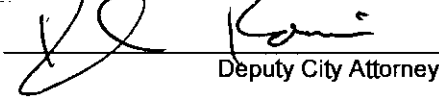


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REVISED 10/30/2012

APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

AN ORDINANCE ESTABLISHING THE COMMUNITY JOBS OVERSIGHT COMMISSION TO MONITOR COMPLIANCE WITH THE CONSTRUCTION AND OPERATIONS JOBS POLICIES FOR THE FORMER OAKLAND ARMY BASE

WHEREAS, in 2011 the City of Oakland convened a series of meetings and workshops with community stakeholders who focused specifically on the topic of local hiring with respect to the redevelopment and operation of the former Oakland Army Base; and

WHEREAS, the community stakeholders, through a consensus building process, developed a set of recommendations which provided the framework for the negotiation of a community jobs policy, which sets forth a Construction Jobs Policy and an Operations Jobs Policy for the Oakland Army Base project (together, the “Jobs Policies”); and

WHEREAS, on July 3, 2012, the City Council approved entering into a Lease Disposition and Development Agreement (the “LDDA”) with developers Prologis and California Capital and Investment Group for the redevelopment of the former Oakland Army Base (the “OAB project”); and

WHEREAS, on June 19, 2012, the City Council approved entering into a Cooperation Agreement (the “Cooperation Agreement”) with labor groups and Oakland community-based organizations regarding the Jobs Policies for the OAB project; and

WHEREAS, the Cooperation Agreement requires, among other things, that the City establish an Oversight Commission consisting of representatives from the Oakland and West Oakland communities, organized labor, government, and employers to assist with monitoring and enforcement of the Jobs Policies; and

WHEREAS, Section 601 of the City Charter reserves to the City Council the authority to create boards and commissions by ordinance, and to prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby creates the Community Jobs Oversight Commission (the “Oversight Commission”).

SECTION 2. The purpose of the Oversight Commission is to ensure compliance with the Jobs Policies in connection with the redevelopment of the former Oakland Army Base. The duties and functions of the Oversight Commission 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.

Each of the above duties and functions shall be carried out under the ultimate authority of the 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. Recommended enforcement actions shall be carried out by City Administrator’s office unless the City Administrator disapproves or modifies such action. Review of recommended enforcement actions may occur either upon the City Administrator’s initiative, or pursuant to a request from an affected party. Nothing herein is intended to limit the City Administrator’s authority under the City Charter (1) to initiate or pursue actions against employers or others for noncompliance with the Jobs Policies in the event that the Commission fails or declines to take action, or (2) to approve, disapprove, or modify any compliance plan or enforcement action.

SECTION 3. The Oversight Commission shall consist of eleven members. Members of the Oversight Commission shall be appointed by the Mayor subject to confirmation by the

affirmative vote of five members of the Council. 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. Members of the Oversight Commission shall serve without compensation.

SECTION 4. Commencing with the effective date of this Ordinance, Oversight Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only. Except for the initial appointments made immediately following passage of this Ordinance which may be for lesser terms in order to establish staggered terms pursuant to this Section, all appointments shall be for a period of two years. There shall be no limit on the number of terms served.

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 Oversight 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.

SECTION 5. The Oversight Commission shall, in consultation with the Mayor, establish additional rules of operation and procedures for conduct of its business by a majority vote of the members present after formation. The Oversight Commission shall make reports, findings and recommendations to the Mayor or the City Council, as appropriate. An annual report will be presented in writing to the City Council. The Oversight Commission may submit recommendations to the Council for consideration, as appropriate.

SECTION 6. Vacancies on the Oversight 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. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office.

SECTION 7. A member of the Oversight 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 consecutive regular meetings except on account of illness or when absent from the City by permission of the Oversight Commission, shall constitute cause for removal.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 OCT 31 AM 11:10

**AN ORDINANCE ESTABLISHING THE OAKLAND ARMY BASE JOBS
OVERSIGHT COMMISSION TO MONITOR COMPLIANCE WITH THE
CONSTRUCTION AND OPERATIONS JOBS POLICIES FOR THE
OAKLAND ARMY BASE**

NOTICE AND DIGEST

This Ordinance establishes the Oakland Army Base Jobs Oversight Commission to monitor compliance with the Construction and Operations Jobs Policies for the Oakland Army Base as set forth in a Cooperation Agreement between the City and various Oakland community-based organizations.