

Waterfront Ballpark District at Howard Terminal Community Fund Design

Proposed Design and Governance Structure

February 23, 2023

Table of Contents

- I. Purpose and Structure
 - A. Key Parties
 - B. Selection of Fund Manager
 - C. Funding Priorities
 - D. Eligible Uses

- II. Roles and Responsibilities of Key Parties
 - A. Fund Manager
 - B. Community Oversight Committee
 - C. Oakland City Council
 - D. Office of the Mayor
 - E. Office of the City Administrator
 - F. Oakland Athletics
 - G. Port of Oakland

- III. Community Oversight Committee Composition and Selection Process
 - A. Composition

Selection

Attachment 1: Annual Community Benefits Summary

I. Purpose and Structure

The Waterfront Ballpark District Community Fund (“Fund”) serves as a competitive grant program supporting activities or projects that align with the priorities outlined in the Howard Terminal Community Benefits Recommendation Summary (“Recommendations Summary”) report presented to City Council in July 2021. Drawing on the Oakland Race and Equity Baseline Indicators Report from October 2019, the recommendations were designed to address racial disparities and systemic inequity in the communities most directly affected by the relocation and development of the new Waterfront Ballpark District. As such, the Fund will similarly support projects and programs that primarily serve residents of the impacted neighborhoods who are most affected by racial inequity.

1. **Key Parties:** The Fund structure features the delegation of grant administration to a third-party Fund Manager and grant approval to a Community Oversight Committee, with transparency and accountability to the City Council and public. This model is intended to put decision making into the hands of residents and leaders of the impacted areas.
2. **Selection of Fund Manager:** The Oakland City Administrator will oversee the selection process of a qualified Fund Administrator. The City Administrator will draft a Request for Proposals (RFP) and distribute to qualified third parties. The Fund Manager will be compensated from the Fund, under contract with the City.
3. **Funding Priorities:** Funding priorities will align with the priorities outlined in the Recommendations Summary presented to City Council in July 2021 (“Recommendations Summary”), and then-current Strategic Plan adopted by the Community Oversight Committee. These priorities aim to address racial inequities across seven topic areas: Culture and History, Economic Development/Employment, Education, Environment, Community Health and Safety, Housing, Transportation.
4. **Strategic Plan:** The Recommendations Summary will form the basis of the initial Strategic Plan the Community Oversight Committee will adopt for the Fund. The Committee should treat the Recommendations Summary as a set of guidelines to be updated and refined over time as needs arise and evolve. The Community Oversight Committee shall adopt its initial Strategic Plan within one year following its appointment by the City Council, and shall update the Strategic Plan not less than every five (5) calendar years thereafter. The Community Oversight Committee shall reassess Fund allocations for consistency with the Strategic Plan at least every five years. The Oversight Committee also shall ensure that Grant contracts align with applicable Strategic Plan projects.
5. **Revenue:** The sources of revenue are shown on Attachment 1. The amounts and timeline for revenue being deposited into the Fund are projections. Other than administrative tasks and staff time, the City of Oakland shall not be required to contribute General Fund revenue to the Fund. Pursuant to Oakland City Charter

Section 804, the City Council shall, by ordinance, establish the Fund as a separately accounted and restricted fund within the City Treasury, and shall authorize the City Administrator to transfer into the Fund, at least annually, the revenue from the sources specified in Attachment 1 that the City actually received in the prior fiscal year. As provided in Section II(5), the City Administrator shall be further authorized by such ordinance to:

1. Establish, with the input of the Fund Manager, the fiscal controls and rules, and contracting procedures applicable to the Fund.
 2. Cause the City's financial auditors to audit the income and expenditures of the Fund at least annually, in connection with the City's annual financial audit.
 3. Provide detailed financial reports of Fund income and expenditures to the Community Oversight Committee, the City Council and the public at least annually.
 4. Execute on behalf of the City, with the authority delegated by the City Council, such contracts and grant agreements, regardless of amount, as are necessary to accomplish the purposes of the Fund, consistent with the rules established for the Fund and the Strategic Plan, and approved by the Community Oversight Committee.
 5. Report to the City Council, at least annually, the contracts the City Administrator executes pursuant to the authority granted by the ordinance.
6. **Eligible Uses:** Fund dollars shall support programs, services, and projects that benefit impacted communities and are consistent with the intent of the Fund's grant making priorities and the then-current Strategic Plan. Grant recipients may include small businesses and nonprofit organizations, with a focus on Black, Indigenous, Asian, Latinx, and/or locally owned/led organizations to the extent permitted by applicable law. The Fund Manager shall arrange for an independent fiscal sponsor to provide services so that informal volunteer and unincorporated groups without a fiscal sponsor or 501(c)(3) status are also eligible to apply for funding. Each Strategic Plan shall establish the maximum percentage of Fund allocation available to be expended on City and Fund Manager administrative costs, subject to the review and approval of the City Council.

II. Roles and Responsibilities of Key Parties

1. **Fund Manager:** The primary roles of the Fund Manager will be to:
 1. Administer the Fund under a contract with the City.
 2. Ensure strategic impact of the Fund over time;
 3. Facilitate community involvement in the grant making and planning processes;
 4. Leverage opportunities for additional monies from external socially just investment vehicles and funding sources;
 5. Adhere to best practices for accounting and financial responsibility, as established by the City Administrator;

6. Additional roles will include:

- a. Provide public facing information as directed by the Oversight Committee.
- b. Initiate the development of a Strategic Plan for the Fund that includes equity metrics and criteria by which grant applications and awards will be assessed and tracked.
- c. Provide research capacity for potential fund allocations.
- d. Coordinate research and technical assistance to applicants as needed.
- e. Monitor use of funds and require periodic reporting from Fund recipients.
- f. Maintain a calendar of Oversight Committee meetings.
- g. Support the Oversight Committee, its members, and any subcommittees, including by providing or facilitating training and capacity building.
- h. Qualify and certify alignment of grant awards with the approved Strategic Plan and grantee capacity to perform.
- i. Recommend metrics to evaluate the Fund's effectiveness as part of each Strategic Plan.
- j. Conduct public engagement to inform the Strategic Plan and grant-making processes.
- k. Develop Annual Performance Report for City Council and the public.
- l. Evaluate grantee qualification and performance.
- m. Report to the City Administrator any material dispute between the Fund, the Oversight Committee and grantees, or any suspected fraud or wrongdoing in the Fund's activities.
- n. Coordinate with the Port of Oakland to ensure that any Port funds expended comply with Port funding requirements and applicable law.

2. **Community Oversight Committee:** The primary roles of the Oversight Committee will be to:

1. Guide the development of each Strategic Plan with the Fund Manager, and approve final Strategic Plans for submission to the City Council for approval;
2. Guide scoping of each round of competitive grant solicitations;
3. Receive and consider grant recommendations from the Fund Manager;
4. Make final decisions on grant awards consistent with the Strategic Plan;
5. Direct priorities and allocate funding based on equity data and criteria in the Fund's Strategic Plan;
6. Provide guidance and support for public outreach and engagement, including awareness of grant opportunities and organizations who might qualify to apply for grants;
7. Require that the Fund Administrator prepare an Annual Performance Report for the Oversight Committee's review and approval, subject to the performance and accountability metrics approved by the Committee.
8. Provide feedback on the Annual Performance Report prior to publication;

9. The Oversight Committee shall have the authority to elect its own chair and vice chair, and form subcommittees. Decisions and recommendations should in all cases be consistent with the purpose of the Fund, its strategic plan, and applicable laws.
 10. Provide to the City Administrator an annual performance evaluation of the Fund Manager.
 11. Hold regular public meetings. All meetings of the Oversight Committee shall be subject to and conducted in accordance with the open meeting requirements of the Brown Act and applicable City requirements.
 12. Comply with the conflict of interest requirements of the Political Reform Act, Government Code Section 1090 and other applicable laws, as advised by the City Attorney.
3. **City Council:** The primary roles of the City Council will be to:
1. Establish the Fund and Governance Structure through an ordinance.
 2. Appoint members to the Community Oversight Committee.
 3. Approve the selection of a Fund Manager.
 4. Approve Strategic Plans for the Fund.
 5. Direct funds to the Fund Manager from the Fund, consistent with the adopted administrative percentage in a Strategic Plan, as part of the annual City budget process.
 6. Receive annual performance reports from the Fund Manager.
 7. Appropriate annually to the Fund those revenues from the sources specified in Attachment 1 that the City actually received in the prior fiscal year.
 8. Conduct annual financial audits of the Fund and performance audits of the Fund and Fund Manager as the City Council deems necessary.
 9. Establish the amount of any stipend that the members of the Community Oversight Committee shall be eligible to receive as compensation for their work on the Community Oversight Committee.
4. **Office of the Mayor:** The primary roles of the Mayor's Office will be to:
1. Review nominations from the Nomination Committee for seats on the Community Oversight Committee.
 2. Select a slate of candidates to send to the City Council for appointment to the Committee.
5. **Office of the City Administrator:** The primary roles of the City Administrator or their designee will be to:
1. Administer the nomination process for the Community Oversight Committee members, nomination by the Mayor, and consideration for appointment by the City Council.

2. Administer the solicitation process for a Fund Manager, negotiate a contract with the selected Fund Manager, and recommend a candidate to City Council for approval.
 3. Provide information to the Oversight Committee as requested.
 4. Provide staff support to the Oversight Committee and Fund Manager as the City Administrator deems appropriate and necessary.
 5. Ensure that public meetings and operations of the Fund, the Fund Manager and the Oversight Committee are conducted in compliance with applicable laws.
 6. Administer and account for all Fund revenue in a separately accounted and restricted City fund pursuant to the requirements of Section I(5), as codified in the ordinance.
 7. Bring forth to the City Council for public review the Annual Performance Reports, financial reports including, without limitation, reports of contracts the City Administrator has approved pursuant to their authority under the ordinance, and Strategic Plans.
 8. Initiate and manage all audits of the Fund and the Fund Manager.
 9. Support the public engagement process led by the Fund Manager.
 10. Designate the City's *ex officio* member of the Oversight Committee.
 11. Execute grant agreements with the authority delegated by the City Council.
6. **Oakland Athletics:** The primary roles of the Oakland Athletics will be to:
1. Contribute money to the fund in accordance with the Development Agreement and applicable conditions of approval;
 2. Identify a representative to serve as an *ex officio* member of the Oversight Committee.
 3. Contribute in-kind participation when requested by the Oversight Committee.
7. **Port of Oakland:** The primary roles of the Port of Oakland will be to:
1. Contribute money to the fund as specified in Attachment 1 for use for trust-appropriate purposes as provided in a contribution agreement between the City and the Port, attached hereto as Attachment 2.
 2. Identify a representative to serve as an *ex officio* member of the Oversight Committee to provide support and expertise to ensure that revenue contributed to the Fund from the Port of Oakland is expended in a manner consistent with Trust purposes and applicable law.

III. Community Oversight Committee Composition and Selection Process

The Fund will be overseen by a diverse Community Oversight Committee representative of the communities most directly affected by the Waterfront Ballpark District development and reflecting the racial, ethnic, economic, generational, and other diversity of the City of Oakland. The

Oversight Committee will include a mix of individuals who live, work, or own a business in Oakland, as well as individuals with specific subject matter expertise related to funding priorities.

1. Composition: The Community Oversight Committee will be comprised of 16 members, up to 13 of whom shall have voting rights as specified below, who have a commitment to furthering the goals and guiding principles of the Fund.

1. The majority of Community Oversight Committee members, or a minimum of 11 members, shall have Local Lived Experience in the impacted neighborhoods of West Oakland, Chinatown, Old Oakland, and the Jack London District. "Local Lived Experience" includes residence, employment, business ownership, or have a significant connection to the neighborhood. In addition to the geographic component, "Local Lived Experience" may also include, without limitation, personal knowledge of the root causes of racial and economic inequity, such as pre-1968 (redlining) lived experience.
 - a. Neighborhood-based seats shall be allocated as follows, based on the neighborhood boundary map attached hereto as Attachment 3:
 - i. West Oakland – four (4) seats
 - ii. Chinatown – three (3) seats
 - iii. Jack London District – (2) seats
 - iv. Old Oakland – (2) seats
 - b. In making appointments to the Community Oversight Committee, the Mayor and City Council should aspire to balance, to the extent feasible given the requirements of this Section III, the seat allocations for each neighborhood to include at least one (1) individual who resides in the neighborhood at the time of appointment and one (1) organization located in or serving the neighborhood. Organizations seated on the Committee will appoint specific individual representatives to hold their seats for the duration of their terms.
 - c. Among the 11 neighborhood-based seats, there will be no fewer than one (1) of each of the following:
 - i. Local resident, whether housed or unhoused
 - ii. Business owner
 - iii. Renter
 - iv. Homeowner
2. Across its membership, the Oversight Committee shall have relevant experience and subject matter expertise in the fields outlined below. To ensure this, up to two (2) additional voting seats on the Committee shall be designated for subject matter experts who hold experience or expertise not held by any Committee member in the neighborhood-based seats:

- a. Culture and History
 - b. Economic Development and Employment
 - c. Education
 - d. Environment
 - e. Community Health and Safety
 - f. Housing
 - g. Transportation
 - h. Racial Justice
 - i. Community Engagement
 - j. Youth Programs and Services
3. One (1) *ex officio* (non-voting) member from the City Administrator's Office will provide support and expertise through consultation with staff from City departments with expertise in one or more of the categories listed in III.A.2.a-j.
 4. No representative will be Mayor's or Council Members' staff.
 5. One (1) *ex officio* (non-voting) member representing the Oakland Athletics will provide support and expertise.
 6. One (1) *ex officio* (non-voting) member representing the Port of Oakland will provide support and expertise to ensure that revenue contributed to the Fund from the Port of Oakland is expended in a manner consistent with Trust purposes.
 7. Oversight Committee members with Local Lived Experience shall remain eligible to continue as members of the Oversight Committee for their current term if they are forced to relocate out of the impacted areas or the City of Oakland due to housing market pressures during their term.
 8. Voting members of the Oversight Committee should receive stipends from the Fund in keeping with best practices for community engagement.
2. **Selection Process:** The City Administrator or their designee will invite all members of the original Howard Terminal Community Benefits Agreement Steering Committee to serve as an *Ad Hoc* Nomination Committee for Oversight Committee seats. Former Steering Committee members seeking seats on the Oversight Committee will be disqualified participating in the Nomination Committee. The Nomination Committee will review applications in a public meeting and nominate, by majority vote of those present, a pool of candidates to send to the Office of the Mayor. For each seat, the Nomination Committee may nominate up to three (3) candidates to include in the pool. The Nomination Committee will first identify candidates for the neighborhood-based seats, and then identify candidates for the two seats designated for subject-matter experts. The Mayor will select from the pool a slate of candidates to send to City Council for final approval.

Following the Mayor's initial nomination, and the City Council's approval of a slate, the appointment process will revert to the City of Oakland's appointment process outlined in the City Charter.

1. A minimum of (2) public informational meetings at different times of day will be held to educate and inform the public about the Community Fund and the roles and responsibilities of Oversight Committee members.
2. Public application and nomination forms will be made available electronically and in hard copy.
3. As permitted by applicable law, nominations will be screened for eligibility based on the following criteria:
 - a. Local Lived Experience (as outlined in A.1. above)
 - b. Subject matter expertise (as outlined in A.2. above)
 - c. Age diversity
 - d. Race diversity
 - e. Membership in or connection to organizations with broad-based constituencies in the impacted neighborhoods
4. For the purpose of continuity, participation in the original Howard Terminal Community Benefits Steering Committee and Topic Cohorts will be strongly considered in the nomination process for the inaugural Oversight Committee.
5. Eligibility for membership on the Oversight Committee shall not be prohibited due to previous incarceration, citizenship status, or age.

The initial Oversight Committee members will be appointed for staggered terms. A full term shall be three (3) years. The Mayor shall nominate, and the City Council shall appoint, a qualified individual to fill any vacancy on the Oversight Committee using the appointment process specified above.