



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 88458 C.M.S.

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 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 ALL FUTURE PENALTIES COLLECTED BY THE CITY, IF ANY, 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.

WHEREAS, City of Oakland Ordinance No. 13131 C.M.S. authorized, among other things, 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, which contained a Construction Jobs Policy for the Oakland Army Base Projects; and

WHEREAS, the stated purpose of the Construction Jobs Policy was to set forth certain requirements regarding hiring and employment for the construction of the Public Improvements and to require Contractors participating in the construction of Public Improvements to comply with the terms of the Policy as a condition of operation; and

WHEREAS, Contractors that failed to comply with the Construction Jobs Policy were required to pay the City liquidated damages in specified amounts based on the particular Policy violation; and

WHEREAS, liquidated damages in the amount of Three Hundred Fifty-One Thousand, Six Hundred Seventy-Eight Dollars and Twenty-Eight Cents (\$351,678.28) has been collected by the City of Oakland from contractors who failed to comply with the City's Construction Jobs Policy for the Oakland Army Base Projects in Leasing & Utility Fund No. 5671; and

WHEREAS, the Construction Jobs Policy requires that any liquidated damages collected by the City be used for training, referral, monitoring or technical assistance to advance the purposes of the Policy; and

WHEREAS, using the aforementioned funding in the amount of Three Hundred Fifty-One Thousand, Six Hundred Seventy-Eight Dollars and Twenty-Eight Cents

(\$351,678.28) to support the City's Department of Workplace and Employment Standards ongoing training, referral, monitoring and technical assistance functions in furtherance of the purposes of the Construction Jobs Policy 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 Three Hundred Fifty-One Thousand, Six Hundred Seventy-Eight Dollars and Twenty-Eight Cents (\$351,678.28) of expenditures from the restricted Army Base liquidated damages 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 Amendments, is hereby amended to appropriate from Fund 5671, Project 1004290, liquidated damages penalties collected by the City from Contractors who failed to comply with the City's Construction Jobs Policy for the Oakland Army Base Projects in the amount of Three Hundred Fifty-One Thousand, Six Hundred Seventy-Eight Dollars and Twenty-Eight Cents (\$351,678.28) and all future liquidated damages penalties collected by the City, if any, to the Department of Workplace and Employment Standards for training, referral, monitoring, or technical assistance to advance the purposes of the Construction Jobs Policy.

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IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 15 2020


PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
ASHA REED
Acting City Clerk and Acting Clerk of the Council
of the City of Oakland, California