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OFFICE OF THE CITY CLERK  
OAKLAND  
2012 AUG 30 AM 11:30

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Community Jobs Policy Resident Definition DATE: August 16, 2012

City Administrator

Date

Approval

*Deanna Santana*

8/30/12

COUNCIL DISTRICT: #3

## RECOMMENDATION

Staff recommends that the definition of "Resident" in the Army Base Community Jobs Policy mean an individual domiciled in the City for at least six months prior to the date that such individual is hired or assigned to perform the applicable work.

Staff also recommends that a formerly incarcerated individual domiciled in the City prior to incarceration who returns to Oakland shall qualify as a resident when such individual is domiciled in Oakland for a total of six months, including his or her time as a resident prior to being incarcerated and after being released from prison.

Staff further recommends that the City Administrator be authorized to negotiate and, if necessary, execute amendments to all relevant Army Base development agreements to effectuate this change in the definition of "Resident."

## EXECUTIVE SUMMARY

During the June 19, 2012 and July 3, 2012 Army Base development discussions and hearings, a number of City Councilmembers and community stakeholders expressed concerns about the definition of "Resident" in the Community Jobs Policy. The definition states that an individual must be domiciled in the City for at least 14 days prior to the date of hire to qualify as a "local hire" regarding the 50% local hiring goal per the Army Base Community Jobs Policy.

The City Council directed staff to return with a new definition of Resident, expanding the domicile requirement from 14 days to six months (182 days). In consideration of the priority to provide employment opportunities for formerly incarcerated Oakland residents, staff is recommending anyone living in Oakland prior to being incarcerated who then returns to Oakland upon release from prison qualify as a resident when the total of their domicile in Oakland before and after incarceration equals six months.

Item: \_\_\_\_\_  
CED Committee  
September 11, 2012

Since the Community Jobs Policy is attached to the Army Base Development Agreements, staff is requesting that the City Administrator be authorized to negotiate the new Resident definition into those agreements, and amend those agreements accordingly, if they have already been signed. There is no indication that the Army Base developers oppose the new definition, and in fact are on record as supporting it.

### OUTCOME

The outcome of this proposed policy will ensure that individuals who have lived in Oakland for at least six months and intend to stay in Oakland are more likely to be counted as “local hires” than individuals claiming to be residents absent the history and intent of domiciling in Oakland.

The definition of resident as it relates to formerly incarcerated individuals enables Oakland residents returning to Oakland to also qualify as a resident and a local hire for time domiciled in Oakland before and after incarceration.

### BACKGROUND/LEGISLATIVE HISTORY

The Oakland Army Base Community Jobs Policy is intended to maximize the number of job and career opportunities available for Oakland residents during the Construction and Operations phases of the project. The concern of many stakeholders is that people may take up temporary residency in the City, particularly during the Construction phase, to qualify as residents and thus be counted by contractors and employers towards meeting the 50% local hire goal.

The legislative and legal history regarding the definition of residency is extensive. The City Attorney’s office has opined on this issue regarding affordable housing and local employment residency policies in the past. Staff does not think that the proposed six-month policy will lead to discrimination against any potential applicant, since any residents or non-resident may apply for work and be hired during any phase of the project.

### ANALYSIS

The proposed policy requiring that an individual reside in Oakland for six months prior to being eligible to count as a “local hire” addresses the intent of the Community Jobs Policy. While no one has publicly argued in favor of the 14-day Residency definition in the Community Jobs Policy, it was included as such to be consistent with existing City and State definitions. This proposed new definition of Resident is not intended to discriminate against or exclude any individuals from applying for and obtaining employment during the Army Base project. The

Item: \_\_\_\_\_  
CED Committee  
September 11, 2012

policy simply means that employers may not count individuals who have lived in Oakland for less than six months towards meeting their 50% "local hiring" goal.

An important issue for City Council consideration is how this expanded definition applies to the formerly incarcerated. While there is no known pattern for how parolees are released to various jurisdictions, typically people are released to the City in which they previously resided or were arrested. In the case of formerly incarcerated job seekers, staff recommends that the residency requirement of six months include the time the individual resided in Oakland prior to incarceration plus the time he or she has resided in Oakland upon being released from prison. While this may be somewhat difficult for Jobs Center staff, contractors and employers to verify, staff believes that this combination of pre- and post-incarceration residency fulfills the spirit and intent of the Community Jobs Policy of making Army Base jobs accessible to formerly incarcerated Oakland residents.

### PUBLIC OUTREACH/INTEREST

Upwards of 50 people participated in Army Base Jobs Working Group process. The Working Group consisted of representatives from the West Oakland Community Advisory Group, community coalitions such as Oakland WORKS and Revive Oakland!, the Building and Construction Trades Council of Alameda County, contractors, the Alameda Labor Council, the Construction Employers Association, City and Port staff, the Oakland WIB, and, at times, the Developers. It is safe to say that everyone involved felt that the development of the Army Base Jobs Policy and concept of the Jobs Center has been a very inclusive and transparent process.

The Community Jobs Policy residency definition, put forward by City staff with attorney input, was roundly criticized by representatives of many of the Army Base stakeholders and City Council members.

### COORDINATION

In addition to community-based and labor groups, staff is coordinating the Community Jobs Policy with the City Attorney's Office.

### COST SUMMARY/IMPLICATIONS

There are no known cost implications to the change in the definition of Resident in the Army Base Community Jobs Policy.

## SUSTAINABLE OPPORTUNITIES


**Economic:** A six-month residency requirement should give long-standing Oakland residents a better chance of obtaining employment than the existing 14-day policy.

**Environmental:** This report does not directly address environmental sustainability.

**Social Equity:** The six-month residency requirement acknowledges and supports the intent of providing opportunities for true Oakland residents. The underlying purpose of the Army Base Jobs Policy is to make job opportunities accessible to Oakland residents who have heretofore been disengaged.

For questions regarding this report, please contact Al Auletta, Program Manager, at 238-3752.

Respectfully submitted,



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FRED BLACKWELL  
Assistant City Administrator

Prepared by:  
Al Auletta, Program Manager  
Office of Neighborhood Investment

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Deputy City Attorney

2012 AUG 30 AM 11:39

## OAKLAND CITY COUNCIL

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

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**RESOLUTION CHANGING THE DEFINITION OF "RESIDENT" IN THE ARMY BASE COMMUNITY JOBS POLICY TO MEAN AN INDIVIDUAL DOMICILED IN THE CITY FOR AT LEAST SIX MONTHS AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND, IF NECESSARY, EXECUTE AMENDMENTS TO ALL RELEVANT ARMY BASE DEVELOPMENT AGREEMENTS TO EFFECTUATE THIS CHANGE IN DEFINITION OF "RESIDENT"**

**WHEREAS**, the definition of a "Resident" in the current Army Base Community Jobs Policy means an individual domiciled in the City for at least fourteen days; and

**WHEREAS**, numerous City leaders and community stakeholders expressed concerns about the short timeframe for qualifying as a resident towards meeting an employer's 50% local hiring goal; and

**WHEREAS**, the new definition of "Resident" does not exclude any individual from applying for and obtaining employment on the Army Base project; now, therefore be it

**RESOLVED:** That the definition of "Resident" in the Army Base Community Jobs Policy shall mean an individual domiciled in the City for at least six months prior to the date that such individual is hired or assigned to perform the applicable work, with the word "domiciled" as defined by Section 349(b) of the California Election Code; and be it

**FURTHER RESOLVED:** That a formerly incarcerated individual domiciled in the City prior to incarceration who returns to Oakland upon release shall qualify as a resident when such individual is domiciled in Oakland for a total of six months, including his or her time as a resident immediately prior to being incarcerated and immediately after being released from prison; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to negotiate – and if necessary, execute amendments to - all relevant Army Base development agreements to effectuate this change in the definition of "Resident;" and be it

**FURTHER RESOLVED:** That, prior to execution the City Attorney must approve as to form any amendments to the Army Base development agreements made in accordance with this Resolution, and a copy shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

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