pre-K

Early Head Start / Head Start

Oakland Starting Smart and Strong Initiative

Technology

Restorative Justice

Collective Impact

Oakland Read 100%

Access to Schools & Libraries

Measure

Technical Training

Intensive Support Schools Initiative

Oakland Community Schools

Alameda County Home Visiting

Alameda County Alliance for

Men and Boys' Development

Social Emotional Learning

Restorative Justice Practices

Latino Men and Boys Initiative

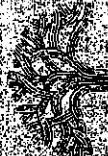
African American Youth

Women and Girls Initiative

Classrooms 20 Career

Oakland 100%

Pathways



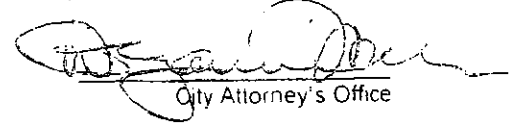
OAKLAND  
UNIFIED  
SCHOOL DISTRICT



OAKLAND

We will also work with a range of partners to help us reach our goals.

2015 AUG 13 AM 9:00

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE EAST BAY COLLEGE FUND TO IMPLEMENT THE OAKLAND PROMISE INITIATIVE, WHICH WILL PROVIDE CHILDREN AND FAMILIES "CRADLE TO CAREER" EDUCATIONAL, FINANCIAL AND OTHER SUPPORT FOR HIGHER EDUCATION OPPORTUNITIES**

**WHEREAS**, if 100 Oakland Unified School District students start the ninth grade together, sixty-seven will graduate high school and ten will graduate college within five years; and

**WHEREAS**, the East Bay College Fund was established in 2002 with the mission to help resilient public school students, under-represented in higher education, access and succeed in college, expanding their life opportunities; and

**WHEREAS**, the East Bay College Fund aspires to involve the whole community in providing college access services, scholarships, mentoring, and support networks to assist these young people in realizing their full potential; and

**WHEREAS**, eighty percent of Oakland Unified School District students participating in the programs offered by the East Bay College Fund graduate from college, which is four times the national average; and

**WHEREAS**, the purpose of this MOU is to provide clarity of roles and responsibilities between the Mayor's Office and East Bay College Fund for the sole purpose of implementing the Oakland Promise Initiative, a cross-sector partnership between the Oakland Unified School District, the Mayor's Office and the East Bay College Fund; and

**WHEREAS**, the vision for the Oakland Promise initiative is that we as a community will ensure every child in Oakland graduates high school with the expectations, resources, and skills to complete college and be successful in the career of their choice; and

**WHEREAS**, the Oakland Promise initiative is a cradle to career strategy that includes targeted investments in low-income newborns and their moms, a universal college savings program in our public elementary schools, and enhanced college advising, college scholarships and persistence support for our high school graduates; and

**2**  
Mayor's  
Recess Agenda  
AUG 25 2015

**WHEREAS**, Rule 6 of the Council's Rules of Procedure provides that the Council President "shall [ ] [e]xcept for those appointments reserved for the Mayor pursuant to the City Charter or other enabling legislation, [ ] recommend appointments to regional and local boards and agencies, as appropriate, subject to confirmation by Council resolution"; and

**WHEREAS**, the MOU provides that the Oakland Mayor's Office will appoint one voting member to the EBCF Board of Directors, subject to the approval of the EBCF Board; now, therefore, be it

**RESOLVED**: That the City Council hereby authorizes the City Administrator, or designee, to enter into a Memorandum of Understanding with the East Bay College Fund that outlines the obligations and responsibilities regarding the implementation of the Oakland Promise initiative; and be it

**FURTHER RESOLVED**: That the MOU process for appointment of the city representative to the EBCF board is hereby approved; and be it

**FURTHER RESOLVED**: That the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed MOU with the East Bay College Fund and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk; and be it

**FURTHER RESOLVED**: That the City Attorney shall review and approve said proposed MOU with East Bay College Fund, as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN,  
REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California

**2**  
Mayor's  
Recess Agenda

AUG 25 2015



# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Katano Kasaine  
Director of Finance

**SUBJECT:** FY 2019-21 Adopted Budget Grant Agreements

**DATE:** July 31, 2019

City Administrator Approval

Date:

7/31/19

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Amending Resolution No. 87761 C.M.S., Which Authorized The City Administrator To Enter Into Grant Agreements With Various Organizations And Non-Profits To:**

- 1) Add Saint Mary's Center, Our Family Coalition, Center For Empowering Refugees & Immigrants, Inc., Alameda County Community Food Bank, Young Men's Christian Association Of The East Bay, 18 Reasons, Asian Health Services, Mercy Retirement & Care Center, Spectrum Community Services, Inc., Urban Strategies Council, West Oakland Health Center, Alameda Health Consortium, Youth Spirit Artworks, Oakland Unified School District, Oakland Technical High School, Oakland Firesafe Council, S.A.V.E. Center For Community Change And Empowerment, And Mandela Partners; And
- 2) To Increase The Grant Award To Service Opportunity For Seniors/Meals On Wheels, Eden I&R Inc., Friends Of Peralta Hacienda Historical Park, And Oakland Parks And Recreation Foundation In Accordance With Fiscal Years 2019-2021 Biennial Budget Adopted By The Oakland City Council.

## EXECUTIVE SUMMARY

The adopted budget included additional grants to organizations and non-profits that requires a modification to Resolution No. 87761 C.M.S., that authorized the City Administrator to enter into grant agreements with various entities that were awarded funding in the Mayor's FY 2019-21 proposed budget. The additional amendments made by the City Council on June 24, 2019 included the revision of existing grant amounts and the inclusion of new organizations and entities. This resolution is submitted during Summer Recess so that grant agreements between the City of Oakland and organizations and non-profits can be fully executed as quickly as possible. These entities depend on this source of funding for their day-to-day operations. Any delay in funding will have a detrimental impact on their ability to provide resources and services to the communities that they serve.

Item: \_\_\_\_\_

Mayor's Summer Recess Agenda  
August 13, 2019

**CAUTION:** Oakland Promise cannot LEGALLY merge with East Bay College Fund until Oakland Promise provides comparable documentation. NOTE : CORPORATIONS CODE – CORP. Part 2. NONPROFIT PUBLIC BENEFIT CORPORATIONS [5110-6910] 6010(a)... " However, without the written consent of the Attorney General, a public benefit corporation may only merge with another public benefit corporation..." 6011. "The board of each corporation which desires to merge shall approve an agreement of merger".



EDUCATIONAL INSTITUTIONS

# EAST BAY COLLEGE FUND

Opportunity Changes Everything.



 Oakland, CA  [www.eastbaycollegefund.org](http://www.eastbaycollegefund.org) <http://www.eastbaycollegefund.org/>

---

## Mission

East Bay College Fund helps resilient public school students, under-represented in higher education, access and succeed in college, expanding their life opportunities.

East Bay College Fund aspires to involve the whole community in providing college access services, scholarships, mentoring, and support networks to assist these young people in realizing their full potential.

---

## Ruling Year

2003

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## EIN

54-2103707

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## Executive Director

Diane Dodge

---

**What we aim to solve** New!

Low-income students enroll and complete college at rates far below the national college graduation rate. 71% of students in Oakland are low income and the majority would be the first in their family to graduate from college. Unless we dramatically increase college graduation rates, Oakland students will not be prepared to thrive in Oakland's economy. For every 100 ninth grade students from Oakland public schools 67 will graduate high school 46 will start college only 10 will complete college within 5 years.

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**Our programs**

What are the organization's current programs, how do they measure success, and who do the programs serve?

SOURCE: Self-reported by organization

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**CREWS**

On-campus CREWS provide on-site peer support system for freshmen and address the challenges of adjusting to college life. Within CREWS, students have access to biweekly group meetings and 1 on 1 support share challenges, success, and resources during their first year of college.

<b>Population(s) Served</b>
Economically disadvantaged, low-income, and poor people
Minorities
<b>Budget</b>

---

What have they accomplished so far and what's next?



In 2016, East Bay College Fund, Oakland Unified School District, and the Oakland Mayor's Office joined forces to launch the Oakland Promise, a cradle-to-career initiative with the goal of tripling the number of college graduates from Oakland within a decade.

---

### External Reviews

Powered by **GREAT\*Nonprofits**

"I've volunteered with East Bay College Fund for years. They are an efficient, professional organization and their mission is truly critical....

[See All 1 Reviews](https://greatnonprofits.org/whitelabel/reviews/east-bay-college-fund)

[Write a Review](https://greatnonprofits.org/whitelabel/write/east-bay-college-fund)

[<https://greatnonprofits.org/whitelabel/reviews/east-bay-college-fund>](https://greatnonprofits.org/whitelabel/reviews/east-bay-college-fund)

[<https://greatnonprofits.org/whitelabel/write/east-bay-college-fund>](https://greatnonprofits.org/whitelabel/write/east-bay-college-fund)

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## FINANCIALS

### EAST BAY COLLEGE FUND

☒ Yes, financials were audited by an independent accountant. ⓘ

This information is only available for subscribers and in Premium reports.

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## Board Leadership Practices

GuideStar worked with BoardSource, the national leader in nonprofit board leadership and governance, to create this section, which enables organizations and donors to transparently share information about essential board leadership practices.

SOURCE: Self-reported by organization

### BOARD ORIENTATION & EDUCATION

Does the board conduct a formal orientation for new board members and require all board members to sign a written agreement regarding their roles, responsibilities, and expectations?

Not Applicable

---

### CEO OVERSIGHT

Has the board conducted a formal, written assessment of the chief executive within the past year?

Not Applicable

---

### ETHICS & TRANSPARENCY

Have the board and senior staff reviewed the conflict-of-interest policy and completed and signed disclosure statements in the past year?

Not Applicable

---

### BOARD COMPOSITION

Does the board ensure an inclusive board member recruitment process that results in diversity of thought and leadership?

Not Applicable

---

### BOARD PERFORMANCE

Has the board conducted a formal, written self-assessment of its performance within the past three years?

Not Applicable

**Candid.**

**<<https://candid.org/>>**

**Candid gets you the information you need to do good.**

The City has not yet made any payments on behalf of Oakland Promise from funds earmarked for this program in the adopted budgets for 2016-17, 2017-18, or 2018-19.

The requested documents do not exist.

*August 16, 2019, 4:54pm*

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**Department Assignment**

Public

Finance Department — Controller & Budget

*July 30, 2019, 1:11pm*

---

**Request Opened**

Public

Request received via web

*July 30, 2019, 1:11pm*

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[SIGN UP](#) [DONATE](#)

## Nonprofit Explorer

Research Tax-Exempt Organizations

### EAST BAY COLLEGE FUND

6114 LA SALLE AVE 314, OAKLAND, CA 94611-2802 | TAX-EXEMPT SINCE NOV. 2003

EIN: 54-2103707

#### Classification (NTEE)

Scholarships, Student Financial Aid Services, Awards (Educational Institutions and Related Activities)

#### Nonprofit Tax Code Designation: 501(c)(3)

Defined as: Organizations for any of the following purposes: religious, educational, charitable, scientific, literary, testing for public safety, fostering national or international amateur sports competition (as long as it doesn't provide athletic facilities or equipment), or the prevention of cruelty to children or animals.

Donations to this organization are tax deductible.

More Resources: [K GuideStar](#)

Get notifications: Sign up for updates about our data.

### Search for a Nonprofit

Enter a nonprofit's name, a keyword, or city

Examples: ProPublica, Research or Minneapolis

Any State	▼
Any Category	▼
Any Type	▼
<b>SEARCH</b>	

[Advanced Search](#) | [People Search](#)

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### About This Data

Nonprofit Explorer includes summary data for nonprofit tax returns and PDFs of full Form 990 documents.

The summary data contains information processed by the IRS during the 2012-2017 calendar years; this generally consists of filings for the 2011-2016 fiscal years, but may include older records. This data release includes only a subset of what can be found in the full Form 990s.

In addition to the raw summary data, we link to PDFs of full Form 990 documents wherever possible. This consists of a separate release by the IRS of Form 990 documents processed by the agency through June 2016; these documents may contain filings as recent as the 2015 fiscal year.

#### Which Organizations Are Here?

Every organization that has been recognized as tax exempt by the IRS has to file Form 990 every year, unless they make less than \$200,000 in revenue and have less than \$500,000 in assets, in which case they have to file form 990-EZ.

### Tax Filings by Year

The IRS Form 990 is an annual information return that most organizations claiming federal tax-exempt status must file yearly. Read the IRS instructions for 990 forms.

If this organization has filed an amended return, it may not be reflected in the data below.

Duplicated download links may be due to resubmissions or amendments to an organization's original return.

If you would like to download Form 990 document PDFs in bulk, the Internet Archive operates a mirror of the original bulk data.

<p>FISCAL YEAR ENDING DEC.</p> <p><b>2017</b></p> <p>Full Text</p> <p><a href="#">Full Text</a> ▼</p> <p>Raw XML</p> <p><a href="#">Raw XML</a></p> <p>990</p>	<p><b>Form 990 documents available</b></p> <p>Extracted filing data is not available for this tax period, but Form 990 documents are available for download.</p>
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#### Help Keep Nonprofit Explorer Free!

If you have used our data or site in your research or reporting, add credit and a link to Nonprofit Explorer in your story or publication and let us know.

<p>FISCAL YEAR ENDING DEC.</p>
--------------------------------

**Total Revenue \$1,894,813**

<b>Total Functional Expenses</b>	<b>\$1,336,559</b>
<b>Net income</b>	<b>\$558,254</b>
<b>Other</b>	
<b>Total Assets</b>	<b>\$2,908,826</b>
<b>Total Liabilities</b>	<b>\$4,585</b>
<b>Net Assets</b>	<b>\$2,904,241</b>

FISCAL YEAR  
ENDING DEC.**2013**

PDF

990

Full Text

990

Raw XML

990

**Total Revenue \$1,339,163**

<b>Total Functional Expenses</b>	<b>\$814,957</b>
<b>Net income</b>	<b>\$424,206</b>

Notable sources of revenue		Percent of total revenue
Contributions	\$1,336,938	99.8%
Program services	\$0	
Investment income	\$2,225	0.2%
Bond proceeds	\$0	
Royalties	\$0	
Rental property income	\$0	
Net fundraising	\$0	
Sales of assets	\$0	
Net inventory sales	\$0	
Other revenue	\$0	

Notable expenses		Percent of total expenses
Executive compensation	\$0	
Professional fundraising fees	\$0	
Other salaries and wages	\$236,465	25.8%

<b>Other</b>	
<b>Total Assets</b>	<b>\$2,349,745</b>
<b>Total Liabilities</b>	<b>\$3,758</b>
<b>Net Assets</b>	<b>\$2,345,987</b>

FISCAL YEAR  
ENDING DEC.**2012**

PDF

990

Raw XML

990

**Total Revenue \$895,193**

<b>Total Functional Expenses</b>	<b>\$676,267</b>
<b>Net income</b>	<b>\$218,926</b>

Notable sources of revenue		Percent of total revenue
Contributions	\$893,722	99.8%
Program services	\$0	
Investment income	\$1,471	0.2%
Bond proceeds	\$0	
Royalties	\$0	
Rental property income	\$0	
Net fundraising	\$0	
Sales of assets	\$0	
Net inventory sales	\$0	
Other revenue	\$0	

Notable expenses		Percent of total expenses
Executive compensation	\$94,250	13.9%
Professional fundraising fees	\$0	
Other salaries and wages	\$63,491	9.4%

<b>Other</b>	
<b>Total Assets</b>	<b>\$1,921,866</b>
<b>Total Liabilities</b>	<b>\$85</b>
<b>Net Assets</b>	<b>\$1,921,781</b>

FISCAL YEAR  
ENDING DEC.**2011**

PDF

990

**Total Revenue \$708,431**

<b>Total Functional Expenses</b>	<b>\$484,404</b>
<b>Net income</b>	<b>\$224,027</b>

Notable sources of revenue		Percent of total revenue
Contributions	\$704,865	99.5%
Program services	\$0	

FISCAL YEAR  
ENDING DEC.

**2006**

PDF

990

**Form 990 documents available**

Extracted filing data is not available for this tax period, but Form 990 documents are available for download.

FISCAL YEAR  
ENDING DEC.

**2005**

PDF

990

**Form 990 documents available**

Extracted filing data is not available for this tax period, but Form 990 documents are available for download.

FISCAL YEAR  
ENDING DEC.

**2004**

PDF

990

**Form 990 documents available**

Extracted filing data is not available for this tax period, but Form 990 documents are available for download.

FISCAL YEAR  
ENDING DEC.

**2003**

PDF

990

**Form 990 documents available**

Extracted filing data is not available for this tax period, but Form 990 documents are available for download.

EXHIBIT [C]

REQUEST #19-3837

# Request #19-3837

☒ CLOSED

As of August 16, 2019, 7:17pm

## Details

---

Please provide me copies of the cancelled bank electronic or paper transaction of the budget approval amounts for OAKLAND PROMISE for the following year budget cycles:

16-17 Budget Cycle. \$150,000.00 Council approval.

17-18 Budget Cycle \$500,000.00

18-19 Budget Cycle \$500,000.00

---

### *Received*

July 30, 2019 via web

---

### *Due*

August 9, 2019

---

### *Departments*

Finance Department — Controller & Budget

## Documents

---

(none)

## Staff

---

### *Point of Contact*

Tony Daquipa

## Timeline

---

Request Closed

Public

The City has not yet made any payments on behalf of Oakland Promise from funds earmarked for this program in the adopted budgets for 2016-17, 2017-18, or 2018-19. The requested documents do not exist.

*August 16, 2019, 4:54pm*

---

**Department Assignment**

Public

**Finance Department — Controller & Budget**

*July 30, 2019, 1:11pm*

---

**Request Opened**

Public

**Request received via web**

*July 30, 2019, 1:11pm*

---



EXHIBIT [D]

OPEN 990




## OAKLAND PROMISE

### Address

300 FRANK H OGAWA PLZ STE 430  
OAKLAND, CA 94612-2087

### Contact

<http://www.eastbaycollegefund.org>  
+1 (510) 858-6054

### Nonprofit IDs

NTEE: C12 - Monetary support - Environment  
EIN: 54-2103707

### Mission

THE ORGANIZATION HELPS RESILIENT PUBLIC SCHOOL STUDENTS, UNDER-REPRESENTED IN HIGHER EDUCATION, ACCESS AND SUCCEED IN COLLEGE, EXPANDING THEIR LIFE OPPORTUNITIES. THE ORGANIZATION ASPIRES TO INVOLVE THE WHOLE COMMUNITY IN PROVIDING COLEGE ACCESS SERVICES, SCHOLARSHIPS, MENTORING, AND SUPPORT NETWORKS TO ASSIST THESE YOUNG PEOPLE IN REALIZING THEIR FULL POTENTIAL.

### Basic features

Currently tax-exempt?

Yes (BMF updated June 15, 2021)



Subsection

501(c)(3)

Organization type

Corporation

## Accountability

Scroll to: [Latest \(Dec 2018\)](#) · [Earliest \(Dec 2010\)](#)

	Dec 2018	Dec 2010
Diversion of assets	No	
Relationships among key personnel	Yes	
Has outstanding loan to key person or disqualified	No	
Made grant to related party	No	
Transacted business with entity owner	No	
Transacted business with employee	No	
Transacted business with relative of employee	No	

## Human resources & compensation

- > Compensation summary
- ✓ Recent trustees and key personnel (18)
  - > DODGE, DIANE (EXECUTIVE DIRECTOR)
  - > ERNST, SANDRA (CO-INTERIM EXECUTIVE DIRECTOR)



> FREMDER, ANDY (DIRECTOR)

Show all

> Past trustees and key personnel (8)

## Purpose & programs

Scroll to: [Latest \(Dec 2018\)](#) · [Earliest \(Dec 2010\)](#)

	Dec 2018	De
Mission or significant activity	EDUCATIONAL FINANCIAL ASSISTANCE	EDUCATION ASSI
III Total program expenses	\$2,848,352	\$2,8

✓ Current programs: description, revenue, expenses (1)

- EAST BAY COLLEGE FUND ("EBCF") PROVIDES COLLEGE ACCESS SERVICES AT PUBLIC HIGH SCHOOLS IN OAKLAND. THIS INCLUDES COLLEGE ADVISING, FAFSA COMPLETION, AND
- > CREATING A COLLEGE-GOING CULTURE. EBCF ALSO PROVIDES MULTI-YEAR SCHOLARSHIPS FOR LOW-INCOME STUDENTS TO ATTEND COLLEGE, AND WRAP-AROUND SUPPORT SERVICES, INCLUDING ONE ON ONE MENTORING, COUNSELING, PEER-GROUPS SUPPORT ON CAMPUS, FINANCIAL LITERACY, AND LIFE-SKILLS RETREATS THROUGHOUT THE COLLEGE JOURNEY.

> Past programs: description, revenue, expenses (4)





- > Revenue
- > Fees for services
- > Assets & liabilities
- > Other finances



## Governance

 Scroll to: [Latest \(Dec 2018\)](#) · [Earliest \(Dec 2010\)](#)


	Dec 2018	De
Number of voting members	15	
Number of independent voting members	15	
Financial sheets audited	Yes	
Has local chapters	No	
Accounting method	Accrual	Ac

## Indicators for schedules (selected)

 Scroll to: [Latest \(Dec 2018\)](#) · [Earliest \(Dec 2010\)](#)

	Dec 2018	De
Engaged in lobbying	No	



organization...



Is a school

No

Transacted with controlled entity

## Metadata


Scroll to: [Latest \(Dec 2018\)](#) · [Earliest \(Dec 2010\)](#)

	Dec 2018	De
Tax year start date	2018-01-01	201
Tax year end date	2018-12-31	201
e-Return type	990	
Date e-file submitted	2019-11-14	201
Date IRS published e-file	2020-04-07	201
IRS e-file schema version	2018v3.1	20
IRS e-file ID	201903189349305750	20194281

## Downloads

Scroll to: [Latest \(Dec 2018\)](#) · [Earliest \(Dec 2010\)](#)

	Dec 2018	De
e-file PDF converted (from ProPublica)	<a href="#">990</a>	
e-file XML (from IRS)	<a href="#">990</a>	
PDF filing (from ProPublica)		

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# Oakland Promise

Opportunity Changes Everything.

aka Oakland Promise | Oakland, CA | [www.oaklandpromise.org](http://www.oaklandpromise.org)

## Mission

Oakland Promise (OP) is a cradle-to-career initiative seeking to reduce the devastating educational and health disparities by race, neighborhood, and income that limit opportunity for too many Oakland children. Our goal is to dramatically increase the number of college graduates from Oakland and ensure that all students have the expectation, skills, and resources to complete postsecondary education and be successful in the career of their choice.

### Ruling year

2003

### Chief Executive Officer

Mia Bonta

### Main address

360 Grand Avenue #363 Suite 430  
Oakland, CA 94610 USA

[Show more addresses](#)

### Formerly known as

East Bay College Fund

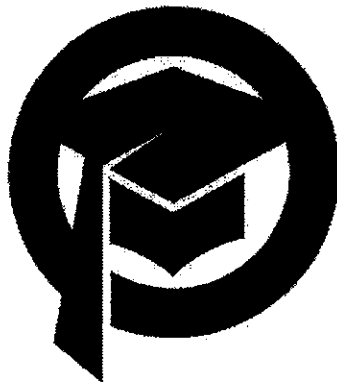
### EIN

54-2103707

### NTEE code

Elementary, Secondary Ed (B20)  
Financial Counseling, Money Management (P51)  
Educational Services and Schools - Other (B90)





You have no profile views left. [Create account](#) or [sign in](#) to unlock more profile views. [Create your free account](#)

# OAKLAND PROMISE

## IRS filing requirement

This organization is required to file an IRS Form 990 or 990-EZ.

[Sign in or create an account to view Form\(s\) 990 for 2020, 2018 and 2017.](#)

[Register now](#)

## Communication



## Programs and results

### What we aim to solve

SOURCE: Self-reported by organization

Oakland Promise is one of the most ambitious, expansive cradle-to-career programs in the nation. Oakland Promise advances racial and economic equity through comprehensive and holistic strategies centering the needs of those... [Read more](#)

### Our programs

SOURCE: Self-reported by organization

What are the organization's current programs, how do they measure success, and who do the programs serve?

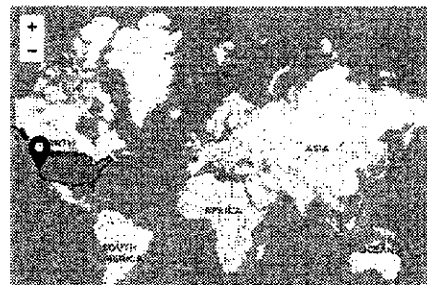
#### Brilliant Baby, Kindergarten to College, College Access and College Scholarships and Completion

OP is comprised of four programs supporting children and families at critical junctures: Brilliant Baby promoting a college-going culture from babies' earliest days by offering under-resourced families college savings accounts, financial coaching, workshops, and community resources; Kindergarten to College providing early scholarships, college visits, and curricular materials to support students' transitions from elementary, middle, and high school; College Access running school-based education hubs featuring college and financial aid application assistance, internship access, and career planning services; and College Scholarships and Completion equipping students with social and emotional supports necessary for postsecondary persistence through one-on-one mentoring, peer advising, counseling, and retreats. OP's holistic programming is designed to promote a continuous culture of career and college preparedness in students, families, and educators.

Population(s) Served  
Economically disadvantaged people  
Ethnic and racial groups

### Where we work

Oakland, CA; United States



[Leader](#)

External reviews

Powered by Q GREATNONPROFITS

"I've volunteered with East Bay College Fund for years. They are an efficient, professional organization and their mission is truly critical....

[Read more](#)

Videos



Oakland Promise Overview

[See All 1 Reviews](#) | [Write a Review](#)

# Our Sustainable Development Goals

SOURCE: Self-reported by organization



Learn more about [Sustainable Development Goals](#).

## Goals & Strategy

SOURCE: Self-reported by organization

Learn about the organization's key goals, strategies, capabilities, and progress.

### Charting impact

—

Four powerful questions that require reflection about what really matters - results.

What is the organization aiming to accomplish?	+
What are the organization's key strategies for making this happen?	+
What are the organization's capabilities for doing this?	+
What have they accomplished so far and what's next?	+

## Financials

Oakland Promise



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- Access beautifully interactive analysis and comparison tools
- Compare nonprofit financials to similar organizations

Want to see how you can enhance your nonprofit research and unlock more insights?  
[Learn more](#) about GuideStar Pro.

## Operations

The people, governance practices, and partners that make the organization tick.

Officers, directors, trustees, and key employees

Highest paid employees

Board of directors



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- Analyze a variety of pre-calculated financial metrics
- Access beautifully interactive analysis and comparison tools
- Compare nonprofit financials to similar organizations

Want to see how you can enhance your nonprofit research and unlock more insights? [Learn More](#) about GuideStar Pro.

## Organizational demographics

SOURCE: Self-reported; last updated 08/01/2021

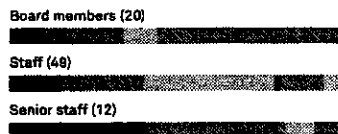
Who works and leads organizations that serve our diverse communities? GuideStar partnered on this section with CHANGE Philanthropy and Equity in the Center.

### Leadership

The organization's leader identifies as:

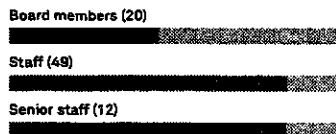
Race & ethnicity: Multi-Racial/Multi-Ethnic (2+ races/ethnicities)  
Gender identity: Female

#### Race & ethnicity



- Asian/Asian Americans/Pacific Islanders
- Black/African American/African
- Hispanic/Latina/Latino/Latinx
- Native American/Indigenous
- White/Caucasian/European
- Multiracial/Multiethnic
- Additional ethnicities
- Unknown or decline to state

#### Gender identity



- Female
- Male
- Non-binary
- Unknown or decline to state

#### Sexual orientation

No data

#### Disability

No data

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EXHIBIT [E]

CITY OF OAKLAND MEASURE AA

## CITY OF OAKLAND MEASURE AA

<b>AA</b>	Shall the measure amending Oakland's Charter for the purposes of funding services to: expand access to early childhood and preschool education; improve high school and college graduation and career readiness; provide mentoring and college financial assistance; by establishing a \$198, 30-year parcel tax for single family parcels and specified rates for other parcel types, raising approximately \$25,000,000 - 30,000,000 annually, with citizen's oversight, and exemptions for low-income households and others, be adopted?	<b>YES</b>
		<b>NO</b>

### CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE AA

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

#### BALLOT TITLE:

Proposed Amendment to the Oakland City Charter Creating the Children's Initiative of 2018 and Approving a Parcel Tax to Fund Early Childhood Education and College Readiness Programs

#### BALLOT SUMMARY:

This measure would amend the City Charter to add Article XVI, "The Children's Initiative of 2018", and authorize a thirty-year annual special parcel tax. The tax revenue could be used only for the purposes specified in the measure, which include the following:

- 62% would be used to support programs to expand access to and quality of early childcare and education and preschool to increase educational outcomes and reduce educational inequality.
- 31% would be used to reduce disparities in postsecondary education outcomes, and increase college awareness and expectations, college savings, family economic well-being, college and career access, college application, enrollment, admission rates, affordability and graduation rates.
- 7% would be used for oversight and accountability costs including the cost of operating the Citizens' Oversight Commission ("Commission") established by the measure, staffing, operations, audits, implementation planning, outreach and independent third-party evaluations.

This measure creates a new City staff position to serve as the Children's Initiative accountability officer. This measure establishes guidelines for programs funded by tax revenue ("Guidelines") for the first five years. After the first five years, Guidelines would be developed by the accountability officer and approved by the Commission. The Commission would be appointed by the Mayor subject to City Council confirmation, to oversee programs funded by this measure and perform other tasks. The Commission would select a nonprofit or government agency to administer

the funds.

The parcel tax would be imposed through fiscal year ("FY") 2048-2049. The tax for each single-family residential parcel is \$198. For multiple unit residential parcels, the tax is \$135.25 per occupied unit. For non-residential parcels, the tax would vary depending on parcel frontage and square footage, based on the formula specified in the measure. Exemptions from the parcel tax would be available to qualifying low-income households, low-income senior households, and affordable housing projects. The City would provide a rebate of 50% of the tax to qualifying tenants in single-family homes that have been foreclosed upon.

Beginning in FY 2020-2021, and each year thereafter, the City Council could increase the parcel tax by making one of the following findings:

- The cost of living in the immediate San Francisco Bay Area, as determined by the U.S. Department of Labor, has increased, or
- California per capita personal income, as determined by the California Department of Finance, has increased.

The increase in the parcel tax could not exceed the greater of the verified increase in the cost of living in the Bay Area using 2019 as the index year and the California per capita personal income, using FY 2018-2019 as the index year.

Passage of this measure requires approval by two-thirds of the voters who cast ballots. A "yes" vote will approve the parcel tax; a "no" vote will reject the parcel tax.

s/BARBARA J. PARKER  
City Attorney

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE AA

This measure would amend the Oakland City Charter to add Article XVI, "The Children's Initiative of 2018", and authorize a thirty-year annual parcel tax from fiscal year ("FY") 2019-2020 through FY 2048-2049.

The parcel tax revenue would be used solely to fund three new funds, with the revenue allocated as follows:

- 62% to the Early Education Fund,
- 31% to the Oakland Promise Fund, and
- 7% to the Oversight Accountability and Evaluation Fund.

See the Ballot Summary for details of allowable uses of the revenue in each fund.

This measure would create a new City staff position, funded by the tax revenue, to serve as the accountability officer to oversee the programs funded by the measure. This measure would establish a Citizens' Oversight Commission ("Commission"); the Mayor would appoint members subject to City Council confirmation.

After it receives the accountability officer's recommendation, the Commission would select a nonprofit agency, government agency or City department, as specified in the measure, to administer the funds, and submit its selection to the City Council for approval. The Council must approve or reject the Commission's recommendation. First 5 Alameda County (a County agency) or another public entity would administer the Early Education Fund for the first five years. The measure requires independent financial audits of fund expenditures and external evaluations of the entities administering the funds.

This measure would establish guidelines for the programs funded by the measure; those guidelines cannot be amended for the first five years. After the first five years, the accountability officer would develop the guidelines and the Commission would approve them. The measure would establish additional requirements for the Early Education Fund for the first five years, and thereafter unless the Commission recommends and the City Council decides that they shall no longer apply.

The tax for each single-family residential parcel would be \$198. For multiple unit residential parcels, the tax would be \$135.25 per occupied unit. For non-residential parcels, the tax would vary depending on parcel frontage and square footage based on a formula specified in the measure. For hotels, the tax would depend on the percentage of transient occupancy based on a formula specified in the measure.

Exemptions from the parcel tax would be available to qualifying low-income households, low-income senior households, and affordable housing projects as defined in the measure. The City would provide a rebate of 50% of the tax to qualifying tenants in foreclosed upon single-family homes who paid a passed through parcel tax.

Each year beginning in fiscal year 2020-2021, the City Council, after making certain findings, may increase the parcel tax by the greater of the increase in the Bay Area cost

of living or the increase in California per capita personal income.

This measure was placed on the ballot by a petition signed by the requisite number of voters. This special tax measure requires a two-thirds vote for passage.

s/BARBARA J. PARKER  
City Attorney

## ARGUMENT AGAINST MEASURE AA

This is one of the largest parcel tax proposals in Oakland's history.

It was put on the ballot without community input and without a plan on how to spend the \$30,000,000 a year the measure would generate. Lost in the details of the measure is the fact that the money can be used to fund the growing bureaucracy of the city.

We share the wonderful goals of this 15-page ballot measure. Unfortunately, we don't see any realistic steps to reaching them. "Give us the money and we'll figure out how to do it" is not acceptable.

Who controls the estimated \$30 million annually? New, unnamed city employees. But nothing in this measure holds public employees accountable for all this money! A "Citizens' Oversight Commission" is created, but its members would be handpicked by city bureaucrats.

The "Oakland Promise Fund" is full of promises to "increase early college awareness and expectations" and "increase college persistence and graduation rates." How? What exactly is the plan? There is no plan. Over and over we've seen similar taxes raising money with good intentions but without clear programs. Local organizations are promised funding and taxpayers get the bill.

While we share Mayor Libby Schaaf's commitment to address persistent problems with the Oakland schools, this initiative is deeply flawed. Our children deserve better! This measure will last 30 years, long past the term of this Mayor.

Oakland children, born today will be over 30 before this tax expires.

Rather than work with the Council or the School District to prioritize funding for Oakland's children, Schaaf is passing the buck to homeowners without a realistic plan.

Despite the feel good language, this 'Initiative' is nothing but another thinly disguised attempt to raise more money for programs that sound good but yield little results.

Please vote NO!

s/GEORGIA W. RICHARDSON

Property Owner

s/VITO ESPOSITO

Homeowner

s/KAREN FRANCISCO

Homeowner

s/HOMAYOUN GHADERI

Homeowner

s/GRANT CHAPPELL

Homeowner

## REBUTTAL TO ARGUMENT AGAINST MEASURE AA

In Oakland, 43% of students enter school kindergarten ready and only 15% earn college degrees. Measure AA increases graduation rates for more than 10,000 children annually, while making college more affordable through scholarships and mentorships.

Our opponents' argument isn't rooted in facts. Over 400 community members participated in drafting this measure. Measure AA includes strict guidelines to ensure funds are spent wisely and exclusively on early education and college access and completion programs, including annual audits, external evaluations, an automatic sunset, and an accountability officer to oversee spending. An independent citizens' oversight commission - not City Council or OUSD - approves funding guidelines regularly, with mandatory representation for homeowners, parents, students, and teachers. Administrative expenses are capped at 7%. Measure AA includes exemptions for low-income households and seniors, and affordable housing.

Over 2,000 Oakland children are born into poverty annually, and only a third of African American, Latino and low-income students enter school kindergarten ready. Measure AA expands quality, affordable preschool for all 4-year-olds from low-income backgrounds and provides children with the financial aid they need to graduate from college. Research shows that early education produces returns on investment of up to \$9 for every dollar spent, including reduced taxpayer costs in welfare and public safety.

Measure AA is endorsed by local teachers and Lt. Gov. Gavin Newsom, Congresswoman Barbara Lee, Mayor Libby Schaaf, Assemblyman Rob Bonta, NAACP Oakland, Latino Education Network, Alameda Labor Council, SEIU 1021, Oakland Parents Together, and many more. Vote YES on Measure AA.

[www.YesonMeasureAA.com](http://www.YesonMeasureAA.com)

s/MICAH WEINBERG

President, Bay Area Council Economic Institute

s/BARBARA LESLIE

Businessperson & Civic Leader

s/CARMINA PORTEA

Oakland Transitional Kindergarten (TK) Teacher

s/ELIZABETH ACOSTA-CROCKER

Parent and Former Preschool Director and Head Teacher

s/GENA LEWIS

Oakland Pediatrician & Medical Director



## FULL TEXT OF MEASURE AA

### SEC. 1. Title.

This Act shall be known and may be cited as "The Children's Initiative of 2018."

### SEC. 2. Findings and Declarations.

The People of the City of Oakland hereby find and declare the following:

A. Regardless of the zip code of their birth, the children of Oakland are our future and will provide the leadership, creativity, and productivity to strengthen and sustain the quality of life in our City.

B. Research shows that 90% of a child's brain develops during the first five years of life, and this critical period is a window of opportunity to lay the foundation for all of the years that follow.

C. Only 43% of assessed Oakland Unified School District (OUSD) students entered school "kindergarten-ready," and more specifically, while 82% of white students and 82% of children from families making more than \$100,000 entered kindergarten-ready, just 36% of African American students, 29% of Latino students, and 34% of students from families making less than \$35,000 were ready for kindergarten in 2015.

D. Parents and caregivers and support for them are crucial to a child's development, but many marginalized families, including the working poor, are unable to access quality child care, early education services, particularly in preschool deserts, and post-secondary educational support. The homeless population in Oakland in particular includes hundreds of children who cannot equitably access the educational system.

E. Studies have shown that workforce compensation for early educators is one of the most effective guarantees of quality early education, and low compensation for early educators combined with a lack of outreach to immigrant and newcomer communities drives turnover and hampers the ability to attract and retain skilled educators, which in turn undermines stable, continuous relationships that are essential to children.

F. Kindergarten readiness has a demonstrated impact on success in a child's early elementary school years, and research suggests that students who are not reading proficiently by 3rd grade are four times less likely to graduate by age 19 than their peers who are proficient readers. Poverty compounds the effect of third grade literacy on high school graduation rates. Students who face poverty and are not proficient readers are 13 times less likely to graduate than proficient readers from wealthier families.

G. Research demonstrates that public investment in quality early education programs produces some of the highest returns on investment, with up to \$8.90 for every public dollar we spend, with reduced costs for special education, welfare, and public safety.

H. Over a lifetime, college graduates will earn up to \$1 million more than those with a high school diploma, and

college graduates are far less likely to suffer from poverty, unemployment, poor health outcomes, or to be involved with the criminal justice system.

I. In 2016, only 51% of OUSD graduates completed the comprehensive course requirements for enrollment in a California state university, including just 33% of African American graduates and 53% of Latino graduates, compared to 71% of white graduates.

J. According to OUSD's latest data, only 15% of OUSD high school students will have a Bachelor's degree within 6 years of graduating from high school, and just 19% will have a 2-year college and/or 4-year degree.

K. 63.4% of the OUSD class of 2016, including just 54% of African American students and 59% of Latino students, enrolled in 2-year or 4-year colleges the fall after graduating, compared to 79% of White students.

L. Educational achievement is a strong social determinant of health. At age 25, U.S. adults without a high school diploma can expect to die nine years sooner than college graduates. By 2011, the prevalence of diabetes had reached 15 percent for adults without a high school education, compared with seven percent for college graduates.

M. Professionals in many industries have long recognized the value of joining together in professional organizations to facilitate their participation in training opportunities, provide a collective voice to improve their professions, and make it easier for them to jointly provide feedback to policymakers. However, early educators face barriers to participating in professional organizations, including low pay, high turnover, and isolation of the workforce. Facilitating early educators' participation in professional organizations would help to strengthen and professionalize the workforce, which would in turn improve the quality and stability of early education paid for with city funds, including for city employees.

N. Low- and moderate-income students with as little as \$500 in dedicated savings for post-secondary education are three times more likely to attend college and four times more likely to graduate from college than youth without college savings.

O. All students have the capacity to learn and be successful, but current systems, policies, and norms cumulatively benefit certain populations and disadvantage others, and thus reinforce and perpetuate inequities, such as those related to race, income, wealth, and language background, which ultimately affect educational, health, wealth, and general life outcomes. As a result, the City has a fundamental interest in working across traditional silos to comprehensively support educational equity from a child's earliest days.

### SEC. 3. Purpose and Intent.

In enacting the Children's Initiative, it is the purpose and intent of the people of the City of Oakland to expand support for children from their earliest years until their successful completion of a two-year college, four-year college, accredited technical degree, and/or certificate. The

## CITY AUDITOR'S IMPARTIAL ANALYSIS OF MEASURE AA

### Summary

This Measure, if adopted by two-thirds of voters, authorizes the City of Oakland to collect an annual parcel tax for a period of thirty (30) years. The use of proceeds would be restricted to the objectives of the Measure: to fund early education and 'Oakland Promise.' The Measure would take effect the day after the vote is declared by Oakland City Council.

The Early Education Fund would provide support to programs expanding access to, or enhancing, early child-care and preschool education.

The Oakland Promise Fund provides support such as mentoring, college savings, and scholarships, to ensure every Oakland public school student graduates high school and college.

The City would designate 62% of revenues collected to the Early Education Fund and 31% to the Oakland Promise Fund. The City estimates 20,000 children would benefit from this funding. The remaining 7% of revenue collected would be deposited into an Oversight, Accountability, and Evaluations Fund.

### Financial Impact

The Finance Department estimates approximately \$30 million in revenue would be generated annually. The City would expend approximately \$2.1 million annually to manage the funds and administer the programs.

The parcel taxes as proposed in this Measure are shown here:

Unit Type	Proposed Measure Tax Rate
Single Family Residential	\$198.00
Multiple Unit Residential	\$135.25
Non-Residential	Various rates*

\* The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single family residential unit equivalents.

Low-income and senior households, and rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled, and low-income households may request tax exemptions or modifications.

The City would provide a rebate of one half (1/2) of the tax and subsequent increases to tenants in single family homes that have been foreclosed upon who have paid this proposed parcel tax through a pass-through.

The Oakland City Council may increase the parcel tax established by this Measure, each year, beginning in Fiscal Year 2020-21 and thereafter, based on the greater of:

1. An increase in the U. S. Department of Labor San Francisco Bay Area cost of living adjustment, or
2. An increase in the California Department of Finance per capita personal income.

### City of Oakland Programs for Youth

The City of Oakland supports various and multiple programs for children and youth. Each year, the City sets aside a portion of its unrestricted General Purpose fund to support programs such as Head Start, which promotes school readiness for children from low income families; and the Kids First! Fund, which provides grants to approximately 150 community-based, non-profits, and Oakland Unified School District programs. In total, the City spends approximately \$36 million each year on such programs that benefit Oakland's youth.

### Disclaimer

The Office of the City Auditor has not audited and, as such, has not validated the City of Oakland Finance Department's financial and statistical analysis that supports this Measure. References to this data in our independent analysis represent the best data available at this time.

## ARGUMENT IN FAVOR OF MEASURE AA

Measure AA will invest in early childhood education and increase high school and college graduation rates for more than 10,000 Oakland children annually. By voting YES, we will dramatically expand access to quality affordable preschool for children from low-income backgrounds, and increase access to and graduation from 2- or 4- year colleges and trade certificates by providing mentoring and scholarships.

In Oakland, 20% of residents live below the poverty level, and every year more than 2,000 children are born into poverty. By focusing resources on students from low-income backgrounds, this measure gives us a chance to disrupt poverty. Currently, only 15% of high school freshman will go on to earn college degrees. When 90% of a child's brain develops before age 5, expanding preschool in these critical years ensures that every child in Oakland is on the path to success. That's why we support YES on Oakland Measure AA.

Preschool shouldn't be a luxury, but many Oakland families are forced to dedicate up to 25% of their income on preschool. For many families, even working two jobs isn't enough to afford preschool. That means more children entering kindergarten underprepared.

Measure AA ensures that Oakland has the resources necessary to improve preschool, high school, college, and career readiness for students and sets them up for success. This measure invests in children and makes sure every child achieves their potential, regardless of their family's income.

Oakland will be required to spend this money only on preschool and college access. An independent citizens' oversight commission, mandatory annual audits and external evaluations will ensure that funds are spent properly. It also includes exemptions for low-income residents and seniors, and affordable housing.

Join teachers, health advocates, childcare providers, labor leaders, parents, community leaders, and us in voting YES on Measure AA.

[www.YesOnMeasureAA.com](http://www.YesOnMeasureAA.com)

s/BARBARA LEE  
Member of Congress

s/LIBBY SCHAAF  
Mayor of Oakland

s/GEORGE HOLLAND, SR.  
President, NAACP Oakland

s/GARY F. JIMENEZ  
Vice President, SEIU 1021

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE AA

Proponents of Measure AA have absolutely no facts to support their outrageous and unproven claims that passage of the gigantic tax will in fact "increase high school and college graduation rates for 10,000 children."

Unlike other Oakland taxes that support our schools and community college, (we are paying for at least 6 separate ones currently) the money from Measure AA will be managed by individuals selected by the council members with no public oversight. \$30,000,000 a year will be distributed to organizations without accountability or a track record of success.

Why should an Oakland resident, with no children in the schools, or a senior with limited income be forced to pay almost \$200 a year for 30 years for programs that have not even been approved?

Of the endorsers of Measure AA, the majority are not Oakland residents and will not have to pay this tax. They want you to pay. The low income exemption is a scam, written so no one will qualify.

The proponents rushed to get Measure AA on the ballot as they know Oakland schools and Peralta Colleges are proposing additional parcel taxes as well. Every election there new proposals asking for more money, always providing emotional arguments and always saying the money is needed.

Over the past few years our City Government has grown astronomically, with no increase in services or benefits to citizens. By their own admission over \$2,000,000 a year will be spent on "administration." How many scholarships could that fund?

Vote no.

s/GEORGIA W. RICHARDSON  
Homeowner

s/GRANT CHAPPELL  
Homeowner

Initiative will accomplish this by expanding access to early care and education and high-quality preschool; increasing early college awareness and expectations in children and their families; instilling a college-bound identity in students and a college-going culture in schools; increasing college savings and family economic well-being starting early in a child's life; aligning preschool, TK-12 education, and postsecondary education systems; coordinating federal, state and local funding streams to increase impact; removing barriers to college access in elementary, middle, and high school; increasing college and career awareness and success, access, planning, and eligibility, as well as college eligibility, application, admission, and enrollment rates; making college more affordable, including by expanding access to public and private student financial aid, and direct scholarships to students; increasing college retention, persistence and graduation rates, such as by expanding access to mentoring; and ultimately reducing disparities in both kinder-readiness and college completion, such as those related to income and wealth or for children traditionally underrepresented in higher education.

SEC. 4. The Charter of the City of Oakland is hereby amended by adding Article XVI, to be titled "The Children's Initiative of 2018", to the Appendix of the Charter as follows:

#### The Children's Initiative of 2018.

##### SEC. 1600. Definitions.

- (a) "Act" shall mean the Children's Initiative of 2018.
- (b) "Citizens' Oversight Commission" shall mean the Children's Initiative Citizens' Oversight Commission created by Section 1601 of this Act.
- (c) "College" shall mean a not-for-profit post-secondary educational institution, including two-year, four-year accredited career technical educational degrees, and/or certificates.
- (d) "Early Education Fund" shall mean the Oakland Early Education Fund established by Section 1604 of this Act.
- (e) "Early Education Implementation Partner" shall mean the body selected to implement the early education program, either directly or through subcontracts, pursuant to Section 1605 of this Act.
- (f) "First 5 Alameda County" shall mean the independent county agency established by the County of Alameda pursuant to Section 130140 of the California Health and Safety Code.
- (g) "Guidelines" shall mean strategic guidelines developed by the accountability officer and adopted by the Citizens' Oversight Commission every five (5) years for the Early Education and Oakland Promise Funds to outline the priorities for programs supported by the Funds in support of the Purpose and Intent and consistent with the Act.
- (h) "High need" shall mean a child experiencing homelessness, or other criteria as recommended by the accountability officer and approved by the Citizens' Oversight Commission, such as homelessness as broadly defined by the McKinney Vento Homeless Assistance

Act, child abuse or neglect, trauma, interaction with the foster care system, interaction with the criminal-justice system including incarceration or deportation, linguistic isolation, domestic violence, a child or family with disabilities or special needs, or children living in areas of high concentrated poverty, or children facing other similar challenges.

(i) "Preschool" shall mean a developmentally-appropriate and evidence-based educational program for children prior to kindergarten.

(j) "Oakland Promise Fund" shall mean the Oakland Promise Fund established by Section 1607 of this Act.

(k) "Oakland Promise Implementation Partner" shall mean the body selected to implement the Oakland Promise program, either directly or through subcontracts, pursuant to Section 1608 of this Act.

(l) "Oakland Public School" shall mean a K-12 educational institution in Oakland that is supported with public funds and that is authorized by action of and operated under the oversight of a publicly constituted local or state educational agency.

(m) "Oversight, Accountability, and Evaluation Fund" shall mean the Oversight, Accountability and Evaluation Fund established by Section 1603 of this Act.

(n) "Proceeds of the parcel tax" shall mean all revenue derived from the parcel tax imposed by this Act net of Alameda County's cost of collection.

#### The Children's Initiative Oversight and Accountability.

##### SEC. 1601. The Children's Initiative Citizens' Oversight Commission.

(a) Establishment. There is hereby established the Children's Initiative Citizens' Oversight Commission.

(b) Membership; Appointment Process; Qualifications. The Citizens' Oversight Commission shall be composed of nine (9) to fifteen (15) members. Members of the Citizens' Oversight Commission shall be appointed by the Mayor and confirmed by the Council pursuant to Section 601 of the Charter. The Mayor shall request recommendations from members of the City Council and the Oakland Unified School District Board of Education and Superintendent at least fourteen (14) days prior to submitting any appointments for confirmation. The composition of the Commission should be reflective of the diversity of Oakland and shall include the following members:

- (1) At least one (1) member with professional expertise in early childhood education policy;
- (2) At least one (1) member with professional expertise in, or who is a provider of, early childhood care or education;
- (3) At least one (1) member with at least two (2) years of experience teaching in early childhood education;
- (4) At least one (1) member with at least two (2) years of experience teaching TK-12, or who has professional expertise in TK-12 education or college access;
- (5) At least one (1) member with professional expertise in

college completion, college or university leadership, or support for traditionally underrepresented college students;

(6) At least one (1) member with experience in budgeting, auditing, finance, or early asset building;

(7) At least one (1) member of a union or labor advocacy group who is employed by the City of Oakland Head Start, the Oakland Unified School District, or a participating early care and education provider;

(8) At least one (1) homeowner who is subject to the parcel tax imposed by Section 5 of the Act;

(9) At least one (1) parent, who presently has, or has had within five (5) years from the time of appointment, a child of preschool age who attended a preschool program benefiting from public subsidy, or who was on a waitlist for such a program; and

(10) At least one (1) member who is, or who within five (5) years from the time of appointment was, enrolled in an Oakland public school, or who has graduated from an Oakland public school and enrolled in college within five (5) years from the time of appointment, or who is the first in their immediate family to graduate from College.

(c) Qualifications; Conflicts. A majority of the members of the Commission shall be residents of Oakland. The members in paragraphs (7) through (10) must be residents of Oakland. The members set forth in paragraphs (1) through (6) must reside and/or work in Oakland. At least one (1) member in paragraphs (1) or (2) must be an employee of the Oakland Unified School District. One member may satisfy more than one of the requirements set forth in paragraphs (1) through (10) of subdivision (b). Members may not receive income from or serve as an officer, director, or employee of an Implementation Partner.

(d) Terms. A member shall serve no more than four (4) full, consecutive terms. A member may be removed for cause pursuant to Section 601 of the Charter, or for the failure to attend three (3) consecutive meetings of the Citizens' Oversight Commission or more than fifty percent (50%) of the meetings in a twelve-month period. For the initial nine (9) appointments only, one-third (1/3) of the members shall be appointed to serve for four (4) years, one-third (1/3) shall be appointed to serve for three (3) years, and one-third (1/3) shall be appointed to serve for two (2) years. Subsequently, all terms shall be for three (3) years.

(e) Quorum. A majority of the appointed members of the Commission shall constitute a quorum, but in no case shall a quorum be fewer than five (5) members.

(f) Compensation. Members shall serve without compensation, provided that members may request and receive reimbursement for actual transportation and childcare expenses, not to exceed five hundred dollars (\$500) annually.

(g) Responsibilities. It shall be the responsibility of the Citizens' Oversight Commission to:

(1) Approve subsequent five-year Guidelines for the Early Education and Oakland Promise Funds after the expiration of the initial five-year Guidelines, which are set forth in

Sections 1606 and 1609 of this Act;

(2) Review the analysis and recommendations of the accountability officer for the selection of Implementation Partners, approve or reject the recommendation for the selection of Implementation Partners for the Early Education and Oakland Promise Funds, ensure that the selection is consistent with the Act, and once approved, submit the final selection to the Oakland City Council for its adoption without amendment;

(3) After considering the recommendation of the accountability officer, approve any extensions of the term of an Implementation Partner, by a majority vote, or any termination of an Implementation Partner for reasons as specified in Sections 1605 and 1608, by a two-thirds (2/3) vote, if extension or termination would further the purposes of the Act;

(4) Review and approve the results of annual independent financial audits of each of the Funds;

(5) Review the performance appraisals of the implementation of the Early Education and Oakland Promise programs presented by the accountability officer;

(6) Review the external evaluations of the implementation of the Early Education and Oakland Promise programs presented by the accountability officer; and

(7) Perform such other functions and duties as may be prescribed by the City Administrator.

SEC. 1602. The Children's Initiative Accountability Officer.

(a) Establishment. A position that serves as accountability officer for the Children's Initiative is hereby established at a classification and at a salary scale commensurate with the duties of the position, as determined by the City Administrator. The City Administrator or his/her designee shall hire for the position, in consultation with the Superintendent of the Oakland Unified School District and shall oversee the work of the accountability officer for the Children's Initiative. The City Administrator may appoint an interim Children's Initiative accountability officer to carry out the duties set forth in subdivision (b) until such time as a permanent appointment is made or if the position is vacant.

(b) Responsibilities. The accountability officer shall be responsible for:

(1) Overseeing the Early Education and Oakland Promise programs and ensuring that the programs further the Purpose and Intent of the Act, supporting and providing recommendations to the Citizens' Oversight Commission, and bringing any required items to City Council;

(2) Preparing subsequent five-year Guidelines for the Early Education and Oakland Promise Funds after the expiration of the initial five-year Guidelines set forth in Sections 1606 and 1609. The subsequent five-year Guidelines shall be created through an assessment of the local context and needs, as well as national evidence-based best practices in the field, and shall identify metrics for each program to assess the achievement of outcomes central to the identified



goals in support of the statement of Purpose and Intent and consistent with the Act;

(3) Leading the selection process and contracting for the Early Education and Oakland Promise Implementation Partners, consistent with the Act, making a recommendation to the Citizens' Oversight Commission for the selection of the Implementation Partners, and developing the scope of services, including performance standards and mechanisms for monitoring and reporting progress to the Citizens' Oversight Commission at least every two (2) years;

(4) Ensuring that independent financial audits of expenditures from the Funds for the implementation of the Early Education and Oakland Promise programs are conducted, and presenting the audits to the Citizens' Oversight Commission;

(5) Monitoring the performance of the Implementation Partners through a formal performance appraisal, consistent with the metrics established in the five-year Guidelines and scope of services for the Implementation Partners, and reporting at least once every two (2) years regarding the Implementation Partners' performance to the Citizens' Oversight Commission;

(6) Overseeing a rigorous and reliable external evaluation or evaluations of the Implementation Partners' performance, including the selection of external evaluation partners or the utilization of existing external evaluations as applicable, and presenting the results of such evaluations to the Citizens' Oversight Commission;

(7) Carrying out such other duties as may be delegated by the City Administrator; and

(8) Providing or coordinating training for members of the Citizens' Oversight Commission.

#### **SEC. 1603. Funding for Oversight, Accountability, and Evaluation.**

(a) The Fund. There is hereby established the Oakland Children's Initiative Oversight, Accountability, and Evaluation Fund.

(b) Revenue. For each fiscal year, seven percent (7%) of the proceeds of the parcel tax imposed pursuant to Section 5 of this Act shall be deposited in the Children's Initiative Oversight, Accountability, and Evaluation Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) Eligible Uses. Moneys in the Children's Initiative Oversight, Accountability and Evaluation Fund shall be used to support the oversight and accountability costs of the Citizens' Oversight Commission, including but not limited to the costs of Commission and accountability staff, operations and meetings, financial management, audits, strategic and implementation planning, and communications and outreach. At least one-third (1/3) of the moneys deposited in the Oversight, Accountability and Evaluation Fund shall be appropriated for independent third-party evaluations.

(d) Transfer to Program Funds. To the extent that at

the end of each two-year (2) budget period, any unspent and unencumbered or undesignated funds remain in the Oversight, Accountability, and Evaluation Fund, fifty percent (50%) of the funds remaining shall be transferred to the Early Education Fund and shall be available for appropriation to achieve the goals of the Early Education Fund, twenty-five percent (25%) shall be transferred to the Oakland Promise Fund and shall be available for appropriation to achieve the goals of the Oakland Promise Fund, and twenty-five percent (25%) shall remain in the Oversight, Accountability and Evaluation Fund as a reserve for the eligible uses set forth in subdivision (c) of this Section.

#### **The Oakland Early Education Program.**

##### **SEC. 1604. Early Education Fund.**

(a) The Account. There is hereby established the Oakland Early Education Fund.

(b) Revenue. For each fiscal year, sixty-two percent (62%) of the proceeds of the parcel tax imposed pursuant to Section 5 of this Act shall be deposited in the Early Education Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) Eligible Uses. Moneys in the Early Education Fund shall be used to support programs to expand access to, or to enhance the quality of, early care and education and preschool for children who reside in Oakland or whose parents resided in Oakland at the time of their enrollment in such programs, including the collection and maintenance of data to enable evaluation over time and family support services, in order to increase educational outcomes, such as kinder-readiness, and to reduce educational inequality, such as by disparities related to income and wealth or for children traditionally underrepresented in higher education, as further specified in the five-year Guidelines.

##### **(d) Non-Supplantation.**

(1) Moneys in the Early Education Fund shall only be used to expand access to, or enhance the quality of, early care and education, provided, however, that if federal, state, non-City, or restricted Oakland Unified School District funding was committed for the purpose of providing such services and subsequently ceases to be provided and is not replaced by other federal, state, non-City, or restricted Oakland Unified School District funding committed for that same purpose, then moneys in the Early Education Fund may be expended to the extent necessary for such services to continue.

(2) Moneys in the Early Education Fund shall not be used for K-12 school day services except for the purpose of expanding transitional kindergarten eligibility to additional four-year old children.

##### **SEC. 1605. Early Education Implementation Partner.**

(a) Selection. The Early Education Implementation Partner shall be selected pursuant to paragraph (1) of subdivision (b) of Section 1606, and pursuant to subdivision (b) of this Section or through a request for proposals. If the requirement in paragraph (1) of subdivision (b) of Section

1606 is deemed not to apply pursuant to subdivision (c) of Section 1606, then the accountability officer shall recommend, and the Citizens' Oversight Commission shall select an Early Education Implementation Partner pursuant to a request for proposals or pursuant to subdivision (b) of this Section. The Early Education Implementation Partner shall meet the following minimum criteria:

(1) The Implementation Partner must have a mission consistent with the purposes of the Early Education Fund and the capability to implement all of the Guidelines of the Early Education Fund, through direct provision or through partnership agreements;

(2) The Implementation Partner must have expertise in early education or a record of successfully implementing programs or services for children age zero to five; and

(3) At the time of application and while acting as Early Education Implementation Partner, the Implementation Partner must not be a private preschool provider in the City of Oakland.

**(b) Alternative Selection Process.**

(1) The accountability officer may recommend First 5 Alameda County as the Early Education Implementation Partner to the Citizens' Oversight Commission, without issuing a request for proposals, provided that;

(A) The voters of Alameda County have approved a tax to fund child care and early education in June 2018 and that First 5 Alameda County is the entity selected to implement the child care and early education programs; and

(B) First 5 Alameda County is willing, and has the capacity, to serve as the Early Education Implementation Partner.

(2) The accountability officer may recommend administering the program through a City of Oakland department, which shall serve as the Early Education Implementation Partner, without issuing a request for proposals.

**(c) Term of the Early Education Implementation Partner.**

(1) The initial Early Education Implementation Partner shall act as the Early Education Implementation Partner for a period of five (5) years with an opportunity for renewal for additional terms of up to five (5) years, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2).

(2) The accountability officer may recommend, and the Citizens' Oversight Commission may approve, by a vote of two-thirds (2/3) of its members, the termination of the Early Education Implementation Partner before the expiration of the Early Education Implementation Partner's term, if the Early Education Implementation Partner breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the accountability officer shall recommend an Early Education Implementation Partner in accordance with this Section to serve until the expiration of the then-current five-year Guidelines.

(3) At the expiration of the first five-year period, the accountability officer may recommend, based on the Early Education Implementation Partner's performance, that the Citizens' Oversight Commission renew the contract for an additional term of up to five (5) years, issue a request for proposals for an Early Education Implementation Partner, or if the requirement in paragraph (1) of subdivision (b) of Section 1606 is deemed not to apply, select an Early Education Implementation Partner in accordance with subdivision (a) or (b) of this Section for a period of up to five years. The terms of the Early Education Implementation Partner shall be aligned with the five-year Guidelines and there shall be no limit on the number of years an Implementation Partner may serve.

**(c) Requirements for the Early Education Implementation Partner.** The City Administrator shall have the authority to enter into a contract with the Implementation Partner that includes legally required terms and terms deemed to be in furtherance of the Purpose and Intent of this Act, such as but not limited to the following:

(1) Performance metrics and benchmarks;

(2) Plans for consultation or engagement with experts, community members, and program beneficiaries;

(3) Annual independent financial audits;

(4) Data sharing agreements including disaggregation by race and income of program beneficiaries; and

(5) Accounting practices that securely segregate Fund revenues and expenditures in order to ensure appropriate accounting of receipts and expenditures.

**SEC. 1606. The First Five Years of the Early Education Fund.**

**(a) Early Education Guidelines for the First Five Years.** For the first five (5) years following the appointment of a quorum of the Citizens' Oversight Commission, in order to expedite implementation and ensure the people of Oakland begin to feel the benefit of the approval of the Act, the Guidelines for the Early Education Fund, which are based upon an assessment of the local context and needs and national evidence-based best practices in the field, shall be as follows and shall not be amended:

(1) Increase overall attainment and reduce socioeconomic and/or other demographic disparities in child educational outcomes, such as kinder-readiness, and provide family support services, to achieve the following outcomes prioritized as follows, such that plans to fund a lower priority outcome may only be implemented if the Early Education Implementation Partner has determined that the next highest priority goal is reasonably achievable within the five-year period:

(A) Make available free or affordable and high-quality early education and/or preschool for four-year old children from low-income families, such as those who make less than eighty-five-percent (85%) of the state median income, with a priority on serving the children of families with the lowest incomes and/or those who are in high need, while also supporting such families who need family, friend, and

neighbor care.

(B) Increase the availability of free or affordable and high-quality early education and/or preschool for three-year-old children from low-income families, with a priority on serving the children of families with the lowest incomes or those who are in high need, while also supporting such families who need family, friend, and neighbor care.

(C) Increase the affordability and/or quality of preschool for all four-year-old children, with a priority on serving the children of families with the lowest incomes or those in highest need, while also supporting such families who need family, friend and neighbor care.

(D) Increase the affordability and/or quality of preschool for three-year-old children, with a priority on serving the children of families with the lowest incomes or those in highest need, while also supporting such families who need family, friend and neighbor care.

(E) Increase the availability and/or quality of child development support services for children and families from low-income backgrounds with children from birth through age three, while also supporting such families who need family, friend, and neighbor care.

(2) Provide for a rigorous external evaluation of the impact of the early education programs, such as on child outcomes data including kindergarten-readiness, that will facilitate assessment of whether the early education programs are achieving the goals of the Act and provide information on how to mitigate disparities, such as those by wealth and income or for children in high-need.

(3) Ensure that professional development and coaching are generally available for educators, and that participating center-based preschool programs generally are able to do the following within a reasonable timeframe:

(A) Achieve a baseline rating of at least three (3) or higher on the regional Quality Rating and Improvement System (QRIS), or a successor system;

(B) Utilize a developmentally-appropriate curriculum aligned with California Department of Education standards, and in addition that is also evidence-based and/or has demonstrated success in improving preparation for kindergarten;

(C) Conduct formative assessments to shape instruction; and

(D) Participate in valid, regular, and reliable assessments of early education quality in order to foster continuous improvement and to reduce disparities, such as those by income and wealth, in child outcomes.

(4) Ensure that funding streams from federal, state and local sources, including Head Start, are coordinated to reduce the administrative burden of program beneficiaries in accessing services, and to ensure that existing high-quality early education programs are not made financially unviable.

(5) Give priority consideration to expanding higher quality programs and/or facilities for children who are in the highest need, from the lowest-income backgrounds, live in areas of high unmet early education need, and/or who

are traditionally underserved, as resources allow, which could include enhanced services, such as bilingual or dual-language instruction, supports to enhance cultural competency, or a higher rating on the QRIS or a successor system.

#### (b) Additional Requirements for the Early Education Fund for the First Five Years.

##### (1) Administration by a Public Agency.

The Alameda County Children and Families First Commission, known as First 5 Alameda County, or another public entity, will be selected by the Citizens' Oversight Commission to be the Early Education Implementation Partner and to administer the program.

##### (2) Expanding Existing Public Services.

First funding priority shall be given to public agencies to expand public programs in all areas of the City that meet a baseline quality level and can accommodate more children using empty classrooms and/or filling vacancies, particularly programs at Oakland Unified School District and City of Oakland Head Start. This could include converting part-day OUSD preschool to full-day OUSD preschool at OUSD sites, hiring additional OUSD staff, or expanding the hours of service to better meet the needs of working families, subject to capacity limitations determined by OUSD and City of Oakland Head Start in consultation with the Implementation Partner. After OUSD and Head Start sites have reached agreement with the Implementation Partner on ensuring funding to reach capacity as outlined above, the Early Education Fund may contract with private nonprofit agencies that show a commitment to and interest in serving low income children, and adhere to the privatization requirements set forth in paragraphs (3) and (4) of this subdivision.

##### (3) Private Contractor Requirements.

(A) Maintenance of Wage Standards: All contracted nonprofit agencies receiving Fund dollars must pay all employees at least fifteen dollars (\$15) per hour, to be adjusted annually by the San Francisco-Oakland-San José Consumer Price Index (CPI). This is the minimum wage irrespective of whether the contracted nonprofit agency offers benefits and no reduction in total compensation that existed prior to the contract should occur.

(B) All contracted agencies must present as a part of the contracting process: (i) a list of current employees with employee names and job classifications, on a biannual basis. The contractor will also provide length of continuous employment of those employees provided that employer tracks length of employment; (ii) the annual rate of current staff turnover for early educators and teaching assistants; (iii) the number of hours of training planned for each employee in subject matters directly related to providing services to state residents and clients; (iv) a self-certification which requires the contractor report whether the contractor has or has not violated any applicable federal, state or local rules, regulations or laws, including laws governing employee safety and health, labor relations and other employment requirements, and any citations, court findings



or administrative findings for violations of such federal, state or local rules, regulations or laws. In the case where a contractor has violated aforementioned laws or regulations, contractor must disclose the date, enforcement agency, the rule, law or regulation involved and any additional information the contractor may wish to submit; and (v) any collective bargaining agreements or personnel policies covering the employees who provide services.

(C) (i) Union Neutrality: Moneys from the Early Education Fund shall not be used to support or oppose unionization, including but not limited to, preparation and distribution of materials which advocate for or against unionization; hiring or consulting legal counsel or other consultants to advise the contractor about how to assist, promote or deter union organizing or how to impede a union which represents the contractor's employees from fulfilling its representational responsibilities; holding meetings to influence employees about unionization; planning or conducting activities by supervisors to assist, promote, or deter union activities; or defending against unfair labor practice charges brought by federal or state enforcement agencies.

(ii) Contractors are prohibited from retaliating against early educators for participating in or contributing to a professional organization. Violation of this provision shall constitute an immediate breach of contract.

#### (4) Worker Organization and Payroll Deduction.

(A) The Early Education Implementation Partner will regularly convene organizations representing parents and/or early educators, as appropriate, to receive input on program development and implementation. They will collaborate with parent and early educator organizations and providers and other stakeholders to disseminate information in public meetings or other means, such as pamphlets, to families, child care providers and early educators and others about initiative-funded programs and to support robust involvement in Guideline components.

(B) Funding agreements with participating child care and early education programs paid for with Early Education Fund dollars will require these programs to honor their early educator employees' written, voluntary requests to contribute part of their pay via payroll deduction to a professional organization of their choosing. Funding agreements will require the participating child care and early education program operators to notify early educators about the programs' contractual obligation to honor their written request to contribute.

(C) Early educators will be informed about their rights under this program during an orientation. The Early Education Implementation Partner or a contracted third party will convene regular in-person orientation sessions for family child care center providers and their assistants, family, friend and neighbor providers, and center early educator employees who work in programs receiving funding from the initiative. These staff at participating programs will be required to attend an informational orientation session within a certain period of time after programs are contracted to participate in initiative funded components. For agencies who are unable to document full participation

of staff, information may be shared in alternative formats on a case-by-case basis. Effort will be made to ensure that this information will include program overview, quality and other guidelines, and information on other city-related resources and programs will not deter participation in these initiative-funded activities. These information sessions shall also include presentations by qualified professional early childhood education organizations and other stakeholders with goals, missions, or resources related to the initiative's goals, including training and professional development at which qualified professional organizations will be invited to participate. Attendance sheets for orientation sessions and qualifying staff rosters will be made available twice per year upon request in order to allow professional organizations to monitor participation.

(D) Professional organizations will be required to meet minimum criteria, including nonprofit status, connecting early educators to professional development and training opportunities, and improving the ability of early educators to advocate for improvement to the child care system.

#### (c) Applicability of Requirements After Five Years.

(1) The requirements set forth in subdivision (b) of this Section shall remain in effect for a minimum of five (5) years, and shall remain in effect thereafter unless the Citizens' Oversight Commission recommends, and the City Council approves, deeming that any of the requirements set forth in subdivision (b) shall not apply.

(2) Prior to the Citizens' Oversight Commission's consideration of funding guidelines for each five-year period, the Early Education Implementation Partner shall convene a meeting of stakeholders, including organizations representing parents and early educators, to assess whether the requirements set forth in subdivision (b) are serving the purposes of the Act and to consider whether the requirements should be deemed not to apply for the purposes of the next five-year funding period. The Early Education Implementation Partner shall present any recommendations that the requirements should be deemed not to apply that it considers necessary to further the purposes of the Act to the Citizens' Oversight Commission for its consideration, and if the Citizens' Oversight Commission recommends adoption of any recommendations, the recommendations shall be presented to the City Council for approval so that the changes are in place for the next five-year period. In addition, upon a finding of a fiscal emergency by the Citizens' Oversight Commission, the Early Education Implementation Partner shall follow the process outlined above and present any recommendations that the requirements should be deemed not to apply that it considers necessary to address the fiscal crisis to the Citizens' Oversight Commission for its consideration, and if the Citizens' Oversight Commission recommends adoption of any recommendations, they shall be presented to the City Council for approval.

(3) Notwithstanding paragraph (1) of this subdivision, the requirement in subparagraph (A) of paragraph (3) of subdivision (b) of this Section that all contracted nonprofit agencies receiving Fund dollars pay all employees at least fifteen dollars (\$15) per hour may not be amended. In

addition, if, in any fiscal year, the percentage increase in the San Francisco-Oakland-San Jose Consumer Price Index (CPI) is greater than the percentage increase in the proceeds of the parcel tax, or if the proceeds of the parcel tax decline, the requirements in subparagraph (A) of paragraph (3) of subdivision (b) of this Section that the minimum wage be adjusted annually by the San Francisco-Oakland-San Jose Consumer Price Index (CPI) and that no reduction in total compensation occur shall not apply for that fiscal year.

(4) When considering whether the requirement set forth in paragraph (2) of subdivision (b) of this Section should be deemed not to apply, the Citizens' Oversight Commission and the City Council shall consider the ability and the capacity of public agencies to serve the early care and education needs of children age three and below in determining whether the funding priority is consistent with achieving the purposes and intent of the Act.

#### **The Oakland Promise Program.**

#### **SEC. 1607. The Oakland Promise Fund.**

(a) The Account. There is hereby established the Oakland Promise Fund.

(b) Revenue. For each fiscal year, thirty-one (31%) of the proceeds of the parcel tax imposed pursuant to Section 5 of this Act shall be deposited in the Oakland Promise Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) Eligible Uses. Moneys in the Oakland Promise Fund shall be used exclusively to achieve the following public purposes for Oakland residents and children who attend Oakland Public Schools, as further specified by the five-year Guidelines, and including the collection and maintenance of data to enable evaluation over time:

(1) Increase early college awareness and expectations in children and their families, such as by instilling a college-bound identity in students and college-going culture in schools;

(2) Increase college savings and/or family economic well-being starting early in a child's life;

(3) Increase college- and/or career- access, such as by increasing awareness, preparedness, planning, and/or eligibility;

(4) Increase college enrollment rates, and application and/or admission rates;

(5) Increase college affordability, such as by expanding access to public and private student financial aid, and direct scholarships to students for tuition, room and board, and/or other college expenses;

(6) Increase college persistence and graduation rates, such as by expanding access to mentoring; and

(7) Reduce disparities in post-secondary education outcomes for students traditionally underrepresented in post-secondary education.

#### **SEC. 1608. Oakland Promise Implementation Partner.**

(a) Selection. The accountability officer shall recommend and the Citizens' Oversight Commission shall approve the Oakland Promise Implementation Partner pursuant to a request for proposals. The Implementation Partner must meet the following minimum criteria:

(1) The Implementation Partner must be an Oakland-based non-profit organization in good standing or a government agency, or an entity, project, or program within such a body;

(2) The Implementation Partner must be a non-profit organization, government agency, or an entity, project or program within such a body, with a mission consistent with the purposes of the Oakland Promise Fund and the capability to implement all of the Guidelines, including the initial Guidelines set forth in Section 1609, and the eligible uses of the Oakland Promise Fund, as set forth in paragraphs (1) through (7) of subdivision (c) of Section 1607, through direct provision or through partnership agreements;

(3) The Implementation Partner must have the capability to successfully implement, either directly or through subcontracts, evidence-based programs or services for children from birth through college graduation and experience serving populations reflective of the diversity of Oakland, in service of all Oakland Promise Fund eligible uses as set forth in paragraphs (1) through (7) of subdivision (c) of Section 1607;

(4) The Implementation Partner must have the ability to leverage other funding sources, such as private philanthropy, grants, and/or an endowment or quasi-endowment, to achieve the purposes of the Oakland Promise Fund; and

(5) The Implementation Partner must have the ability to enable the external evaluation of programs, demonstrated through means such as having an existing data-evaluation system or an existing relationship with a credible external evaluator.

#### **(b) Term of the Oakland Promise Implementation Partner.**

(1) The initial Oakland Promise Implementation Partner shall act as the Oakland Promise Implementation Partner for a period of five (5) years with opportunity for renewal for additional terms of up to five (5) years, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2) of this subdivision.

(2) The accountability officer may recommend, and Citizens' Oversight Commission may approve, by a vote of two-thirds (2/3) of its members, the termination of the Oakland Promise Implementation Partner before the expiration of the Oakland Promise Implementation Partner's term, if the Oakland Promise Implementation Partner breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the accountability officer shall recommend a new Oakland Promise Implementation Partner in accordance with subdivision (a) of this Section to serve until the expiration of the then-current five-year Guidelines.

(3) At the expiration of the first five-year period, the accountability officer may recommend, based on the Oakland Promise Implementation Partner's performance, that the Citizens' Oversight Commission renew the contract for additional terms of up to five (5) years, without issuing a request for proposals. In the event an existing contract is not extended, the Oakland Promise Implementation Partner shall be selected in accordance with subdivision (a) of this Section for a period of up to five years. The terms of the Oakland Promise Implementation Partner shall be aligned with the five-year Guidelines and there shall be no limit on the number of years an implementation partner may serve. In any event, the Oakland Promise Implementation Partner must be selected pursuant to a request for proposals at least once every ten (10) years, and the Oakland Promise Implementation Partner selected pursuant to the decennial request for proposals shall act as the Oakland Promise Implementation Partner for a period of five years, unless terminated pursuant to paragraph (2) of this subdivision.

(c) Requirements for the Oakland Promise Implementation Partner. The City Administrator shall have the authority to enter into a contract with the Implementation Partner that includes legally required terms and terms deemed to be in furtherance of the purposes of this Act, such as but not limited to the following:

(1) Performance metrics and benchmarks;

(2) Plans for consultation or engagement with experts, community members, and program beneficiaries;

(3) Annual independent financial audits;

(4) Data sharing agreements including disaggregation by race and income of program beneficiaries;

(5) Accounting practices that securely segregate Fund revenues and expenditures in order to ensure appropriate accounting of receipts and expenditures; and

(6) Ensuring that students who receive a financial benefit through a program funded by the initiative are not deprived of that financial benefit for as long as they are eligible to participate in the program, even if the program is discontinued.

#### SEC. 1609. Oakland Promise Guidelines for the First Five Years.

For the first five (5) years following the appointment of a quorum of the Oversight Commission, in order to expedite implementation and ensure the people of Oakland begin to feel the benefit of the approval of the Act, the Guidelines for programs supported by the Oakland Promise Fund, which are based upon an assessment of the local context and needs and national evidence-based best practices in the field, shall be consistent with the public purposes expressed in the Act, as follows and shall not be amended:

(a) Reduce socioeconomic and/or demographic disparities, such as those related to wealth and income, for children from an early age, in College readiness, access, affordability, applications, enrollment, retention and completion, particularly for students in high-need or who are traditionally underrepresented in post-secondary education.

(b) Increase early College savings and asset building for families with children ranging in age from zero to grade five, such as through the creation and seeding of college savings accounts and the provision of financial coaching and supports to families.

(c) Increase the expectations and resources to attend College among children and families of all socioeconomic backgrounds in Oakland public schools, with a priority for students from low-income backgrounds and/or traditionally underrepresented in College, through strategies, such as increasing school-based programming that builds the college-bound identity of students and a college-going culture in elementary, middle, and high schools.

(d) Increase College awareness, application, and eligibility, as measured by increases in completing courses required for College enrollment, such as those required by the University of California, and in College acceptance rates of Oakland Public School students, through means such as providing College access services that are integrated into schools.

(e) Increase College affordability, including by expanding access to public and private student financial aid, such as by increasing FAFSA or Dream Act Application completion rates, increasing the direct provision of College scholarships including multi-year last dollar scholarships, and partnering with educational institutions in order to provide institution-specific scholarships and to reduce tuition, room and board, and/or other college expenses.

(f) Increase College admission, matriculation, and enrollment rates, such as increasing the percent of students who enroll in College in the fall directly following high school graduation through a focus on the above strategies.

(g) Increase full-time College persistence rates for students enrolled in College, especially persistence between their first and second year of enrollment, through means such as mentoring, peer advising, and on-campus supports.

(h) Increase the number of Oakland students graduating from College within six (6) years of high school graduation.

#### SEC. 5. Parcel Tax

##### SEC. 5.1. Definitions.

For purposes of Section 5 only, the following terms shall be defined as set forth below:

(a) "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."

(b) "City" shall mean the City of Oakland, California.

(c) "Family" shall mean one (1) or more persons related by blood, marriage, domestic partnership, or adoption, legal guardianship, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.

(d) "Hotel" shall be as defined by Oakland Municipal Code Section 4.24.020.

(e) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, that accommodates or is intended to contain two (2) or more residential units, whether or not developed.

(f) "Non-Residential" shall mean all parcels that are not classified by this Act as Single Family Residential or Multiple Residential Unit Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not developed.

(g) "Occupancy" shall be as defined by Oakland Municipal Code Section 4.24.020.

(h) "Operator" shall be as defined by Oakland Municipal Code Section 4.24.020.

(i) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.

(j) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

(k) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(l) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or Improvements and shall include any exclusive right to the use of such land or Improvements.

(m) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

(n) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.

(o) "Transient" shall mean any individual who exercises Occupancy of a Hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.

## SEC. 5.2. Imposition of Parcel Tax

For each year beginning in fiscal year 2019-2020 and ending in 2048-49, there is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned

the parcel on that date. The tax shall be collected at the same time, by the same officials, and pursuant to the same procedures as the one percent (1%) property tax imposed pursuant to Article XIII A of the California Constitution.

The tax hereby imposed shall be set as follows subject to adjustment as provided in Section 5.4 of this Act:

(a) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of one hundred ninety-eight dollars (\$198) per Parcel.

(b) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of one hundred thirty-five dollars and twenty-five cents (\$135.25) per occupied Residential Unit.

(c) The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single family residential unit equivalents (SFE). A frontage of eighty (80) feet for a commercial institutional parcel, for example, is equal to one (1) single family residential unit equivalent. (See matrix.) An area of six thousand four hundred (6,400) square feet for the commercial institutional parcel is equal to one (1) single family residential unit equivalent. For tall buildings (more than five (5) stories), the single family residential unit equivalent computation also includes one (1) single family residential unit equivalent for every five thousand (5,000) square feet of net rentable area. The tax is the annual rate one hundred ninety-eight dollars (\$198) multiplied by the total number of single family residential unit equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)	BUILDING AREA (SF)
Commercial/ Institutional	80	6,400	N/A
Industrial	100	10,000	N/A
Public Utility	1,000	100,000	N/A
Golf Course	500	100,000	N/A
Quarry	1,000	250,000	N/A
Tall Buildings > 5 stories	80	6,400	5,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of one hundred sixty (160) feet and an Area of 12,800 square feet:

$$\begin{aligned}\text{Frontage} & 160 \text{ feet} \div 80 = 2 \text{ SFE} \\ \text{Area} & 12,800 \text{ square feet} \div 6,400 = 2 \text{ SFE} \\ & 2 \text{ SFE} + 2 \text{ SFE} = 4 \text{ SFE} \\ & 4 \text{ SFE} \times \$198 = \$792 \text{ tax}\end{aligned}$$

(e) The tax imposed by this Act shall be imposed on each Hotel within the City as follows:

(1) **Residential Hotels.** Rooms in a Hotel occupied by individuals who were not Transients for eighty percent (80%) or more of the previous fiscal year shall be deemed Residential Units and the parcel on which they are located shall be subject to the Parcel tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula



set forth in Section 5.2(c) of this Act.

(2) **Transient Hotels.** Notwithstanding paragraph (1) of this subdivision, if 80% or more of the Operator's gross receipts for the previous Fiscal Year were reported as rent received from Transients on a return filed by the Operator in compliance with Section 4.24.010 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as commercial/institutional, and shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula set forth in Section 5.2(c) of this Act, and the parcel tax imposed on Multiple Residential Units shall not apply.

### **SEC. 5.3. Exemptions.**

(a) **Low income household exemption.** The following is exempt from this tax: an Owner of a Single Family Residential Unit (1) who resides in such unit and (2) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as sixty percent (60%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

(b) **Senior household exemption.** The following is exempt from this tax: an Owner of a single family residential unit (1) who resides in such unit, (2) who is sixty-five (65) years of age or older and (3) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as eighty percent (80%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

(c) **Exemption for affordable housing projects.** Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled, and low-income households that are exempt from ad valorem property tax pursuant California Revenue and Taxation Code Sections 214(f), (g) and (h) are exempt from this tax.

(d) **Rebate to tenants in foreclosed single family homes.** The City will provide a rebate of one-half (1/2) of the tax and subsequent increases thereto to tenants in single family homes that have been foreclosed upon who have paid a passed through Parcel Tax. To qualify for this rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as sixty percent (60%) of area median

income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The City will provide this rebate for every month that the tax was applied and the tenant occupied the unit. The City will provide this rebate at the end of each year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this subdivision.

(e) Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.

### **SEC. 5.4. Reduction in Tax Rate; Rate Adjustment.**

Beginning in the Fiscal Year 2020-2021, and each year thereafter, the City Council may increase the tax imposed hereby only upon making one of the following findings:

(a) That the cost of living in the immediate San Francisco Bay Area, as determined by the twelve-month (12) month Annual Percentage Change in the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased; or

(b) That the fiscal year change in California per capita personal income, as determined by the California State Department of Finance and shown in the Price Factor and Population Information Report issued each May, has increased.

The increase of the tax imposed hereby shall not exceed the verified increase in either (1) the cost of living in the immediate San Francisco Bay Area, using 2019 as the index year, or (2) California per capita personal income, using Fiscal Year 2018-2019 as the index year, whichever is greater.

### **SEC. 5.5. Duties of the Director of Finance; Notice of Decisions.**

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Act. The Director of Finance is charged with the enforcement of this Act and may adopt rules and regulations relating to such enforcement.

### **SEC. 5.6. Examination of Books, Records, Witnesses; Penalties.**

The Director of Finance or the Director of Finance's designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this Act.

The Director of Finance or the Director of Finance's designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Act, including any person who claims an exemption, for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of

Finance, or the Director of Finance's designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this Act and for this purpose may compel the production of books, papers and records, whether as parties or witnesses, whenever the Director of Finance believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this Act and of the Oakland Municipal Code and subject to any and all remedies specified therein.

#### **SEC. 5.7. Collection of Tax; Interest and Penalties.**

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed twenty-five percent (25%) of the tax due per fiscal year, is hereby imposed by this Act on all taxpayers who fail to timely pay the tax provided by this Act. In addition, the City Council may assess interest at the rate of one percent (1%) per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this Act shall become a part of the tax herein required to be paid.

The City may authorize the County of Alameda to collect the taxes imposed by this Act in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

#### **SEC. 5.8. Collection of Unpaid Taxes.**

The amount of any tax, penalty, and interest imposed under the provisions of this Act shall be deemed a debt to the City. Any person owing money under the provisions of this Act shall be liable to an action brought in the name of the City for the recovery for such amount.

#### **SEC. 5.9. Refund of Tax, Penalty, or Interest Paid More than Once, or Erroneously or Illegally Collected.**

Whenever the amount of any tax, penalty, or interest imposed by this Act has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified written claim for refund, stating the specific ground upon which such claim is founded, is received by the Director of Finance within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayers or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided

by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, or such person's administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

#### **SEC. 6. Savings Clause.**

If any provision, sentence, clause, Section or part of this Act is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, Section or part of this Act and shall not affect or Act any of the remaining provisions, sentences, clauses, Sections or parts of this ordinance. It is hereby declared to be the intention of the city, that the City would have adopted this Act had such unconstitutional, illegal or invalid provision, sentence, clause Section or part thereof not been included herein.

If any tax or surcharge imposed by this Act is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

#### **SEC. 7. Regulations.**

The City Administrator is hereby authorized to promulgate such regulations as he or she shall deem necessary in order to implement the provisions of this Act.

#### **SEC. 8. Amendment.**

This Act may not be amended by action of the City Council without voter approval.

#### **SEC. 9. Challenge to Tax.**

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

#### **SEC. 10. Severability.**

If any provision of this Act, or part of this Act, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable. If a court were to find in a final, unreviewable judgment that the exclusion of one or more entities or activities from the applicability of the Act renders the Act unconstitutional, those exceptions should be severed and the Act should be made applicable to the entities or activities formerly exempt from the Act. It is the intent of the voters that this Act would have been enacted regardless of whether any invalid provision had been included or any invalid application had been made.

#### **SEC. 11. Conflicting Initiatives.**

(a) In the event that this measure and another measure addressing the educational development and potential of

Oakland children and youth shall appear on the same City ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

**SEC. 12. Liberal Construction.**

This Act shall be liberally construed to effectuate its purposes.

**SEC. 13. Effective Date.**

This Act shall take effect the day after the election at which it is adopted.

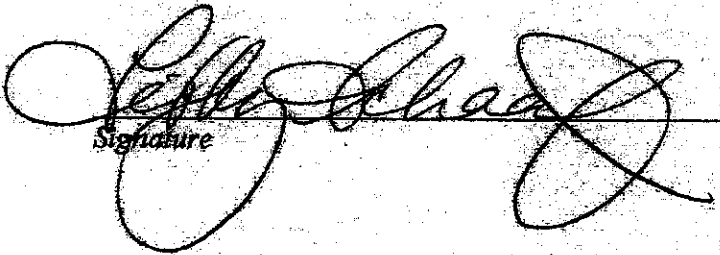
**SIGNED STATEMENT RELATED TO USE OF PETITION SIGNATURES**

Proponent's Title of Measure: The Children's Initiative of 2018.

With regard to the above initiative measure, I am a proponent.

I, Libby Schaefer, acknowledge that it is a misdemeanor under state law (California Elections Code Section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

  
Signature

3-6-18  
Date



Co-Authors:

- Barbara Lee, U.S. Congresswoman
- Rob Bonta, California State Assembly (D18)
- Tony Thurmond, California State Assembly (D15)
- Nancy Skinner, California State Senator (D9)
- Wilma Chan, President, Board of Supervisors of Alameda County
- Annie Campbell Washington, Vice Mayor, City of Oakland
- Jumoke Hinton Hodge, School Board Vice President, Oakland Unified School District
- Rosie Torres, Director, Oakland Unified School District
- Gema Quetzal Cardenas, Student Director, OUSD School Board and All City Council Student Union, Life Academy Student in OUSD
- Cynthia Adams, 2<sup>nd</sup> Vice President and Education Chair, NAACP Oakland
- Jim Wunderman, President, Bay Area Council
- ✓ Chris Iglesias, Chief Executive Officer (CEO), The Unity Council
- Joshua Simon, Executive Director, East Bay Asian Local Development Council
- Emma Chavez Roos, Founder & Executive Director of Education Coalition for Hispanics on Oakland
- Dr. Bert Lubin, Former President & CEO, Children's Hospital Oakland
- ✓ Jane Garcia, CEO, La Clínica de la Raza
- LeAna Powell, Parent Leader

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Gene Hazzard, Petitioner/Plaintiff In Pro Per FIRM NAME: STREET ADDRESS: 282 Adams St. # 6 CITY: Oakland STATE: CA ZIP CODE: 94610 TELEPHONE NO.: (510) 418-0501 FAX NO.: E-MAIL ADDRESS: genehazzard@gmail.com ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER: RG21106953
Plaintiff/Petitioner: Gene Hazzard Defendant/Respondent: Mayor Libby Schaaf, et al.	JUDICIAL OFFICER: Hon. Patrick R. McKinney II
<b>PROOF OF SERVICE—CIVIL</b> <b>Check method of service (only one):</b> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	DEPARTMENT: 15

**Do not use this form to show service of a summons and complaint or for electronic service.  
See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:  
2550 Frances St., Oakland, CA 94601
3. ☐ The fax number from which I served the documents is (complete if service was by fax):
4. On (date): I served the following documents (specify):  
Petitioner/Plaintiff Gene Hazzard's Memorandum of Points and Authorities In Opposition to Defendants'/Respondents' Demurrer to First Amended Complaint (with Exhibits A-E); [Proposed] Order  
  
☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
5. I served the documents on the person or persons below, as follows:
  - a. Name of person served:
  - b. ☐ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
Business or residential address where person was served:
  - c. ☐ (Complete if service was by fax.)  
Fax number where person was served:
- ☒ The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a. ☐ **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

CASE NAME:  
Hazzard v. Schaff, et al.

CASE NUMBER:  
RG21106953

6. b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) ☒ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☐ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Feb 7, 2022

Richard Henry

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

#### DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.


At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

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Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

SHORT TITLE:

Hazzard v. Schaaf, et al.

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**ATTACHMENT TO PROOF OF SERVICE—CIVIL (PERSONS SERVED)**

(This attachment is for use with form POS-040.)

**NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:****Name of Person Served**

(If the person served is an attorney, the party or parties represented should also be stated.)

**Where Served**

(Provide business or residential address where service was made by personal service, mail, overnight delivery, or messenger service. For service by fax, provide fax number.)

Sean Clinton Woods, Esq.  
(Attorney for Rob Bonta)Dept. of Justice, 455 Golden Gate Ave., Suite 11000,  
San Francisco, CA 94102

Mialisa Bonta

18th Assembly District, Elihu Harris State Building,  
1515 Clay St., Oakland, CA 94612Selia Warren, Esq. (Att. for Def. Schaaf,  
Silver, Parker, Reiskin and Rubv)Office of City Attorney, One Frank Ogawa Plaza,  
Oakland, CA 94612

Sabrina Landreth, General Manager

East Bay Regional Park District, 2950 Peralta Oaks  
Court, Oakland, CA 94605

Andy Fremder

East Bay College Fund, PO Box 360 Grand # 363,  
Oakland, CA 94610

ATTORNEY / OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Gene Hazzard, Petitioner/Plaintiff In Pro Per FIRM NAME: STREET ADDRESS: 282 Adams St. # 6 CITY: Oakland STATE: CA ZIP CODE: 94610 TELEPHONE NO.: (510) 418-0501 FAX NO.: E-MAIL ADDRESS: genehazzard@gmail.com ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</b> STREET ADDRESS: 1225 Fallon MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
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<b>PROOF OF SERVICE—CIVIL</b> <b>Check method of service (only one):</b> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	JUDICIAL OFFICER: Hon. Patrick R. McKinney II  DEPARTMENT: 15

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Feb 7, 2022

Richard Henry

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Sean Clinton Woods, Esq.  
(Attorney for Rob Bonta)Dept. of Justice, 455 Golden Gate Ave., Suite 11000,  
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Mialisa Bonta

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Sabrina Landreth, General Manager

East Bay Regional Park District, 2950 Peralta Oaks  
Court, Oakland, CA 94605

Andy Fremder

East Bay College Fund, PO Box 360 Grand # 363,  
Oakland, CA 94610