



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Erin Roseman
Director of Finance

SUBJECT: Slavery Disclosure Ordinance Annual Update

DATE: October 6, 2023

City Administrator Approval

Date: Oct 12, 2023

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On The Status Of Implementation Of The Slavery Era Disclosure Ordinance

EXECUTIVE SUMMARY

This report provides the implementation status of the Slavery Era Disclosure Ordinance ([12686 C.M.S.](#)) as directed by Resolution No. [88321 C.M.S.](#) and serves as the second annual update. The Ordinance has been fully implemented as of April 2023. Details about the implementation efforts are provided here in further detail. As required by the ordinance, all existing contractors were noticed. The [Slavery Disclosure Ordinance Monitoring and Enforcement](#) webpage was created on the City's website. The contracting Schedule S was created, and the contracting process was modified to include Schedule S as required by the Ordinance. As of the date of this report, Slavery Era Disclosure Affidavits were mailed to 154 companies that may be subject to the Ordinance based on available records. Eleven affidavits and two disclosures have been received since the 2022 update report. They are posted on the City's website. The Slavery Era Disclosure Fund (Fund 2422) was renamed the Black New Deal Fund in May 2023. No donations have been received to date, and the fund has a balance of \$0.

BACKGROUND / LEGISLATIVE HISTORY

In 2005, the Oakland City Council enacted the "City of Oakland Slavery Era Disclosure Ordinance" ("Ordinance"), codified as Chapter 9.60 of Title 9 of the Oakland Municipal Code. The Ordinance was co-sponsored by City Attorney Barbara Parker and Councilmember Larry Reid. This informational memorandum provides an update on the enactment of the Ordinance's provisions.

With the passage of the Ordinance, Oakland joined other jurisdictions throughout the United States in officially acknowledging the crime of African enslavement and its ongoing devastating ramifications and legacy for the descendants of enslaved Africans. The states of California, Illinois, and Maryland, along with the cities of Berkeley, Chicago, Detroit, Los Angeles, Milwaukee, Philadelphia, and San Francisco, each have slavery disclosure laws that

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collectively highlight how African American enslavement and its legacy has been a means to build this country and its extraordinary wealth. Descendants of enslaved Africans have been deprived of the fruits of their labor and contributions to the wealth they created and sustained. Beginning with Jim Crow laws and continuing today with segregation and sanctioning of brutality and murder of Black people. As a result, to this very day, Black Americans do not share in the prosperity of this country. They are subjected to ongoing systemic discrimination in every area of American life.

Oakland's Ordinance was adopted to promote the full and accurate disclosure to the public of the scope of historical ties to slavery within Oakland and to establish a fund to which contractor's subject to the Ordinance and others can make voluntary contributions to "promote healing and assist in remedying" the present-day legacy of slavery. (OMC § 9.60.010.)

The Ordinance applies to three categories of City contractors—contractors that provide (1) insurance services to the City or (2) financial services to the City, and (3) any textile, tobacco, railroad, shipping, rice, and/or sugar company doing business with the City. Covered contractors must complete an affidavit verifying that they searched company records—including those of predecessors in interest, parent companies, and subsidiaries—for any evidence that those entities "bought or sold people subjected to slavery, used people subjected to slavery as collateral, provided loans to purchase people subjected to slavery, insured such transactions or the people subjected to slavery during the slavery era and/or provided related or other services to aid and abet such transactions." (OMC § 9.60.010.) The affidavit must disclose the name of each enslaved person and slaveholder mentioned in the records and the evidence of transactions that benefitted or profited from slavery.

Following the Ordinance's effective date of August 1, 2005, insurance companies were given 60 days to comply, and all other contractors were given six months. The Ordinance further requires that all new contractors who enter contracts with the City following the effective date provide the affidavit disclosure prior to the execution of the City contract.

The Ordinance tasks the City Administrator, after consultation with the City Attorney, to provide the information collected via affidavit to the public upon request and to the City Council in an annual report. The Ordinance also requires that the City Administrator provide an initial report to the Mayor and City Council at an open and public meeting by January 2006.

As aforementioned, the Ordinance also requires the establishment of a voluntary fund to provide, among other uses, education support and economic development to economically depressed Oakland neighborhoods. The City Administrator is tasked with overseeing the fund. The Ordinance required that the City Administrator prepare guidelines for using the funds and present them to the City Council for approval no later than the end of October 2005. Once this occurred, the City Administrator was to make funding decisions in accordance with those guidelines and provide an annual report to the Council identifying the fund recipients.

On October 6, 2020, the City Council unanimously adopted Resolution No. 88321 C.M.S. directing the City Administrator to (1) fully implement the Ordinance; (2) provide an initial informational report to Council regarding the status of slavery era disclosures and the associated fund at a Council meeting before the end of 2020; (3) provide an annual informational report at Council meetings to supplement the ordinance's annual reporting

regarding the status of the implementation of the Ordinance; and (4) after consultation with the City Attorney, make publicly available on the City's website all completed affidavits and reports regarding slavery era disclosures.

ANALYSIS AND POLICY ALTERNATIVES

This report serves as the second annual informational report regarding the status of the implementation of the Ordinance to supplement the ordinance's annual report. The presentation of this report supports the Citywide priority of responsive, **trustworthy government**. This report communicates the implementation status of the Ordinance.

Information provided is as of 10/2/2023. As directed by the original Ordinance, the City Administrator, through the Finance Department, searched through contracting records from 2003 to 2022 to determine the number and identification of all contractors that provide or have provided:

1. Insurance services or
2. Financial services to the City of Oakland, and
3. Each textile, tobacco, railroad, shipping, rice, and/or sugar company doing business with the City.

The search resulted in the 154 corporate institutions in **Attachment A** that may be subject to the Ordinance based on available records.

The Slavery Era Disclosure Affidavit, Schedule S "Affidavit" (**Attachment B**), was finalized by the Office of the City Attorney in 2022 and updated in September 2023 for added clarity. It is available on the City's Website at www.oaklandca.gov/services/slavery-disclosure. The affidavit serves the purpose of verifying that the contractor has searched through any and all records in the possession, control, and/or knowledge of the company, its parent entities, subsidiaries, and any predecessors in interest for records that the contractor, its parent entities, subsidiaries and any predecessors in interest bought or sold people subjected to slavery, used people subjected to slavery as collateral, provided loans to purchase people subjected to slavery, insured such transactions or the people subjected to slavery during the slavery era and/or provided related or other services to aid and abet such transactions; and that the names of each enslaved person and slaveholder described in the records and/or information be disclosed, as well as the evidence of transactions that benefited/profited from American slavery.

The affidavit was sent by US Mail to the 154 companies in **Attachment A** on April 28, 2023. Eleven completed Affidavits, and two disclosures have been received. These completed Affidavits and disclosure reports have been reviewed by the City Attorney and are posted on the City's Website at <https://www.oaklandca.gov/services/slavery-disclosure>. The Finance Department has revised the standard contracting forms/packet to include the Affidavit. The Affidavit will now be distributed with all new contracts as required by the City Ordinance.. This means that the City Administrator, as part of the review of proposed contracts, must confirm that new contractors have completed the affidavit before contracts are executed with them, and the City Attorney also must confirm compliance before approving contracts as to form and legality.

Finally, the City Administrator has not expressly waived the Ordinance disclosure requirements for certain covered city contractors.

In further compliance with the Ordinance, the Finance Department has created a fund in the City's accounting system to collect and record voluntary deposits to alleviate the legacy of the slavery era. The Fund was established in FY 2021 as the Slavery Era Disclosure Fund and was renamed Black New Deal Fund (Fund 2422) in May 2023. To date, the fund has not collected any deposits and has a \$0 fund balance.

The City Administrator was also directed to create guidelines for managing any funds in accordance with the Ordinance that is congruent with purposes including but not limited to supporting the education and economic development in economically depressed areas of the City. The City currently has guidelines, Administrative Instruction No. 1052, "City Administrator's Acceptance and Appropriation of Restricted Grant Funds, Gifts, and Donations of \$50,000 or less." (effective 2/14/2008) (**Attachment C**). Fund 2422 would fall under the current guidelines. At the point in which funds are collected, Staff will bring back to the Council more fund specific guidelines or programmatic uses of the funds.

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

This item did not require additional public outreach other than posting on the City's website.

COORDINATION

This report was prepared by the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this informational report.

Environmental: There are no environmental opportunities associated with this informational report.

Race & Equity: In the interest of justice and racial equity, this report provides information requested from companies that have done or are doing business with the City of Oakland regarding investments or profits from slavery or slaveholder insurance policies.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive An Informational Report On The Status Of Implementation Of The Slavery Era Disclosure Ordinance

For questions regarding this report, please contact Sarah Herbelin, Assistant to the Director, at 510-238-4491.

Respectfully submitted,



Erin Roseman (Oct 9, 2023 16:33 PDT)

ERIN ROSEMAN
Director of Finance, Finance Department

Prepared by:
Sarah Herbelin, Assistant to the Director
Administration Unit

Attachments (3):

- A: List of Corporations Potentially Subject to the Ordinance
- B: Slavery Era Disclosure Affidavit, Schedule S
- C: Administrative Instruction No. 1052 (eff. February 14, 2008)

VENDOR_NAME

A & K Railroad Mateials Inc.	CT Corporation System
Acme Textile Co. Ltd	Stifel
Aetna Life Insurance And	Deutsche Bank Trust Company - Americas
Alliant Insurance Services Inc.	D Mullis Insurance
Allied Irish Bank	Doma Title Insurance, Inc.
Ambac	E.J. De La Rosa & Co., Inc.
American River Bank/Corporate	Einerson Surety Insurance Services
American Textiles & Supply Inc.	FGIC
American Title Insurance Co.	Fidelity Capital Markets
Amtrak National Railroad Corp	Fidelity National Title Co
AON Consulting & Insurance Services	Fieldman, Rolapp, & Associates
AON Risk Insurance Services West Inc	Financial Security Assurance, Inc.
Assured Guaranty	First American Title Insurance
Backstrom Mccarley Berry & Co.	First Federal Bank Of California
Banc Of America Public Capital Corp	First Interstate Bank
Banc One Leasing Corporation	First Municipal Credit Company
Bank Of America	Fremont Bank
Bank Of America Public Capital Corp.	First Horizon Bank
Bank Of America Securities	Great Pacific Bank
Bank Of Hope	Great Western Bank
Bank Of Marin	Greenberg, Trauig, Et. Al.
Bank Of New York Mellon	Grigsby & Associates
Bank Of The Orient	Hartford Fire Insurance Company
Banner Bank	Hawkins Delafield & Wood
Barney & Barney	Henderson Capital Partners
Beneficial State Bank	Hilltop Securities, Inc.
Blaylock Beal Van, LLC	HM Life Insurance Company
Blaylock Robert Van, LLC	Huntington T Block Insurance
Blaylock Van	IBM Credit
BMO Harris Bank N.A.	Intercare Holdings Insurance Services, Inc
Burnham Benefits Insurance Services LLC	J.P. Morgan
California Bank & Trust	Jackson Securities Inc.
California Bank Of Commerce	Jones Hall
California Pacific Bank	JPmorgan Chase Bank National Association
Cathay Bank	Kansas State Bank Of Manhattan
Centier Bank	KMW Insurance & Financial Services
Chase Bank	KNN Public Finance
Citibank NA	Kravet
Citicorp	Lehman Brothers
Citigroup	Lew Jan Textile
City National Bank Escrow 1029	Lexington Insurance Co.
Comerica Bank	Liberty Mutual Fire Insurance
Community Bank Of The Bay	Lofton & Jennings
Conagra Brands	Lofton De Lancie
Concise Solutions Insurance Services	Loop Capital Markets
CSG Advisors	M.R. Beal & Company
CSI Special Event Insurance	Manulife

Mbia
Mecca Management & Insurance Agency Inc.
Merrill Lynch & Co.
Metlife Inc.
Mission National Bank
Morgan Stanley
Morgan Stanley & Co., Inc.
Municipal Finance Corporation
Norwest Bank Minnesota, N A
Ocwen Federal Bank
OneCalifornia Bank FSB
Oracle Credit Corp.
Platte River Insurance Company
Prudential Securities Inc.
Public Financial Management, Inc.
Public Rescouces Advisory Group
Ramirez & Co.
Raymond James & Associates
RBC Capital Markets
RBC Royal Bank
Redwood Securities Group
Robert W. Baird & Co., Inc.
Robinson Textiles
Samuel A Ramirez & Co.
Security Union Title Insurance Company
Siebert Williams Shank & Co., LLC
Signature Textile
Simmons First National Bank
Southern California Bank
Standard Textile Co Inc
State Farm General Insurance
State Street Bank & Trust Co.
Stifel, Nicolaus & Co.
Summit Bank
Sun Trust Leasing
Syncora Guarantee Inc.
Tabb Textile Company, Inc
Technology Insurance Services, Inc
The Bank Of New York Mellon
The Bank Of New York Mellon Trust Company
The Bank Of New York Trust Company
The Chapman Company
The Hartford Life & Accident Insurance Company
The Mechanics Bank
The Pitney Bowes Bank
The Union Bank Of California
Transamerica Title Insurance
U.S.Bank Trust National Assn
UBS Investment Bank
Union Bank Of California

Union Pacific Railroad Company
Unum Insurance
Urban Futures Inc.
Venus Textiles Inc.
Webster Bank N. A.
Wells Fargo Bank
Westamerica Bank
Western Textile & Mfg. Inc.
Westhoff, Cone & Holmstedt
Zions Bank



CITY OF OAKLAND

SCHEDULE S

Slavery Era Disclosure Affidavit

In 2005, the City Council adopted Oakland Municipal Code Chapter 9.60 Slavery Era Disclosure pursuant to Ordinance No.12686 C.M.S. The ordinance requires contractors doing business with the City to complete an affidavit verifying that the contractor searched through all its records regarding people subjected to slavery.

Please check either (1), (2), or (3) below. If the Business Entity checks (3), it must disclose all information required by (3).

I, _____ [Name], the undersigned, a _____ [Title] of _____ [Business Entity] (hereinafter referred to as "Business Entity") declare the following as true and correct to the best of my knowledge and understanding:

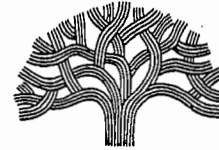
1. I declare that the Business Entity does **not** provide (a) insurance or financial services and (b) is **not** a textile, tobacco, railroad, shipping, rice and/or sugar company doing business with the City.
2. I declare that the Business Entity has found **no** records after searching through any and all records in the possession, control and/or knowledge of the Business Entity, its parent entities, subsidiaries and any predecessors in interest, for records that the Business Entity, its parent entities, subsidiaries and any predecessors in interest bought or sold people subjected to slavery, used people subjected to slavery as collateral, provided loans to purchase people subjected to slavery, insured such transactions or the people subjected to slavery during the slavery era and/or provided related or other services to aid and abet such transactions, including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of enslaved Africans.
3. I verify that, as a result of conducting the search in step (2) above, the Business Entity has found records of investments or profits from slavery or slaveholder insurance policies. I verify that the following constitutes full disclosure of all such records, including the names of each slave and slaveholder described in those records and/or evidence of transactions that benefited/profited from American slavery.
- Please check this box to indicate your understanding of the following statements:
- a. I understand that completed affidavits and disclosure reports shall be made available to the public upon request after consultation with the City Attorney and any contractor who willfully or recklessly files a false affidavit or other statement or fails to file the required disclosure shall be subject to termination of the contract with the City. I understand that the City Administrator may take action to terminate the contract, and the City Attorney or any Oakland resident may bring action to mandate disclosure or correct any misstatement as well as reasonable attorney's fees and costs.
 - b. I understand that I can make voluntary contributions to the established Fund 2422 to promote healing and assist the City in rectifying and remedying some of the legacies of the shameful commerce in slavery.

(Signature of Business Owner)

(Printed Name of Business Owner)

(Date)

CITY OF OAKLAND



ADMINISTRATIVE INSTRUCTION

SUBJECT	City Administrator Acceptance and Appropriation of Restricted Grant Funds, Gifts and Donations of \$50,000 or Less	NUMBER	1052
REFERENCE	Resolution # 79714 C.M.S. dated February 7, 2001 Ordinance # 12731 C.M.S. dated February 21, 2006 AI 1050 dated July 30, 2001	EFFECTIVE	February 14, 2008
SUPERSEDE	N/A		

I. PURPOSE

The purpose of this Administrative Instruction is to outline the City of Oakland's policy, procedure, responsibility and accountability as related to the authorization of the City Administrator acceptance and appropriation of restricted grant funds, gifts and donations of \$50,000 or less.

II. POLICY

It is the policy of the City of Oakland, as outlined in Ordinance 12731 C.M.S. and Resolution 79714 C.M.S, to delegate limited authority to the City Administrator to accept and appropriate restricted grant funds, gifts and donations up to \$50,000 without City Council action, provided that:

1. The grant, gift or donation does not create unbudgeted costs to the City.
2. The grant, gift or donation is for a program or project that has been approved by the Council in the biennial, mid-cycle, or Capital Improvement Program (CIP) budget or by City Council legislation during the fiscal year.
3. The grant, gift or donation specifies a purpose (e.g. food for OPD canine unit, Annual Senior Volunteer Recognition event, Mayor's Toy Drive, etc.)
4. The grant, gift or donation is used in accordance with any restrictions and/or special conditions of the grantor agency or donor.
5. Specific approval by the legislative body is not required by the grantor or donor.

III. DEFINITIONS

<u>Term</u>	<u>Definition</u>
Donation	A voluntary gift of money, service or property to the City.
Donor	A person or organization that gives or donates money, service or property to the City.
Gift	Something given voluntarily to the City without payment in return.
Grant	A monetary award to the City to perform specific deeds or services and achieve certain goals and objectives to solve a particular problem in the community.
Grantor Agency	Federal, State, County and/or other local public agencies; private entities, corporate entities, foundations; potential and actual sources for grant funding.
Restricted	Kept within certain limits; limited use of grant, gift or donation.
Special Conditions	Terms and conditions set by the grantor or donor for accepting and utilizing grant, gift or donation.

IV. PROCEDURES

Responsible Party

City Agencies/Departments

Action

Initiates process by filling out "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form per form instructions, including signature of Fiscal Manager and Department/Agency Director. Attaches back up documentation, such as grant agreement or official letter accompanying gift or donation that outlines restricted terms of usage. Uploads two one-sided BCRs (B2) to appropriate the revenue and expenditure budget for grant, gift or donation and attaches copy to form. Sends form and attachments to the Budget Office for approval.

Records and tracks all departmental grants, gifts and donations processed with the "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form during any one fiscal

year. Provides list to Budget Office for annual reporting to City Council.

Responsible Party

Budget Office

Action

Responsible for reviewing "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form and attachments for completeness and eligibility. Adds signature to recommend approval, then forwards to the City Administrator's Office for approval. After Budget Director and/or City Administrator approval, posts BCRs to appropriate grant, gift or donation.

Responsible for reporting at the end of the fiscal year- works with departments to get a comprehensive list of all grants, gifts and donations processed with the "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form. Prepares and presents annual report to Council.

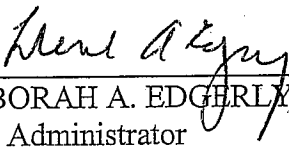
City Administrator's Office

Responsible for approving acceptance and appropriation of grant, gift or donation - reviews completed and Budget-approved "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form; signs to approve as necessary. Routes form back to the Budget Office.

V. ADDITIONAL INFORMATION

1. Generally, restricted funds should not be appropriated to the General Purpose Fund (1010). Therefore, please appropriate restricted grants, gifts and donations to a grant fund, such as the Miscellaneous Grants Fund (2999) or Trust Fund (7xxx).
2. For small grants, gifts and donations under \$1,000, record each as a separate entry on the Monthly List (Excel); indicate date, source, type, amount, restrictions, Council approved program & date of approval, planned use and, as applicable, the coding blocks for required match amount or new costs. At the end of each month, submit to the Budget Office a completed summary Request form for a cumulative restricted gift/grant total not to exceed \$1,000, with the corresponding spreadsheet documentation attached. A template for the \$1,000 or less record sheet can be found on the Budget Office intranet webpage.
3. Grants, gifts and donations must be \$50,000 or less (cumulatively) from one grantor/donor for one purpose in one fiscal year.
4. This process is not available for Redevelopment Agency restricted grants, gifts and/or donations.

5. Please allow up to 10 business days for approval and appropriation of restricted grants, gifts and donations processed with the "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form.
6. For more information regarding the "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form, see the instructions sheet for the "Request for City Administrator Acceptance of Restricted Grants, Gifts and Donations" form on the Budget Office intranet webpage, as well as Ordinance 12731 C.M.S. and Resolution 79714 C.M.S.


DEBORAH A. EDGERLY
City Administrator

Attachments:

- 1) Request for City Administrator Acceptance of Restricted Grants, Gifts & Donations Under \$50,000 or Less instructions
- 2) Request for City Administrator Acceptance of Restricted Grants, Gifts & Donations Under \$50,000 or Less form
- 3) Monthly List of Grants, Gifts & Donations (Total Not to Exceed \$1000) sample
- 4) Resolution #79714 AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE RESTRICTED GRANTS WITH A MARKET OR MONETARY VALUE OF FIFTY THOUSAND DOLLARS (\$50,000.00) OR LESS, WITHOUT PRIOR CITY COUNCIL ACTION
- 5) Ordinance #12731 AMENDING OAKLAND MUNICIPAL CODE TITLE 2, CHAPTER 2.04, ARTICLE 2.04.160, EXPENDITURES FROM RESTRICTED GIFT PROCEEDS, TO DELEGATE LIMITED AUTHORITY TO THE CITY ADMINISTRATOR TO, WITHOUT CITY COUNCIL ACTION, ACCEPT GIFTS AND DONATIONS AND TO APPROPRIATE AND EXPEND MONIES DERIVED FROM GIFTS AND DONATIONS, AND REPEALING OAKLAND MUNICIPAL ORDINANCE NO. 8144 C.M.S., ADOPTED JUNE 9, 1970, WHICH CONTAINS CONFLICTING AND OBSOLETE PROVISIONS

Request for City Administrator Acceptance and Appropriation
of Restricted Grants, Gifts and Donations \$50,000 or Less

Form Completion Instructions

Purpose: Form collects information required to determine gift or grant eligibility for City Administrator acceptance and appropriation, pursuant to Resolution 79714 C.M.S. (February 7, 2006) for grants and Ordinance 12731 C.M.S. (February 21, 2006) for gifts/donations to the City of Oakland (not Oakland Redevelopment Agency). Summary information will be used for the annual report to City Council on restricted grants, gifts and donations not exceeding \$50,000 that are accepted and appropriated by the City Administrator.

Question boxes / spaces for completion are self-explanatory. Instructions below provide additional clarification. Submit completed forms to the City Administrator's Budget Office.

For small donations under \$1,000, record each as a separate entry on Monthly List (Excel), indicating date, source, type, amount, restrictions, Council approved program & date of approval, planned use and, as applicable, the coding blocks for required match amount or new costs. At the end of each month, submit to the Budget Office a completed summary Request form for a cumulative restricted gift/grant total not to exceed \$1,000, with the corresponding spreadsheet documentation attached.

Request Type

Grant/Gift or Donation: Check appropriate box.

Cash/Monetary: Enter the exact dollar amount of the grant or gift.

Non-cash/Non-monetary: State the estimated value. Description – clearly indicate what / how many gifted or granted.

Grant/Gift Source: Check box for source of grant/gift or donation and indicate if it is *one time* or *annual*. If "continuous", include frequency during the year as part of Description.

Name of Donor/Grantor/Gifter: Spell out the name of funder. Do not use acronyms solely.

Tax ID# and CFDA#: Enter the applicable numbers.

Grant Program Name: Provide the name of the specific funding program, including the stated program funding year.

Cost Recovery Method: Check boxes of all that apply.

Match Required: If applicable, check the box, specify required amount, and fill in the coding block for matching funds. If non-monetary match is eligible, identify what will be used, e.g., in-kind services, by whom, hours, value, etc. (Stop here if Agency / Department cannot meet match requirement. Council approval is required for acceptance and appropriation.)

Council Approval Type

Indicate *when* and *how* Council gave prior approval of the program or the project to be funded by the gift, grant or donation. Provide all requested information.

Specify the fiscal year, budget type (e.g., biennial, mid-cycle or CIP) and program number (e.g., After School Sports, YS16) or project number (e.g., G260450). If your program or project was approved by specific Council legislation (rather than through City budget adoption), provide the number and date of the

authorizing City Council Resolution or Ordinance. *(Stop here if no prior approval by Council for the program or project. Council approval is required for acceptance and appropriation.)*

Restrictions

List and explain the funder's stipulated conditions of acceptance and/or use of the gift, grant or donation. *(If no restrictions, stop here. Council approval is required for acceptance and appropriation.)*

Planned Uses

Identify types of expenditures (i.e., uses) that the funds or resources will be used for. If used for labor, specify the classifications (codes). Attach the Add/Delete as necessary. *Reminder: Part-time employees must work fewer than 1,000 hours total in a fiscal year, regardless of funding source(s).*

Deliverables/Benefits

State in measurable terms what the gift, grant or donation will provide and the expected benefits. If the gift or grant proceeds or resources will be used at specific facilities (e.g., recreation center, senior center, branch library, creek, park, etc.), provide the facility name(s).

Estimated Completion Date: Indicate time period during which gift, grant or donation resources will be used, or the funded program or project completion date, whichever occurs first.

Council District(s): Specify the Council Districts benefiting from the use of gift, grant or donation resources. Use City Council District Locator Tool on City website for accuracy.

Anticipated New Costs: If new costs are funded, specify the amount, Fund, Organization, Account, Project and Program. *(If unfunded, stop here. Council approval is required for acceptance and appropriation.)*

Attachments: Check all applicable boxes and provide hardcopy attachments (e.g., Budget Change Request, Add/Delete, gift, grant or donation agreement, Project Record Request)

Approvals

Agency / Department Fiscal Manager Approval & Date: Required. *(Agency / Department Fiscal Manager will be the contact person for the Budget Office annual report to Council.)*

Agency Director/Department Head Approval & Date: Required. (Signature by designee not accepted)

Budget Office Approval: Authorized Budget Office representative signs to confirm completeness and accuracy of reported information and adherence to Council's conditions of acceptance, and recommends City Administrator approval.

City Administrator Approval: Represents City Administrator approval to accept and appropriate the gift, grant or donation expectation. It also represents that gift, grant or donation requirements will be met and confirms that the Agency / Department is required to document use and submit information to Budget Office for the annual report to City Council.

Request Denied: Form will be returned to the requesting Agency / Department *without* City Administrator signature when requirements of authorizing Resolution or Ordinance are not met. Agency / Department must prepare an agenda report and legislation to request Council acceptance and appropriation of the grant, gift or donation. Incomplete form will be returned to Agency / Department. Questions should be directed to the Budget Office.

OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

2006 JAN 26 PM 5:19

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 79714 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE RESTRICTED GRANTS WITH A MARKET OR MONETARY VALUE OF FIFTY THOUSAND DOLLARS (\$50,000.00) OR LESS, WITHOUT PRIOR CITY COUNCIL ACTION

WHEREAS, Oakland Charter – Article VIII, Section 806, *Receipts and Expenditures*, specifies that all monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or of another officer duly authorized by him/her; and no expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council, or made without proper accounting documentation and sufficient funds in the City Treasury and in proper accounts; and

WHEREAS, the City Council wishes to improve the City's efficiency in accepting, appropriating and utilizing grants in order to encourage the solicitation and offering of grants to the City and to facilitate their timely use by the City for the public's benefit; and

WHEREAS, to improve the City's efficiency in accepting, appropriating and utilizing grants, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept and appropriate monies derived from restricted grants to the City of Oakland; and

WHEREAS, the City Administrator will comply with all Oakland Charter requirements for fiscal administration and expenditure of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities; now, therefore, be it

RESOLVED: That the City Administrator, on behalf of the City Council, is hereby authorized to accept and appropriate, without prior City Council action, monies derived from any restricted grant with a market or monetary value of fifty thousand dollars (\$50,000.00) or less, provided that: 1) the grant is for programs and projects approved by the City Council in the biennial or mid-cycle operating or Capital Improvement Program (CIP) budget, or by City Council legislation during the fiscal year, 2) the grant does not create unbudgeted costs for the City, and 3) the grant does not require specific approval by the legislative body; and, be it

FURTHER RESOLVED: That all funds accepted hereunder shall be deposited into the City Treasury; and, be it

FURTHER RESOLVED: That expenditures of grant funds shall be in accordance with the requirements of the City of Oakland purchasing requirements codified in Oakland Municipal Code Title 2, Chapter 2.04; and, be it

FURTHER RESOLVED: That the City Administrator shall present a report annually to the City Council listing the grants accepted and appropriated on behalf of the City Council during the prior year.


356528

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, [REDACTED] QUAN, REID AND PRESIDENT DE LA FUENTE -7

NOES - 0
ABSENT - NADEL - 1
ABSTENTION - 0

ATTEST: 
LATONBA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

2006 JAN 26 PM 5:19


CITY ATTORNEY

ORDINANCE NO. 12731 C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 2, CHAPTER 2.04, ARTICLE 2.04.160, *EXPENDITURES FROM RESTRICTED GIFT PROCEEDS*, TO DELEGATE LIMITED AUTHORITY TO THE CITY ADMINISTRATOR TO, WITHOUT CITY COUNCIL ACTION, ACCEPT GIFTS AND DONATIONS AND TO APPROPRIATE AND EXPEND MONIES DERIVED FROM GIFTS AND DONATIONS, AND REPEALING OAKLAND MUNICIPAL ORDINANCE NO. 8144 C.M.S., ADOPTED JUNE 9, 1970, WHICH CONTAINS CONFLICTING AND OBSOLETE PROVISIONS

WHEREAS, pursuant to Oakland Charter – Article XII, Section 1203, *Gifts and Trusts*, specifies the City Council is authorized to accept gifts and trust on behalf of the City and to control, manage, dispose of and otherwise administer the same in accordance with their terms; and

WHEREAS, Oakland Charter – Article VIII, Section 806, *Receipts and Expenditures*, specifies that:

All monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or [his/her delegee]. No expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council . . .

WHEREAS, Council adopted Ordinance 8144 C.M.S., June 9, 1970, which authorized the City Manager and Directors of Museum, Parks and Recreation and Library to accept unrestricted gifts and donations for use by the respective department, but excluded authority to accept gifts and donations for construction of public improvements; and

WHEREAS, the City Council amended Section 2.04.160, *Expenditures from Restricted Gift Proceeds*, of the City's Purchasing Ordinance, Ordinance No. 7937 C.M.S., as amended, on October 4, 1973, authorizing the City Administrator to expend monies derived from gifts and donations to the City in accordance with any special conditions of the donor provided the City Council has accepted the gift/donation by resolution; and

WHEREAS, the City Council wishes to improve the City's efficiency in accepting, appropriating and utilizing gifts and donations in order to encourage the offering of such gifts and donations to the City and to facilitate their timely use by the City for the public's benefit; and

WHEREAS, to improve the City's efficiency in accepting, appropriating and utilizing gifts and donations, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept, appropriate and expend monies derived from restricted gifts and donations to the City of Oakland; and

WHEREAS, the City Administrator will comply with all Charter requirements for fiscal administration of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment to Title 2, Chapter 2.04, Section 2.04.160 of the Oakland Municipal Code. Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.160 is amended to authorize the City Administrator to accept, appropriate and expend monies derived from restricted gifts and donations as follows:

2.04.160 Acceptance, appropriation and expenditures from restricted gift proceeds.

Notwithstanding any other provision of this article, the City Administrator is delegated limited authority to accept restricted gifts and donations to the city up to fifty thousand dollars, including money gifts, and to appropriate and expend monies derived from such gifts/donations, without City Council action, provided that: 1) the gift/donation does not create unbudgeted costs for the City, 2) the gift/donation is for a program or project that has been approved by the Council in the biennial or mid-cycle operating or Capital Improvement Program (CIP) budget, or by City Council legislation during the fiscal year, and 3) the gift/donations or proceeds therefrom are used in accord with restrictions and/or special conditions of the donor.

Notwithstanding the above, the City Administrator is authorized to expend monies derived from restricted gifts/donations that exceed fifty thousand dollars (\$50,000.00) without City Council action when the gift has been approved, accepted and appropriated by City Council resolution provided such expenditure is in accord with any restrictions or special conditions of donor.

All funds accepted hereunder shall be deposited into the City Treasury. The City Administrator will provide an annual report to Council on all gifts and donations accepted hereunder during the previous year.

Section 2. Remaining Provisions Unchanged. Except as amended herein, all provisions, articles, sections, subsections, sentences, clauses or phrases of Oakland Municipal Code 2.04, shall remain unchanged and in full force and effect.

Section 3. Oakland Municipal Ordinance No. 8144 C.M.S. Repealed. Oakland Municipal Ordinance No. 8144 C.M.S., adopted June 9, 1970, which authorized the City Manager,

Director of Museums, Director of Parks and Recreation, and Director of Library to accept certain unrestricted gifts and donations on behalf of the City of Oakland is hereby repealed.

Section 4. Severability. If any article, section, subsection sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

352274

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2005, 2006

PASSED BY THE FOLLOWING VOTE:

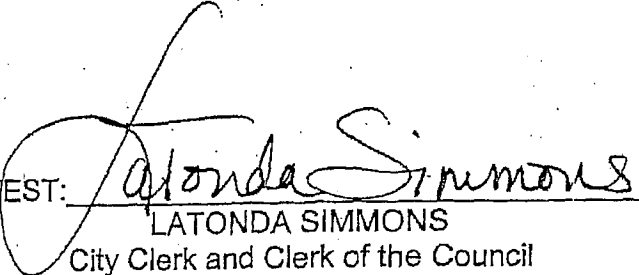
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California