
City Attorney's Office

2018 AUG 17 PM 3:42

OAKLAND CITY COUNCIL

Resolution No. 87293 C.M.S.

**INTRODUCED BY President Pro Tempore Abel Guillén and
Vice Mayor Annie Campbell Washington**

**RESOLUTION INITIATING A PROCESS TOWARD DEVELOPING A
COMMUNITY WORKFORCE AGREEMENT FOR THE CITY'S LARGE
PUBLIC WORKS PROJECTS, WITH SUCH AGREEMENT TO ENSURE
LABOR PEACE, PROVIDE QUALITY, EQUITABLE EMPLOYMENT AND
TRAINING OPPORTUNITIES, AND ENHANCE THE CITY'S LOCAL
EMPLOYMENT AND LOCAL CONTRACTING PROGRAMS; AND
DIRECTING THE CITY ADMINISTRATOR TO UNDERTAKE AN EQUITY
IMPACT ANALYSIS AND COMMUNITY ENGAGEMENT PROCESS**

WHEREAS, the City of Oakland's public works construction projects advance multiple policy goals, including development of public infrastructure and public-serving facilities, and providing economic and employment opportunities to the local economy; and

WHEREAS, numerous public entities throughout the State of California have entered into project labor agreements ("PLAs") to ensure labor peace on public construction projects; and

WHEREAS, California Public Contract Code Section 2500 authorizes public entities in California to enter into PLAs and requires such agreements to contain certain provisions; and

WHEREAS, the Mayor and City Council value robust, transparent community engagement and feedback to promulgate responsible public policies;

WHEREAS, the City of Oakland wishes to ensure public policies have fruitful, positive impacts on all residents and businesses of Oakland, especially the marginalized and underrepresented; and

WHEREAS, the City's various policy goals regarding large public construction projects will be advanced by application of a Community Workforce Agreement ("CWA"), defined as a PLA that is developed in conjunction with a range of community stakeholders and that advances targeted employment and contracting goals; and

WHEREAS, a CWA will improve project stability and efficiency by avoidance of labor misunderstandings, grievances and conflicts, thereby promoting project cost containment and timely and economical project completion; and

WHEREAS, the City of Oakland currently applies social justice policies in its contracting processes that include, but are not limited to: 50% Local and Small Local Business Enterprise Program; 50% Local Employment Program; and 15% Oakland Resident Apprenticeship Program; and

WHEREAS, a CWA may have additional benefits, including enhancement of efforts to target construction employment and contracting opportunities pursuant to the City's Local Employment Program and Local and Small Local Business Enterprise Program; prompt generation of tax flow and other income to the City; and local economy boosts by generating local construction and related jobs and job training; and

WHEREAS, through the adoption of ORDINANCE No. 13326, establishing the Department of Race and Equity, "...the City of Oakland will intentionally integrate, on a citywide basis, the principle of 'fair and just' in all the City does in order to achieve equitable opportunities for all people"; and

WHEREAS, details of the CWA aimed at advancing such purposes should be developed through a robust community engagement process with input from racially and economically diverse stakeholder communities; now, therefore, be it:

RESOLVED: That the City of Oakland shall initiate an inclusive public engagement process, the completion of an Equity Impact Analysis and drafting of recommendations toward a Community Workforce Agreement as described herein; and be it

FURTHER RESOLVED: That such process shall address the following topics, among others:

- 1) Project cost threshold for CWA coverage.
- 2) Term of the CWA.
- 3) Prohibition on strikes and lockouts.
- 4) Participation by non-union contractors.
- 5) Local hiring.
 - a) Application of City's existing Local Employment Program (LEP).
 - b) Goals for hiring local apprentices.
 - c) Goals for hiring disadvantaged workers.
 - d) Goals for hiring graduates of local pre-apprenticeship programs.
 - e) Goals for sponsorship of new local apprentices.
 - f) Hiring process for local workers needed for compliance with LEP.

- 6) Participation by certified Small Local Businesses, and other business categories targeted by the City's Small Local Business Enterprise Program.
- 7) Contributions by project participants towards local workforce training and supportive services.
- 8) Use of "core workers" by non-union contractors.
- 9) Reporting of demographic data by participating unions.
- 10) Admission of local workers to apprenticeship programs.
- 11) Sole proprietor participation.
- 12) Coverage of warranty work, repair work, and off-site work.
- 13) Project management and scheduling.
- 14) Dispute resolution and execution mechanisms.
- 15) Strategies to remove barriers to equitable employment and contracting opportunities
- 16) An analysis of the data.
- 17) Evaluating barriers that may exclude workers such as driver's license and cannabis testing, etc.
- 18) Funding strategies for job access programs; and be it

FURTHER RESOLVED: That policies for any Community Workforce Agreement resulting from the processes described above shall be presented to City Council for review, discussion, and possible direction; and be it

FURTHER RESOLVED: The City Council hereby directs the City Administrator to initiate an Equity Impact Analysis and community engagement process as described herein, and report back to the City Council no later than January 2019.

IN COUNCIL, OAKLAND, CALIFORNIA

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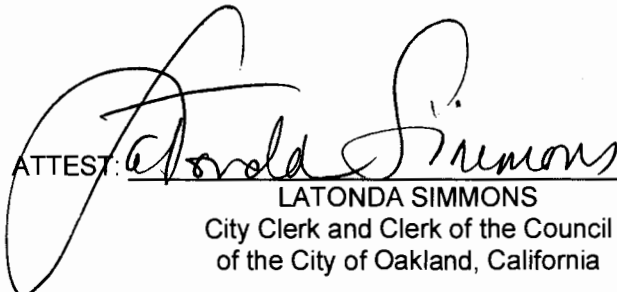
PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND ~~PRESIDENT REID~~ *PRESIDENT REID - 7*

NOES: *0*

ABSENT: *0*

ABSTENTION: *Reid - 1*

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