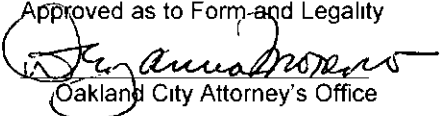


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2015 APR 10 AM 3:10

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 85509 C.M.S.

INTRODUCED BY COUNCILMEMBER GUILLEN

RESOLUTION CALLING UPON GERAWAN FARMING TO MEET BASIC STANDARDS OF FAIR CONDUCT AND IMMEDIATELY IMPLEMENT THE UNION CONTRACT ISSUED BY THE NEUTRAL MEDIATOR AND THE STATE OF CALIFORNIA

Whereas, Gerawan Farming, one of the nation's largest grape and tree fruit producers with 5,000 employees that sells through its Prima label, has engaged in persistent and egregious anti-labor conduct that exemplifies the agricultural industry's defiance of farm workers' rights to organize and negotiate union contracts; and

Whereas, since Gerawan farm workers voted for the United Farm Workers of America ("UFW") in a state-conducted secret-ballot election in 1990, in the last major organizing drive under Cesar Chavez's leadership, the Gerawans have thwarted repeated worker efforts to negotiate a union contract; and

Whereas, in 2013 Gerawan workers invoked a California law allowing neutral state-appointed mediators to decide union contracts when employers refuse to sign them, and in late 2013, the state Agricultural Labor Relations Board ordered that the three-year union contract be immediately implemented; and

Whereas, since workers requested the state mediator, the ALRB general counsel or chief prosecutor has filed five complaints accusing the Gerawans of "illegally excluding some of its farm workers from the benefits of a [union contract]"; illegally "instigating and encouraging the gathering of signatures" on petitions to decertify the UFW; "unlawfully interrogating workers about their union activities" and "surveiling" workers; "failing to bargain in good faith with its employees' union"; "intimidating [employees] in the exercise of their right to participate in negotiations"; and failing to implement the state-issued union contract; and

Whereas, under contract terms set by the state mediator, not the UFW, between July of 2013 and July of 2014, most Gerawan workers would have earned approximately \$1,480 in additional money each, based on a 54-hour work week, plus additional pay increases and benefits scheduled to take effect over the duration of the agreement; and

Whereas, the Gerawans' refusal to implement the union contract means its roughly 5,000 employees have not been paid many millions of dollars they are owed by the Gerawans from July 2013 to July 2014, and many millions of dollars more over the contract's duration; and

Whereas, the Gerawans' first attempt to decertify the UFW in September 2013 was dismissed by the ALRB regional director after a careful investigation exposed "a large number of forged signatures" and "significant unlawful assistance by the employer in the circulation of the petition," and a second petition was dismissed by the regional director who cited the outstanding recent complaints against the Gerawans for serious and repeated violations of the law so that "a free and unco-erced" election is "impossible"; now therefore be it

Resolved: That the City Council of Oakland calls upon the Gerawans to meet basic standards of fair conduct, including refraining from hindering workers' efforts to organize, bargaining in bad faith, and intimidating employees in their attempts to exercise employee rights, and to immediately implement the union contract issued by the neutral mediator and the state of California; and be it

Further Resolved: That the City Council of Oakland forward copies of this resolution to Gerawan Farming, the Governor of California and the members of the state Agricultural Labor Relations Board.

IN COUNCIL, OAKLAND, CALIFORNIA,

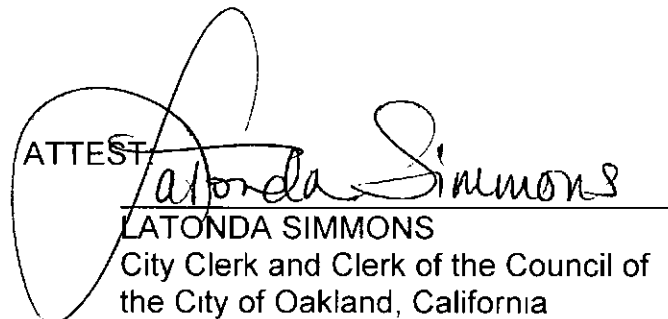
APR 21 2015

PASSED BY THE FOLLOWING VOTE.

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ AND PRESIDENT GIBSON MCELHANEY - 7

NOES - 0
ABSENT - 0
ABSTENTION - 0
Excused - Reid - 1

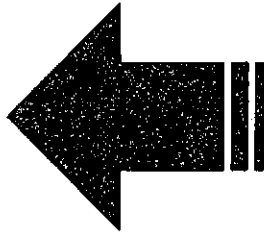
ATTEST


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

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Landscape Feed

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2015 APR 10 AM 3:10

OAKLAND CITY COUNCIL

Resolution No. 85510 C.M.S.

INTRODUCED BY COUNCILMEMBER ABEL GUILLÉN

RESOLUTION AUTHORIZING A GRANT NOT TO EXCEED \$10,000 FROM COUNCILMEMBER ABEL GUILLÉN'S GRAFFITI ABATEMENT MURAL AND GREEN WALL FUNDS TO TRYBE INC. FOR A MURAL ON N&M MARKET, 2731 13TH AVENUE IN DISTRICT 2

WHEREAS, on June 27, 2013, the City Council adopted a budget that set aside Graffiti Abatement Funds for Murals and Green Walls for the Oakland City Councilmembers to award at their discretion, subject to Council approval, in an effort to address graffiti within their districts; and

WHEREAS, graffiti is and has been a major source of blight in District 2 including on the site of N&M Market on 2731 13th Avenue, which has been a target for graffiti and in recent years, has seen incidents of youth violence, and

WHEREAS, Trybe Inc. is a 501(c)3 non-profit organization that is working to create a better Oakland by serving youth and young adults through building healthy communities and mentoring programs; and

WHEREAS, Trybe Inc. will collaborate with neighborhood artist Karen Legault and Oakland artist Dave Kim to develop a mural design, along with youth from Trybe Inc., Friends of Bella Vista Park, 17Y NCPC, and Edna Brewer Middle School and neighboring high school students; and

WHEREAS, Councilmember Abel Guillén wishes to grant a portion of his Graffiti Abatement Mural and Green Wall Funds to Trybe Inc. to fund a mural on the exterior of N&M Market on 2731 13th Avenue in District 2; and

WHEREAS, in conformance with City requirements, Trybe Inc will provide documentation for the use of the Councilmember's Graffiti Abatement Mural and Green Wall Funds, including any permits required and permission from the property owner to install this mural; now, therefore, be it

RESOLVED: That the City Council authorizes the grant not to exceed \$10,000 from Councilmember Abel Guillén's Graffiti Abatement Mural and Green Wall funds to Trybe Inc. for a mural at N&M Market on 2731 13th Avenue in District 2; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute a grant agreement with Trybe Inc. for the above purpose, subject to approval as to form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

APR 21 2015

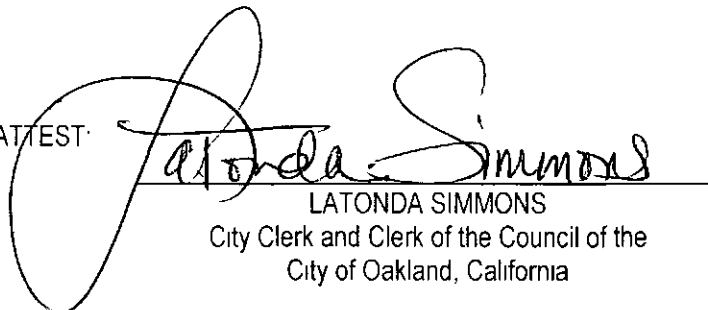
PASSED BY THE FOLLOWING VOTE

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, ~~REID~~ AND
PRESIDENT GIBSON MCELHANEY ~ 7

NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused- Reid-1

ATTEST



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