

# CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT BOARD RESOLUTION NO. 2012.05

California Cultural and Historical Endowment Board Meeting  
8/23/2012, Agenda Item No. 5.0

2012.05A RESOLUTION DENYING MATERIAL CHANGE & APPROVING  
WITHDRAWAL OF FUNDING for

Oakland Redevelopment Agency:  
Oakland Fox Theater

**WHEREAS**, the CCHE is dedicated to preserving historical and cultural resources; and

**WHEREAS**, CCHE has received an appropriation from Proposition 40, California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and

**WHEREAS**, CCHE may distribute funds from Proposition 40 to projects that provide a thread of California's cultural and historical resources; and

**WHEREAS**, the Project listed above meets the objectives of the CCHE program; and

**WHEREAS**, approval of this grant shall be conditioned upon the grantee's compliance with all applicable laws and regulations; and

**WHEREAS**, the Project consists of completing artistic improvements of the theater's historic wraparound building; and

**WHEREAS**, the Board approved funding for this project on 6/22/2010 for finishing historical touches of the interior and exterior of the theater's historic wraparound building; and

**WHEREAS**, the CCHE and the Redevelopment Agency of Oakland, now the City of Oakland, entered into a Grant Agreement on March 31, 2011; and

**WHEREAS**, the City of Oakland expressed a desire to revise the scope of work for the project since work outlined in the original grant application had been completed prior to the grant agreement start date of March 31, 2011; and

**WHEREAS**, the term of the Grant Agreement expired on August 31, 2011;

**WHEREAS**, subsequent to the grant expiration, the grantee requested a material change to include tenant-commissioned renovations that were already been completed without CCHE Board approval for two leased spaces of the wraparound building, Rudy's Can't Fail Cafe and the Theater VIP space; and

**NOW, THEREFORE BE IT RESOLVED** that the CCHE Board denies the grantee's material change request to allow tenant commissioned renovations for two leased spaces of the Fox Theater's wraparound building and that the CCHE Board withdraw the grant approval due to the grantee's failure to follow CCHE grant guidelines and failure to spend CCHE funds on Board approved tasks;and

**BE IT FURTHER RESOLVED** that CCHE adopts the information contained in the CCHE Staff Report.

### **Certification**

The undersigned Chair of the CCHE Board of Directors does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CCHE Board of Directors held 8/23/2012.

**Dated:**

**Signature:** \_\_\_\_\_

**Stacey Aldrich  
Chair, CCHE Board of Directors**