

# OAKLAND CITY COUNCIL

DRAFT

City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AMENDING RESOLUTION NO. 88174 C.M.S., WHICH ADOPTED THE FISCAL YEAR 2020-21 MID-CYCLE BUDGET AMENDMENTS, TO APPROPRIATE FROM FUND 5671, PROJECT 1004290, PENALTIES COLLECTED BY THE CITY FROM THE CONTRACTORS WHO FAILED TO COMPLY WITH THE CITY'S CONSTRUCTION JOBS POLICY FOR THE OAKLAND ARMY BASE PROJECT IN THE AMOUNT OF THREE HUNDRED FIFTY-ONE THOUSAND, SIX HUNDRED SEVENTY-EIGHT DOLLARS AND TWENTY-EIGHT CENTS (\$351,678.28) AND ANY FUTURE PENALTIES COLLECTED BY THE DEPARTMENT OF WORKPLACE AND EMPLOYMENT STANDARDS (DWES), IF ANY, TO THE DWES FOR TRAINING, MONITORING, OR TECHNICAL ASSISTANCE**

**WHEREAS**, \$351,678.28 in penalty assessment revenue derived as a condition of operation from the collection of liquidated damages and penalties for contractors' failure to comply with the terms of the jobs policy regarding hiring and employment in the construction of portions of the Oakland Army Base, has been collected the OBRA: Leasing & Utility Fund (5671); and

**WHEREAS**, Ordinance 13131 which authorized the City of Oakland to enter into a Lease Disposition and Development Agreement (LDDA) with Prologis CCIG Oakland Global LLC for the development of a mixed-use industrial project in the area formerly occupied by the Oakland Army Base, allows for use of this penalty assessment revenue for monitoring functions by the City of Oakland's Department of Workplace and Employment Standards at the Oakland Army Base; and

**WHEREAS**, using the aforementioned funding of \$351,678.28 to support ongoing monitoring Oakland Army Base this funding will reduce General Purpose Fund Expenditures in FY 2020-21; and

**WHEREAS**, the City of Oakland is experiencing an unprecedented decline in General Purpose Fund revenues due to the economic impacts of COVID-19 pandemic that will likely necessitate substantial reductions in expenditures and City services; and

**WHEREAS**, supporting \$351,678.28 of expenditures from restricted Army Base Revenues instead of the General Purpose Fund will decrease the scale of General Purpose Fund service impacts to the public; now, therefore be it

**RESOLVED:** That Resolution No. 88174 C.M.S., which adopted the Fiscal Year 2020-21 Mid-cycle Budget is hereby amended to appropriate from Fund 5671, Project 1004290, Penalties collected by the City from Contractors who failed to comply with the City's Construction Jobs Policy for the Oakland Army Base Project in the amount of Three Hundred Fifty-One Thousand, Six Hundred Seventy-Eight Dollars and Twenty-Eight Cents (\$351,678.28) to the Department of Workplace and Employment Standards for training, referral, monitoring, or technical assistance to advance the purposes of the Army Base Jobs Policy.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

ASHA REED

Acting City Clerk and Acting Clerk of the Council  
of the City of Oakland, California