

OAKLAND UNIFIED SCHOOL DISTRICT

Office of the State Administrator

January 23, 2008

To: Vincent Matthews
Board of Education

From: Mary A. Burke
Timothy White

Subject: Resolution No. 0708-0141 - Acceptance of Grant from City of
Oakland City Council Member Jane Bruner

ACTION REQUESTED

Adoption of Resolution No. 0708-0141- Accepting grant, and approving Grant Agreement Between District and City of Oakland, from City of Oakland Council Member Jane Brunner (District 1) supporting the construction of a new Baseball and Softball Field on the grounds of the former Carter Middle School field for Oakland Technical High School students and the community in the amount of \$15,000.00, pursuant to terms and conditions, thereof, if any, and granting further authorization to accept amendments to same, if any.

BACKGROUND/DISCUSSION

The City will provide to District a fifteen thousand dollar (\$15,000.00) grant from City Councilmember Jane Brunner's Pay-Go Account for use on the Project stated herein.

The Project is Construction of a baseball and softball field at the site of the former Carter Middle School grounds located at 4521 Webster Street, Oakland, CA for use by Oakland Technical High School Baseball and Softball Teams and youth sports teams within the community.

GRANT DISBURSEMENT

City will disburse grant funds to: Friends of Oakland Parks and Recreation, a non-profit organization, without invoices if grant funds are needed to carry out the project before expenses are incurred. Preferably and whenever feasible, District will order services/labor, materials and or equipment to be delivered to the Project and submit invoices for same to the City before grant funds are disbursed.

FISCAL IMPACT

The funding source for this Grant is the City of Oakland Pay-Go Account of City Council Member Jane Brunner.

RECOMMENDATION

Adoption of Resolution No. 0708-0141- Accepting grant, and approving Grant Agreement Between District and City of Oakland, from City of Oakland Council Member Jane Brunner (District 1) supporting the construction of a new Baseball and Softball Field on the grounds of the former Carter Middle School field for Oakland Technical High School students and the community in the amount of \$15,000.00, pursuant to terms and conditions, thereof, if any, and granting further authorization to accept amendments to same, if any.

MB:TW:ER:er

Attachments :

Resolution No. 0708-0141 and Grant Agreement Between City of Oakland and District – Jane Brunner Pay-Go Account Grant - Supporting the Construction of a New Baseball and Softball Field on the Grounds of the former Carter Middle School Field

LEGISLATIVE FILE

File ID No. 08-0102

Introduction Date 1/23/08

Enactment No. _____

Enactment Date _____

By _____

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0141

ACCEPTING GRANT, AND APPROVING GRANT AGREEMENT BETWEEN DISTRICT AND CITY OF OAKLAND, FROM CITY OF OAKLAND COUNCIL MEMBER JANE BRUNNER (DISTRICT 1) SUPPORTING THE CONSTRUCTION OF A NEW BASEBALL AND SOFTBALL FIELD ON THE GROUNDS OF THE FORMER CARTER MIDDLE SCHOOL FIELD FOR OAKLAND TECHNICAL HIGH SCHOOL STUDENTS AND THE COMMUNITY IN THE AMOUNT OF \$15,000.00

WHEREAS, Education Code Section 41032 authorizes the Governing Board to accept on behalf of and in the name of the district gifts, donations, bequests and devises that are made to the district or to or for the benefit of any school administered by the district and to prescribe conditions for their acceptance; and

WHEREAS, the Governing Board pursuant to adopted Board Policy 3290 prescribes the considerations for acceptance of gifts, donations, bequests and devises that are made to the district or to or for the benefit of any school administered by the District; and

WHEREAS, the Governing Board discourages any gifts, donations, bequests and devises which may directly or indirectly impair its commitment to provide equal educational opportunities for all District students; and

WHEREAS, the Governing Board will carefully evaluate any conditions or restrictions imposed by the donor or grantee in light of District philosophy and operations and will not accept any gifts or donations where the Board feels the District will be unable to fully comply with the donor's or grantee's conditions; and

WHEREAS, Council Member Jane Brunner has generously proposed providing the District with a grant of \$15,000.00 from her City of Oakland

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0141

ACCEPTING GRANT, AND APPROVING GRANT AGREEMENT BETWEEN DISTRICT AND CITY OF OAKLAND, FROM CITY OF OAKLAND COUNCIL MEMBER JANE BRUNNER (DISTRICT 1) SUPPORTING THE CONSTRUCTION OF A NEW BASEBALL AND SOFTBALL FIELD ON THE GROUNDS OF THE FORMER CARTER MIDDLE SCHOOL FIELD FOR OAKLAND TECHNICAL HIGH SCHOOL STUDENTS AND THE COMMUNITY IN THE AMOUNT OF \$15,000.00

2

Pay-Go Account for purchase of services/labor, materials and/or equipment towards the construction of a baseball and softball field at the site of the former Cater Middle School grounds located at 4521 Webster Street in Oakland for use by Oakland Technical High School Baseball and Softball Teams and youth sports teams of the community; and

WHEREAS, the Governing Board has carefully evaluated the proposed grant and found it to be of direct benefit to the students of Oakland Technical High School and of the community and therefore consistent with the District's philosophy of improving student physical, recreational and sports education; and

WHEREAS, the proposed grant provides an opportunity to make an immediate positive impact for the students of Oakland Technical High School and of the community which would not otherwise be available,

NOW, THEREFORE, BE IT RESOLVED that the State Administrator, in his capacity as the Governing Board of the Oakland Unified School District for financial and facilities issues, among other areas, hereby accepts the grant, and approves the Grant Agreement Between District and City of Oakland (attached hereto and incorporated herein by reference as though fully set forth), from City of Oakland Council Member Jane Brunner (District 1) supporting the construction of a new Baseball and Softball Field on the grounds of the former Carter Middle School field for Oakland Technical High School students and the community in the amount of \$15,000.00, pursuant to terms and conditions, thereof, if any, and

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0141

ACCEPTING GRANT, AND APPROVING GRANT AGREEMENT BETWEEN DISTRICT AND CITY OF OAKLAND, FROM CITY OF OAKLAND COUNCIL MEMBER JANE BRUNNER (DISTRICT 1) SUPPORTING THE CONSTRUCTION OF A NEW BASEBALL AND SOFTBALL FIELD ON THE GROUNDS OF THE FORMER CARTER MIDDLE SCHOOL FIELD FOR OAKLAND TECHNICAL HIGH SCHOOL STUDENTS AND THE COMMUNITY IN THE AMOUNT OF \$15,000.00

3

granting further authorization to accept amendments to same, if any.

BE IT FURTHER RESOLVED that the Governing Board expresses its deepest appreciation to City Council Member Jane Brunner for her generous grant for the purpose bequeathed.

I hereby certify that the foregoing is full, correct and true copy of a Resolution passed by the State Administrator at a Special Meeting of the State Administrator and/or the Board of Education held this 23rd day of January, 2008 at Oakland, California.

Vincent Matthews
Interim State Administrator

VM:ER:er

Attachment: Grant Agreement Between City of Oakland and District – Jane Brunner Pay-Go Account Grant - Supporting the Construction of a New Baseball and Softball Field on the Grounds of the former Carter Middle School Field

LEGISLATIVE FILE

File ID No. 08-0102
Introduction Date 1/23/08
Enactment No. _____
Enactment Date _____
By _____

GRANT AGREEMENT BETWEEN CITY OF OAKLAND
AND
Oakland Unified School District, Oakland, California

THIS GRANT AGREEMENT is entered into on December 17, 2007, by and between the CITY OF OAKLAND ("City"), and Oakland Unified School District, Oakland, Ca. ("Recipient").

IT IS AGREED AS FOLLOWS:

1. City of Oakland Pay-Go or Project Priority Fund Grant:
(Circle one)

The City will provide a total grant to Recipient in an amount of fifteen thousand dollars (\$15,000.00) from City Councilmember Jane Brunner's Pay-Go Account ("Grant") for use on the Project identified below.

2. The Project.

The Project is: Construction of a baseball field and softball field at the site of the former Carter Middle School grounds located at 4521 Webster Street, Oakland, CA. for use by Oakland Technical High School Baseball and Softball Teams and youth sports teams within the general Oakland community.

3. Grant Disbursement

City will disburse grant funds to: Friends of Oakland Parks and Recreation, a non-profit organization, without invoices if grant funds are needed to carry out the project before expenses are incurred. Preferably and whenever feasible, Recipient should order services/labor, materials and/or equipment to be delivered to the Project and submit invoices for same to the City before grant funds are disbursed.

4. Receipts

Recipient shall obtain receipts for all expenditures of grant funds and provide City copies of same within 30 days of Recipient's expenditure of his/her own funds or grant funds or City's disbursement of grant funds.

5. Indemnity

Recipient shall protect, defend (with counsel acceptable to the City), indemnify and hold harmless City, its Council members, officers, employees and agents from any and all actions, causes of actions, claims, losses, expenses (including reasonable attorneys' fees and costs) or liability (collectively called "Actions") on account of damage of property or injury to or death of persons arising out of or resulting in any way from the use of grant funds or grant-funded work or activities performed in connection with this Agreement by Recipient, its officers, employees, subconsultants, agents or members of its organization.

6. Release and waiver of liability

It is Recipient's intention by this provision to exempt and relieve the City of Oakland, officers, employees or agents from liability for any and all personal injury and property damage which results from use of the grant funds, or Recipient's performance of any work the costs of which are reimbursed by the City, or for any incidental activities wherever or however they may occur and for whatever period the activities may continue.

Recipient further agrees that under no circumstances will recipient or its assigns prosecute or present any claim for personal injury or property damage against the City of Oakland or any of its officers, agents, servants or employees for any cause of action, whether from the negligence of any of said persons, or otherwise. Recipient voluntarily releases, discharges, waives and relinquishes any and all actions or causes of action for, and assumes any risk of personal injury and property damage occurring to recipient.

7. Permits

Recipient shall obtain any necessary permits and comply with all laws and regulations in relation to the Project.

8. Audit

Recipient shall maintain a full set of records, records, receipts and other relevant documentation for funds received under this Agreement and shall permit the City to have access to those records for the purpose of making an audit, examination or review of financial and performance data pertaining to this Agreement. Recipient agrees to maintain such records for a period of four years following the last fiscal year during which the City paid an invoice under this Agreement.

9. Insurance

Recipient agrees to maintain general liability, auto or any other types of insurance coverage required under City of Oakland permits required for the Project.

10. Authority to Execute

Each party warrants that the signature of each party is authorized by such entity to execute this document.

11. Execution

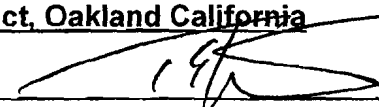
This agreement may be executed in parts.

IN WITNESS HEREOF, the parties have hereunto executed this Agreement on the date and year below.

CITY OF OAKLAND

RECIPIENT: Oakland Unified School District, Oakland California

By: _____
Deborah Edgerly, City Administrator
Or her designee on behalf of
City Councilmember _____

By: _____


Print Name: _____

Date: _____

Title: _____

Approved as to form and legality:

Date: _____

By: _____
City Attorney's Office Date

Resolution No. _____
(When Applicable)

Approved as to form for OUSD:

