

SUPPLEMENTAL



CITY OF
OAKLAND

**CITY OF OAKLAND
COMMUNITY JOBS OVERSIGHT COMMISSION**

Thursday, July 17, 2014

6:00 p.m. – 8:00 p.m.

Oakland City Hall - Hearing Room 3

Commissioners: Brian Beveridge (Vice Chairperson), George Bolton, Shirley Burnell, Andreas Cluver, Josie Camacho, Margaret Gordon, Kate O'Hara, Mark Henderson (Chairperson), Jens Hillmer, Megan Morodomi, Joe Sarapochillo

Commission Staff: Deborah Barnes, Manager Contracts and Compliance Division, City Administrator's Office, Mary Mayberry, Administrative Services Manager I, Al Auletta, Workforce Development, Urban Strategies

City Attorney Staff: Julian Gross, Counsel to the City

MEETING AGENDA

1. Roll Call and Determination of Quorum
2. Open Forum

3. Review of Agenda Action Item
4. Consideration of Minutes of the Meetings Held on April 17, 2014, May 15, 2014, and June 19, 2014 Action Item
5. Report of the Bylaws Ad-hoc Subcommittee Action Item
 - *Consideration of Adoption of Bylaws*
6. Compliance Reports Informational
 - Contract Compliance Update Informational
 - Workforce Update Informational
 - Job Center Update Informational
7. Consideration of adoption of a recommendation for standard format for compliance reports Action Item

- | | |
|--|---------------|
| 8. Set a date and time for project site visit | Action Item |
| 9. Review of term limits for Commissioners | Informational |
| 10. Review cost analysis for West Oakland Job Center upgrade | Informational |
| 11. Meeting Adjournment | |

The meeting will adjourn upon the completion of the Commission's business.

A member of the public may speak on any item appearing on the agenda. Speakers must complete a speaker's card prior to being recognized by the Chair. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting of the Community Jobs Oversight Commission or its committees, please contact the Contracts and Compliance Division of the City Administrator's Office at (510) 238-3970. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility.

Should you have any questions or concerns regarding this agenda, or wish to review any addenda-related material, please contact the Contracts and Compliance Division of the City Administrator's Office at (510) 238-3970.

Oakland Army Base

Community Jobs Oversight Commission

Agenda Item 4

COMMUNITY JOBS OVERSIGHT COMMISSION

Agenda & Minutes

6.00 p.m. - 8.00 p.m.

Thursday, April 17th, 2014

Oakland City Hall Council Chambers

Present: Brian Beveridge, George Bolton, Shirley Burnell, Andreas Cluver, Margeret Gordon, Mark Henderson, Jens Hilmer, Megan Morodomi, Kate O'Hara, Joe Sarapochillo

Absent: Josie Camacho

Call to Order

Time: 6:06 by Chair Henderson

1. Roll Call

ACTION

Quorum: The Chair declared a quorum present

2. Adoption of Agenda

ACTION

Cluver – proposed amendment to item 6 on Agenda: change language from policy to recommendation since it is not in the Commission's purview to adopt policy.

Chair Henderson – proposed friendly amendment to agenda: move Open Forum to right after adoption of minutes, from item 10 to item 4.

MOTION: Moved by Morodomi and seconded by Cluver to change language from “adopt a policy and procedure” to “adopt a recommendation” for Agenda items 6 & 7. Motion amended by Chair Henderson to include moving agenda item 10 (open forum) to item 4 on agenda. Motion as amended seconded by Cluver.

VOTE: ADOPTED UNANIMOUSLY

3. Adoption of Minutes

ACTION

Morodomi – Requested clarification on item vi. in minutes: suggestion was that waivers should not be issued for life of project?

Beveridge: Commission requested that data received be sorted for West Oakland residents.

Chair Henderson – Commission also requested data /statistics on re-entry population as a whole.

Chair Henderson – want to establish for minutes that Commissioner O'Hara is present & proceed with adopting minutes with suggested changes that include clarification on item vi. and report-outs on West Oakland & Re-entry population.

MOTION: Moved by Morodomi and seconded by Beveridge to adopt minutes of March 20th as amended to recognize request by Commission for West Oakland & Re-entry population data and clarification on item vi.

VOTE: ADOPTED UNANIMOUSLY.

4. Open Forum

Jabari Hubert – language in workforce policy prevents provision of aggregate credit for 2nd & 3rd tier contractor local numbers. Policy forbids 1st tier contractors from getting credit for subbing out work to smaller, local 2nd & 3rd tier contractors, prevents utilization of local workers and public money recycling down to local smaller contractors.

Cluver – need to put on next meeting agenda to address issue of how we are measuring work hours, giving prime contractor flexibility to maximize use of local contractors.

5. Briefings/Reports

i. By-Laws Ad Hoc Subcommittee report.

- Chair Henderson – We are not allowed to distribute the revised By-Laws at this meeting, would be in violation of the Brown Act. Report will be tabled till next meeting.

Future Agenda Items

- None

Information Requested by Commission

- None

ii. Contract Compliance Update.

OAB Workforce Report 10/10/2013 – 04/04/2014 presented by Deborah Barnes.

Future Agenda Items

- Issue of prime contractor v/s individual contractor as action item for May agenda

Information Requested by Commission

- Monthly or quarterly data, in addition to cumulative data report. Two versions of report: by crafts and by contractor. Include percent of work completed for each contractor. New hires report.

iii. Workforce Update.

Presentation on West Oakland Job Resource Center by Joyce Guy.

Information Requested by Commission

- Documentation from employees on clients not retained. Number of people placed in construction apprenticeships, data on retention of clients.

iv. Recommending a standard format for future compliance reports

ACTION

- Chair Henderson – proposed motion to table recommendation for standard format till next meeting as action item that includes revised sample report.

MOTION Moved by Cluver, seconded by Beveridge to table recommendation for standard format as action item with revised sample included till next meeting.

VOTE: ADOPTED UNANIMOUSLY.

Future Agenda Items

- Recommendation on standard format for compliance report based on revised sample that includes Commissions suggestions to improve data accessibility

Information Requested by Commission

- See contract compliance report information request

v. Adopt a recommendation for use of City Waivers.

ACTION

- Cluver – propose tabling item v. till next meeting and having presentation on waiver process preceded by discussion on policy and recommendation procedure. Also recommend that waiver process be discontinued until policy change is made.
- Chair Henderson – Point of order, time is now past 8:00 p.m. Propose motion to extend meeting by 30 minutes to complete discussion on item v.

MOTION: Extend meeting 30 minutes prioritizing action items and tabling informational items. Moved by Beveridge, seconded by Bolton.

VOTE: ADOPTED UNANIMOUSLY

- O' Hara – fine with tabling item, but suspending feels like making (short-term) decision, don't feel informed enough to take that step.
- Cluver – move that we reopen discussion on item

MOTION: Moved by Cluver, seconded by O'Hara. To reopen Cluver's motion to table item v. till next meeting for discussion.

VOTE: ADOPTED UNANIMOUSLY

- O'Hara – propose friendly amendment to table item v. till next meeting for full discussion but allow waiver process to continue.
- Cluver – Not accepted.
- Chair Henderson – Vote on whether or not we take a vote on Cluver's proposed motion tabling item v. till next meeting and suspending waiver process in the interim.

ACTION

MOTION: To vote on whether or not to take vote on Cluver's proposed motion or continue discussion.

VOTE: Support: 3 Votes -Sarapochillo, Cluver, Morodomi. Opposed: 7 Votes - O'Hara, Hillmer, Gordon, Bolton, Burnell, Beveridge, Henderson

- Chair Henderson – We will have further discussion.
- Beveridge – We have two motions to postpone item v. on the floor and have spent extended meeting time having discussion without passing any motion. Ask that chair call the questions on alternative and original motions and decide what we are really talking about.

ACTION

MOTION: To table item v. till next meeting without suspending waiver policy. Moved by Beveridge and seconded by Bolton.

VOTE: Support: 6 Votes - Beveridge, Bolton, Gordon, Morodomi, O'Hara, Sarapochillo. Opposed: 4 Votes - Cluver, Burnell, Hillmer, Henderson.

Future Agenda Items

- Adopt a recommendation for use of City waivers after presentation on waiver process preceded by discussion on policy and recommendation procedure.

Information requested by Commission

- Documents and materials for explaining waiver process, documents and materials for discussing and understanding policy changes and impact of recommendations regarding policy changes.

Chair Henderson – Motion has passed. Propose motion to end this meeting.

6. Upcoming Commission decisions

- No Discussion

7. Future Agenda Items

- Issue of prime contractor v/s individual contractor as action item for May agenda
- Recommendation on standard format for compliance report based on revised sample that includes suggestions from Commission to improve data accessibility
- Adopt a recommendation for use of City waivers after presentation on waiver process preceded by discussion on policy and recommendation procedure.
- Priority action item - Setting schedule for Commissioners' field trip to the Army Base project site.

8. Adjourn

ACTION

MOTION: To adjourn the meeting

VOTE: ADOPTED UNANIMOUSLY.

COMMUNITY JOBS OVERSIGHT COMMISSION

Agenda & Minutes

6.00 p.m. - 8.00 p.m.

Thursday, May 15th, 2014

Oakland City Hall, Hearing Room 3

Present: Mark Henderson, Jens Hilmer, Megan Morodomi

Absent: Shirley Burnell, Josie Camacho, Andreas Cluver, Margaret Gordon, Brian Beveridge, George Bolton, Kate O'Hara, Joe Sarapochillo.

Call to Order By Chair Henderson at 6:10pm

1. Roll Call

ACTION

Determination of Quorum: Chair Henderson – declared a lack of quorum with only three commissioners present. As a result only informational items can be discussed; action items cannot be discussed or moved on.

2. Open Forum

No items brought to the floor under open quorum

3. Adoption of Agenda

ACTION

No quorum - action items cannot be discussed or moved on.

MOTION:

VOTE:

4. Adoption of Minutes

ACTION

No quorum - action items cannot be discussed or moved on.

MOTION:

VOTE:

5. By Laws Ad Hoc Subcommittee Report

- Adopt Amended By Laws

ACTION

No quorum - action items cannot be discussed or moved on.

6. Compliance Reports

i. Contract Compliance update

OAB Workforce Report presented by Deborah Barnes.

Future Agenda Items

None

Information Requested by Commission

- Statement of overall job completion to be included with individual contractor updates

ii. Workforce Update.

Deborah Barnes – Workforce update is essentially the summary page of OAB workforce report.

iii. Job Center Update

West Oakland Job Resource Center performance report presented by Elinor Buchen

Future Agenda Items

None

Information Requested by Commission

- Number of workers requested by employers/contractor on formal referrals

7. Election of Permanent Chair and Vice Chair

No quorum - action items cannot be discussed or moved on, not enough members present for voting process.

8. Adopt a recommendation for standard format for compliance reports ACTION

No quorum - action items cannot be discussed or moved on.

MOTION:

VOTE:

9. Clarification of process for recommending policy implementation/changes and moving the recommendations for consideration and action.

Barnes – It is my understanding that as staff to the commission it is my responsibility, along with legal representation, to move recommendations on to the city administrator
City attorney – From the legal perspective, the established ordinances are not very specific on this point. I think action will need to be taken by the commission in conformance with your by-laws which would require a majority to take action. So (a commissioner) will move a recommendation which will be passed through majority vote, and that will be your recommendation. It could be phrased as “We recommend that the city administrator do x” or “We recommend that the city council consider doing x”.

City attorney - An important topic that has come up in the discussions I’m involved in is what it would take to change job policies if there is an aspect of the policy the commission doesn’t like. Since job policies are captured in contracts and documents with multiple parties, it would require city council wanting to make such changes and would need to be negotiated with the other parties to the contract

Chair Henderson – This is important to consider because I think a number of people joined the commission thinking they would be able to change policy. If in fact they cannot affect policy only make recommendations, they need to know this so they can decide if they want to stay on the commission.

10. City Waiver process – impact of policy change

- **Adopt a recommendation on City waiver procedures**

ACTION

No quorum - action items cannot be discussed or moved on.

MOTION:

VOTE:

11. Discussion of policy – entry level class of asbestos worker as apprentice

- **Adopt a recommendation to accept entry level class of asbestos worker as apprentice**

ACTION

No quorum - action items cannot be discussed or moved on

MOTION:

VOTE:

12. DISCUSSION OF CONTRACTOR HIRING REQUIREMENTS

Chair Henderson – I recommend tabling this item till the next meeting. We do not have many commissioners present; a number of people who were adamant about this issue are not here.

Hilmer: Item 10 (City Waiver process – impact of policy change) is listed as informational item but has action item (adopt a recommendation on City waiver procedures) attached to it. I'm curious if there has been any further discussion on the matter? City attorney – Some deliberation has occurred, but a final position from the city has not been laid out as yet.

Chair Henderson – Only topic left is open forum. If we have no one to speak under open forum, I would like to adjourn the meeting. Since we do not have a quorum, I do not have to ask for a motion to adjourn. I thank you all for coming out, and apologize that we could not attend to more city business.

13. SET DATE & TIME FOR PROJECT SITE VISIT*

ACTION

No quorum - action items cannot be discussed or moved on.

Upcoming Commission decisions

- No Discussion

Information requested by Commission

- Statement of overall job completion to be included with individual contractor updates
- Number of workers requested by employers/contractor on formal referrals

Future Agenda Items

- All current action items not discussed due to lack of quorum
- Election of Permanent chair and Vice Chair
- Discussion of Contractor hiring requirements

14. Adjournment - Chair Henderson declared meeting adjourned at 6:32pm

COMMUNITY JOBS OVERSIGHT COMMISSION

Agenda & Minutes

6.00 p.m. - 8.00 p.m.

Thursday, June 19th, 2014

Oakland City Hall, Hearing Room 3

Present: Mark Henderson, Brian Beveridge, George Bolton, Shirley Burnell, Andreas Cluver, Margaret Gordon, Jens Hillmer, Megan Morodomi, Kate O'Hara

Absent: Josie Camacho, Joe Sarapochillo

Call to Order By Chair Henderson at 6:06pm

1. Roll Call

ACTION

Determination of Quorum: Chair Henderson declared a quorum present

3. Review of Agenda

ACTION

City Attorney – Clarification from City Attorney's office: Commission is not authorized to approve agenda; agenda has been released to public along with packet. Commission can review agenda and pull any items they wish off agenda, but that is essentially only change they can make to agenda.

Gordon- I would like to remove item 10 (City Waiver process), we haven't been provided enough information to know what it means, its impact on jobs.

MOTION: Moved by Gordon and seconded by Bolton to remove item 10 (City Waiver process) from Agenda

VOTE: Support: (2 Votes) Gordon, Bolton. Opposed: (7 Votes) Henderson, Hillmer, Morodomi, O'Hara, Cluver, Burnell, and Beveridge.

Chair Henderson – item 10 stays on the agenda for discussion

MOTION: (No motion due to clarification from City Attorney's office on approval of Agenda)

VOTE: (No action taken due to clarification from City Attorney's office on approval of Agenda)

4. Adoption of Minutes

ACTION

City Attorney Julian Gross – Commissioners who were not present at last meeting cannot approve the minutes (Lack of quorum at May 15th Meeting). Cluver – We still have to approve April 17th minutes, can we do that now? City Attorney – That item is not agendized for today, both sets of minutes will have to wait till next meeting. Chair Henderson – Let it be put on record that we will approve last two months' worth of minutes at next meeting.

MOTION: (No motion moved due to lack of quorum at May 15th meeting)

VOTE: (No action taken due to lack of quorum at May 15th meeting)

5. By Laws Ad Hoc Subcommittee Report

• Consideration of adoption of Bylaws

ACTION

Morodomi –Draft of Bylaws included in the agenda for last month’s meeting was reviewed by city legal for compliance and consistency with the establishing ordinates, and city legal’s version is essentially what’s included in this month’s agenda packet, except for one addition which is a reference to the implementation plan (Article 2, section 1) which may need legal review.

City Attorney- My recommendation if you are asking me tonight is that you do not reference the implementation plan in this way, because in this language its basically set up as parallel to the establishing ordinates

Cluver -I’d like to move that we approve this Bylaws as presented here. Chair Henderson – So what would your motion be? Cluver –To approve the Bylaws with the grammatical correction of including “which” between “Enforcement and “are” in the first sentence of Article II Section I

MOTION: Moved by Cluver and seconded by Gordon to approve the Bylaws with inclusion of “which” between Enforcement and are in first sentence of Article II, Section I

VOTE: Support: (8 Votes) Henderson, Gordon, Hilmer, O’Hara, Cluver, Bolton, Burnell, Beveridge
Opposed: (1 Vote) Morodomi.

Chair Henderson – Motion has passed, we now have Bylaws that will govern our meetings

6. Compliance Reports

i. Contract Compliance update

Deborah Barnes, Contracts & Compliance Division – Contract Compliance update contains information that was reported to the council in agenda report as update to OAB report, considered a quarterly status report. Professional services and contracting dollars were reported as a combined total. Cluver – It would be helpful to have a red flag section regarding contractors not in compliance included in report.

Future Agenda Items

None

Information Requested by Commission

- Red flag section highlighting contractors not in compliance

ii. Workforce Update.

Future Agenda Items

None

Information Requested by Commission

- Summary sheet with workforce report for entire project with all crafts, hours and percentages listed.

iii. Job Center Update

West Oakland Job Resource Center performance report by Elinor Buchen-presented by Susie Sufai.

Chair Henderson - We had requested that zip code information for people hired be included with report. Respectfully request to include zip codes from enterprise zone in future reports.

Beveridge- What part if any of the job center functions would be best served by additional resources if it were available? Sufai - we do have limited staff of three people doing all the work you see on the report. Need more resources and manpower. Cluver - I think the job center has done excellent work, I encourage all commissioners to promote and do what we can for the center.

Future Agenda Items

None

Information Requested by Commission

- Hiring information for additional zip codes 94608, 94612 and Oakland enterprise zone

7. Election of Permanent Chair and Vice Chair

ACTION

Bolton -What do the Bylaws actually mean by permanent? Chair Henderson -I believe it's just one year of my two-year term; it would be one year from whenever I became permanent Chair. Bylaws also allow for the nomination of a permanent vice chair, which is significant since I will not be present at the next meeting.

MOTION: Moved by O'Hara and seconded by Hillmer to nominate Mark Henderson as permanent chair of commission

VOTE: UNANIMOUS - Henderson elected Chairperson

MOTION: Moved by Cluver and seconded by Burnell to nominate Brian Beveridge as permanent vice chair of commission

VOTE: UNANIMOUS - Beveridge elected Vice Chairperson

8. Consideration of adoption of a recommendation for standard format for compliance reports

ACTION

Chair Henderson-Action item, we will need to create a motion that encompasses all the requested changes we're listing. Beveridge – Is it possible to move the actual vote to next meeting when we can actually see a set of standard documents? Gordon – Include a zip code map as a reference to help clarify the areas we are talking about. Chair Henderson – we are going to move this action item to the next meeting, at which time we will consider all the suggestions and requests made tonight, and then vote on a standard format for reports.

Chair Henderson – Time is running out, I would like to request a motion to extend this meeting for another thirty minutes. Gordon- I move that we extend this meeting for another half hour or as needed.

MOTION: Moved by Gordon, seconded by Bolton to extend meeting as needed.

VOTE: UNANIMOUS - Meeting extended as needed

O'Hara – I move that we extend this item till next meeting when staff can provide more information as requested.

MOTION: Moved by O'Hara and seconded by Cluver to move agenda item 8 to the next meeting when additional requested information can be provided by staff

VOTE: UNANIMOUS – Item 8 moved to next meeting.

10. City Waiver process – impact of policy change

- Consideration of adoption of a recommendation on City waiver procedures

ACTION

Chair Henderson – In our packets there is a letter from the City administrator to California Capital and Investment group (CCIG). Letter talks about various issues including required hiring processes/ grant of waivers. IO would like to open up for discussion. City Attorney – (Reads Section I of letter “Required hiring processes/grant of waivers”) I can discuss the city attorney's legal view on this matter if there are any questions. Chair Henderson – does this letter trump any recommendations the commission would make? Cluver – I believe it does.

MOTION: (No motion placed due to stipulations regarding item in letter from City Administrator)

VOTE: (No vote taken due to stipulations regarding item in letter from City Administrator)

11. Discussion of policy – entry level class of asbestos worker as apprentice

- **Adopt a recommendation to accept entry level class of asbestos worker as apprentice**

ACTION

Chair Henderson – We will have to refer to the letter written by the former City administrator and I will defer to (City Attorney) to elaborate on section of letter relevant to this issue. City Attorney – The issue is that every contractor is required to ensure that 20% of work hours are worked by registered apprentices, which is the defined term. City decided that it would not enforce the requirement for those crafts for which there is no registered apprenticeship program instead of making up and enforcing a new requirement that's not in the policy.

MOTION: (No motion placed due to City's decision on enforcing requirement)

VOTE: (No action taken due to City's decision on enforcing requirement)

13. Set a date and time for project site visit

ACTION

Mary Mayberry, Administrative Services Manager – I spoke with Mr. Bowles from the project site and he gave me some guidelines we need to follow, all visitors to the site will need to sign a waiver. He recommends that (commission) tour only OAB project under direct control of Turner top grade.

Chair Henderson – Can we get information on what's needed for site visit and include in package for our next meeting? Mayberry – Okay.

Chair Henderson – we will put off taking an action on this until next meeting when we have information on site visit requirements and then (the commission) can decide if we want to visit as a group, in sub-groups or individually.

MOTION: (No motion placed –Item put off till next meeting when more information is available)

VOTE: (No action taken –Item put off till next meeting when more information is available)

Upcoming Commission decisions

None

Information requested by Commission

- Red flag section in compliance report highlighting contractors not in compliance
- summary sheet with workforce report for entire project with all crafts, hours and percentages listed
- Hiring information for additional zip codes 94608, 94612 and Oakland enterprise zone, including zip code map as a reference

- Utilization report by craft for first tier prime contractors
- New hires report
- Percentage breakdown by individual craft.
- Set of standard documents to provide example to commission
- Updated reports reflecting commissions suggested changes and inclusions
- Guidelines and regulations information for site visit

Future Agenda Items

- Consideration of adoption of a recommendation for standard format for compliance reports
- Decide on OAB site visit: as a group, in sub-groups, or individually?

14. Adjournment

MOTION: Moved by Cluver and seconded by Hillmer to adjourn the meeting

VOTE: UNANIMOUS Chair Henderson declared meeting adjourned at 8:50pm

Oakland Army Base

Community Jobs Oversight Commission

Agenda Item 5

Community Jobs Oversight Commission

Bylaws

ARTICLE I Establishment and Governing Law

- 1) Name
Community Jobs Oversight Commission ("Commission")
- 2) Authority, Statutory Requirements: and Other Laws and Polices
The Oakland City Council ("Council") established the Commission in October 2012, through Ordinance No. 13140-CMS (the "Establishing Ordinance"). The Commission is referenced in the Cooperation Agreement, a contract entered into between the City of Oakland ("City") and various community stakeholders in December of 2012. The Commission shall comply with all applicable laws, including, but not limited to, the City of Oakland Charter, the Establishing Ordinance, the Oakland Sunshine Ordinance (Ordinance No. 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Political Reform Act of 1974 (Government Code sections 81000 et. seq.), the Public Records Act (Government Code sections 6250 et seq.), and the Oakland Conflict of Interest Code (Ordinance # 11979, as amended). If any conflict exists between any of the foregoing laws and these bylaws, the applicable law shall control over the bylaws.

ARTICLE II Duties, Functions, and Commissioner Appointments

- 1) Duties and Functions
The Commission shall fulfill duties and functions as set forth in the Establishing Ordinance ~~which and detailed in the the OAB Jobs Policies Implementation Plan for Compliance and Enforcement~~ are as follows:
 - (a) To review implementation of the Cooperation Agreement, and to work with the parties to the Cooperation Agreement to attempt to resolve issues that arise in implementation;
 - (b) To review compliance of employers with the Jobs Policies including the review of background exceptions, as set forth in the Cooperation Agreement;
 - (c) In cases where the Oversight Commission deems an employer to be out of compliance with the Jobs Policies, to directly negotiate with that employer a remedy for the alleged violation, through a negotiated compliance plan;
 - (d) In cases where a negotiated remedy cannot be reached or has not been reached, to recommend to the City Administrator specific action to enforce the Jobs Policies;
 - (e) To review any proposed changes to the Jobs Policies or to the terms of the LDDA that are directly related to the Jobs Policies; and

- (f) To engage the Implementation Committees described in the Cooperation Agreement for advice and assistance in the performance of investigative functions and negotiation of compliance plans.

As described in the Establishing Ordinance, the above duties and functions shall be carried out under the ultimate authority of the Oakland City Administrator. The City Administrator shall have the power to review and approve, disapprove, or modify enforcement actions recommended by the Oversight Commission pursuant to Section 2(d), above. The Establishing Ordinance requires that recommended enforcement actions be carried out by the City Administrator's office unless the City Administrator disapproves or modifies such action. City Administrator's review of recommended enforcement actions may occur either upon the City Administrator's initiative, or pursuant to a request from an affected party.

The OAB Jobs Policies Implementation Plan for Compliance and Enforcement will be utilized to guide the Commission's fulfillment of duties and functions as set forth in the Establishing Ordinance.

2) Number, Appointing Authority and Qualifications

Commission membership shall be as described in the Establishing Ordinance, which specifies as follows:

- (a) The Commission shall consist of eleven (11) members.
- (b) Members shall be appointed by the Mayor subject to confirmation by the affirmative vote of five (5) members of the Council.
- (c) The membership of the Oversight Commission shall consist of the following: (i) one member nominated by the West Oakland Community Advisory Group; (ii) two members nominated by the Revive Oakland Coalition; (iii) two members nominated by the OaklandWORKS Coalition; (iv) two members representing organized labor; (v) two members representing the City; and (vi) two members representing employers. For purposes of this Section, the "Revive Oakland Coalition" shall consist of the following organizations, or their designated successors, acting collectively: the East Bay Alliance for a Sustainable Economy, the Alliance of Californians for Community Empowerment, and Oakland Community Organizations; and the OaklandWORKS Coalition shall consist of the following organizations, or their designated successors, acting collectively: People United for a Better Life in Oakland, Black Women Organized for Political Action, the West Oakland Environmental Indicators Project, and Bay Area Black Builders.
- (d) Commission members shall be appointed to one- or two-year staggered terms. There shall be no limit to the number of terms served.
- (e) Vacancies on the Commission shall be filled for any unexpired term in the same manner as the original appointments were made; provided, however,

that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. A seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office. In the event an appointment to fill a vacancy has not occurred by the conclusion of a member's term, that member may continue to serve as a member of the Commission during the following term in a holdover capacity for a period not to exceed one year, to allow for the appointment of a member to serve the remainder of said following term.

- (f) A member of the Commission may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three regular meetings except on account of illness or when absent from the City by permission of the Commission, shall constitute cause for removal.

3) Compensation

As required by the Establishing Ordinance, members of the Commission shall serve without compensation.

4) Oath of Public Office

Acceptance of the Oath of Public Office constitutes a Commission member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently and consistent with the laws of the City of Oakland and all pertinent state and federal laws.

5) Rules, Regulations and Procedures: Voting Requirements

Except for the higher two-thirds vote requirement in Article IX hereof, all actions by the Commission shall be by majority vote of those present at a meeting at which a quorum exists.

Rules, regulations and procedures for the conduct of Commission business shall be established by a vote of the members.

The Commission must vote to adopt any motion or resolution.

6) Conflict of Interest

No member of the Commission shall cast a vote on or participate in a decision-making capacity on the provision of services by that member or any organization that the member

directly represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any conflict of interest law or regulation.

ARTICLE III Officers

Officers shall be a Chairperson and Vice Chairperson chosen from members of the Commission.

- 1) Chairperson
The Chairperson shall preside at all meetings of the Commission, and shall submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all documents necessary to carry out the business of the Commission.
- 2) Vice Chairperson
The Vice Chairperson shall assist the Chairperson as directed and shall assume all the obligations and authority of the Chairperson in the absence or recusal of the Chairperson.
- 3) Election of Officers
The Officers shall initially be elected by vote from among the members of the Commission at the Commission's first regular meeting after adoption of these bylaws, or as soon thereafter as possible.
- 4) Removal of Chairperson
Upon an affirmative vote of the members of the Commission, any Officer may be removed from office.
- 5) Term of Office
The Officers shall hold office until the first meeting of the next calendar year following their election. No person shall be elected as an Officer for longer than his or her Commission term of office.
- 6) Vacancies
If the office of the Chairperson becomes vacant, the Vice Chairperson shall become Chairperson. If the office of the Vice Chairperson becomes vacant for any reason, the Commission shall vote to elect a successor from among the Commission members at the next regular meeting, and such office shall be held for the unexpired term of said office.

ARTICLE IV
Planning and Oversight Staff

1) City Administrator

The Commission shall receive staff support from the office of the Oakland City Administrator, as determined by the City Administrator.

2) Legal Advisor

The Oakland City Attorney's Office ("OCA") is the Commission's legal advisor. The OCA shall provide the Commission with legal assistance as determined by the OCA.

Subject to the OCA's authority as described in the foregoing paragraph, any member of the Commission may consult informally with any OCA attorney assigned by the OCA to the Commission on any matter related to Commission business. However, a request from a Commission member for assistance from the Commission's assigned attorney requiring significant legal research, a substantial amount of time and attention, or a written response, may be made only through the Commission Chairperson or by a vote of the Commission.

3) Commission Staff

Commission members may consult staff of the City Administrator's Office informally, but any request for substantial assistance or a written report must be authorized by a vote of the Commission.

4) Custodian of Records

Pursuant to section 20.020.240 of the Sunshine Ordinance, the Commission shall maintain a public records file that is accessible to the public during normal business hours. The City Clerk shall be the official custodian of these public records, which shall be maintained in the manner consistent with records kept by the City Clerk on behalf of all other standing Commissions.

If authorized by the City Administrator, a designated member of City staff shall act as Custodian of Records to the Commission. The Custodian of Records shall keep the records of the Commission, shall record all votes, and shall prepare minutes and keep a record of the meetings in a journal of the proceedings.

ARTICLE V
Committees

1) Implementation Committees

The Commission may vote to engage the Implementation Committees described in that certain Cooperation Agreement dated December 20, 2012, for advice and assistance in performance of investigative functions and negotiation of compliance plans in relation to the OAB Construction and Operation Jobs Policies.

2) Ad Hoc Committees

The Chairperson, at his or her discretion, may establish ad hoc committees to perform specific tasks. An ad hoc committee shall dissolve when the task is completed and the final report is given.

ARTICLE VI
Meetings

3)1) Quorum

A quorum shall consist of more than half of sitting Commission members, with a minimum representation of one member from each group that comprises the Commission as defined in the Establishing Ordinance. ~~In the event that no representatives from a particular group can attend a Commission meeting, the meeting may proceed with written consent to the Chairperson from absent members. [DISCUSS: there are six "groups" listed in the Establishing Ordinance, so this would be a very restrictive quorum requirement.]~~ A quorum shall be called for prior to any official business being conducted at the meeting. If there is no quorum at that time, no official action may be taken at that meeting. In the event that a quorum is not established within thirty (30) minutes of the noticed start time of the meeting, the Chairperson, in his or her discretion, may cancel the meeting.

In the event that quorum is not established for a scheduled informational meeting with no action items on the agenda, the Chairperson, at his or her discretion, may allow the meeting to make place or may cancel the meeting. Official action may not be taken without a quorum.

4)3) Voting

Each member of the Commission shall have one vote. Consistent with Article II, Section 5, a motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.

5)4) Public Input

(a) Public Input On Agendized Items

At every regular meeting, members of the public shall have an opportunity to address the Commission on matters within the Commission's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Commission may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda.

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The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

(b) Public Input On Non-Agendized Items (Open Forum)

Matters brought before the Commission at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon or discussed by the Commission at that meeting unless action or discussion on such matters is permissible pursuant to the Brown Act and the Sunshine Ordinance. Those non-agenda items brought before the Commission which the Commission determines will require consideration and action and where action at that meeting is not so authorized shall be placed on the agenda for the next regular meeting.

(c) Identification of Speaker

Persons addressing the Commission shall be asked to state their names and the organization they are representing, if any. They shall be asked to confine their remarks to the subject under discussion, unless they are speaking during the Open Forum portion of the Agenda.

6)5) Regular Meetings

The Commission shall meet regularly on the third Thursday of each month, at the hour of 6:00 pm, in Oakland, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next business day thereafter that is not a legal holiday. A notice, agenda and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two hours prior to the meeting.

7)6) Notice and Conduct of Regular Meetings

Notices and agendas of all regular Commission meetings requiring notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four hours a day. Notice of regular meetings shall be posted at least seventy-two hours before the meeting. Action may only be taken on items for which notice was provided in compliance with the Sunshine Ordinance and the Brown Act. The agenda shall contain a meaningful description of each item to be transacted or discussed at the Commission meeting so that a person can reasonably determine if his or her interests may be affected by the item.

8)7) Minutes

Minutes shall be taken at every Commission meeting. Minutes shall be prepared in writing by the Custodian of Records. Copies of the minutes of each Commission meeting shall be made available to each member of the Commission and the City. Approved minutes shall be filed in the official book of minutes of the Commission.

ARTICLE VII
Agenda Requirements

1) Agenda Preparation

The agenda is prepared through the joint effort of the Chairperson and Commission Staff, with appropriate legal review.

At the outset of a Commission meeting, the Commission may remove items from the posted agenda, but may not add items to the posted agenda or otherwise modify it. Nothing in this Article VII shall change the requirements for agenda noticing and modification to the agenda as required by the Brown Act, Sunshine Ordinance or other applicable law. The agenda shall contain a meaningful description of each item to be transacted or discussed at the Commission meeting so that a person can reasonably determine if his or her interests may be affected by the item.

ARTICLE VIII
Parliamentary Authority

1) Rosenberg's Rules of Order

The business of the Commission shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Rosenberg's Rules of Order, except as modified by these rules and in accordance with State open meeting laws and local open meeting laws, including, without limitation, the Brown Act, the Oakland Sunshine Ordinance, and the Establishing Ordinance. Failure of compliance with Rosenberg's Rules of Order shall not constitute cause for invalidation of any Commission action of which a majority of Commission members clearly expressed approval.

2) Representation of the Planning and Oversight Committee

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by a member of the Commission specifically so designated by vote of the Commission.

ARTICLE IX
Amendment of Bylaws

The Commission may adopt bylaws amendments at any regular meeting of the Commission by vote of two-thirds of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all Commission members at least ten (10) calendar days prior to such meeting, and ten (10) calendar days' public notice shall be posted.