

## OAKLAND CITY COUNCIL

OFFICE OF THE CLERK

RESOLUTION No. 80926 C. M. S.
  
 City Attorney

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A TWO-YEAR PROFESSIONAL SERVICES AGREEMENT WITH THE OAKLAND CONVENTION AND VISITORS BUREAU TO PROVIDE VISITOR MARKETING SERVICES IN AN AMOUNT NOT TO EXCEED \$650,000 FOR FISCAL YEAR 2007-08 AND \$650,000 FOR FISCAL YEAR 2008-09 AND PROVIDE A FINANCIAL INCENTIVE SHOULD TOT RECEIPTS EXCEED ANNUAL BUDGETED REVENUES AND OCVB EXCEED ITS ANNUAL CUMULATIVE ECONOMIC VALUE BENCHMARK.**

WHEREAS, the City of Oakland has requested that the Oakland Convention and Visitors Bureau perform visitor marketing functions in accordance with terms and conditions set forth in an Agreement; and

WHEREAS, the visitor marketing functions will assist the City in achieving its overall marketing strategy; and

WHEREAS, the Oakland Convention and Visitors Bureau will effectively and efficiently market Oakland as an overnight leisure and convention destination, thereby increasing Transient Occupancy Tax revenues, increasing revenues for the local hospitality industry, and increasing employment opportunities for Oakland residents; and

WHEREAS, funding in the amount of \$650,000 has been appropriated in the FY 2007-08 non-departmental citywide budget and \$650,000 has been appropriated in the FY 2008-09 non-departmental citywide budget; and

WHEREAS, if the OCVB exceeds the cumulative economic value benchmark of \$6,500,000 and the City's TOT collections exceed budget projections of \$12,363,875 for FY 2007-08, the City will pay the OCVB an incentive equal to 40 percent of TOT collections between \$12,363,875 and \$13,363,875 and 50 percent of TOT collections between \$13,363,876 and \$14,363,875; and

WHEREAS, if the OCVB exceeds the cumulative economic value benchmark of \$6,500,000 and the City's TOT collections exceed budget projections of \$13,031,524 for FY 2008-09, the City will pay the OCVB an incentive equal to 40 percent of TOT collections between \$13,031,524 and \$14,031,524 and 50 percent of TOT collections between \$14,031,525 and \$15,031,524; and

WHEREAS, these additional revenues beyond budgeted revenues are currently unallocated and will not affect the City's baseline; and

WHEREAS, the City Council finds that this contract is for services of a professional nature and that services under this contract will be temporary; and

WHEREAS, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, payment to the Oakland Convention and Visitors Bureau will be in quarterly payments each fiscal year tied to the OCVB's successful achievement of detailed performance standards; now, therefore, be it

RESOLVED: that the Oakland City Council hereby authorizes the City Administrator to enter into a management agreement with the Oakland Convention and Visitors Bureau to perform visitor marketing services for the term beginning July 1, 2007, and ending June 30, 2009, in an amount not to exceed \$650,000 in FY 2007-08 and \$650,000 in FY 2008-09; and be it

FURTHER RESOLVED: that the Oakland City Council hereby authorizes payment of an incentive, if the OCVB exceeds the cumulative total economic value benchmark and the City's TOT collections exceed budget projections; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to approve any subsequent amendments to said Agreement, or extensions of said Agreement, or to otherwise modify said Agreement, with the exception of those amendments, extensions, or modifications related to an increase in compensation or allocation of additional funds; and be it

FURTHER RESOLVED: that a copy of said Agreement shall be approved as to form and legality by the Office of the City Attorney and a copy will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 6 2007, 2007 \_\_\_\_\_  
**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, AND  
PRESIDENT DE LA FUENTE – 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

Attest:



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