

CITY OF OAKLAND

2018 MAR 26 AM 9:05 ORDINANCE NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS
DESLEY BROOKS AND NOEL GALLO

CONSTRUCTION TRAINING & JOB OPPORTUNITY FUNDING

AN ORDINANCE ESTABLISHING THE CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS ACCOUNT; AUTHORIZING THE ALLOCATION OF 5% OF THE CITY'S CAPITAL IMPROVEMENT PROJECTS COSTS, AND 5% OF THE PARKING FUND GROSS REVENUES; AND ALLOCATING 5% OF DEVELOPMENT SERVICES FUND GROSS REVENUES; AND \$0.30 CENTS PER WORK HOUR CONTRACTOR CONTRIBUTION TO THE CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS FUND; ESTABLISHING A METHOD FOR CALCULATING CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS APPROPRIATIONS OF CAPITAL PROJECTS AND CONTRACTOR CONTRIBUTION; ESTABLISHING METHOD OF ADMINISTERING CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS; AND ESTABLISHING GENERAL GUIDELINES FOR THE ADMINISTRATION OF THE CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS WHEREAS, THE OAKLAND CITY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF THE CHARTER OF THE CITY OF OAKLAND, THE STATE LAW, AND APPLICABLE ORDINANCES OF THE CITY, HAVE REVIEWED AND RECOMMENDED THIS ORDINANCE;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAKLAND THAT:

SECTION 1. PURPOSE

The City of Oakland accepts responsibility for expanding training and job opportunities for its citizens through tested programs like the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers. A policy is hereby established to develop and grow Oakland's workforce, reduce unemployment and poverty through

certain City capital improvement projects.

SECTION 2. DEFINITIONS

CITY CAPITAL IMPROVEMENT PROJECT means any capital improvement project paid for wholly or in part by funds appropriated by the City of Oakland to construct or remodel a building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof, within the City limits of, or under the jurisdiction of, the City of Oakland.

CAPITAL IMPROVEMENT COSTS include all construction costs as well as architectural and engineering fees and site work associated with capital improvement projects. Capital improvement costs do not include administrative costs or costs related to the investigation and remediation of hazardous materials.

CYPRESS MANDELA TRAINING PROGRAM is a community based organization dedicated to improving the lives of people it serves by providing pre-apprentice construction and life skills training along with employment assistance.

CITYWIDE JOB CENTERS are defined as job centers which provide accessible, high-quality training and employment services to local residents and employers. The Centers work to help Oakland residents access jobs in career pathways in the Construction and Transportation, Distribution and Logistics sectors and support contractors' and operators' efforts to hire, train and retain local workers.

MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION is a community based organization dedicated to improving the lives of people it serves by providing pre-apprentice construction and life skills training along with employment assistance.

CONTRACTOR means any individual, firm, partnership or corporation or combination thereof, including joint ventures, that is an independent business enterprise that enter into a construction Contract with the City of Oakland.

DEMOLITION COSTS means payment for any work needed for the removal of buildings or other existing structures from City property.

CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS FUND IN THE CITY ADMINISTRATOR'S BUDGET means a project account which is established by the City to receive monies (the 5%) appropriated from the capital improvement project budgets to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers program.

REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, existing buildings or structures, and costs incurred by the City for appraisals or negotiations in connection with such purchases.

SECTION 3. FUNDING

APPROPRIATIONS.

1. All appropriations for City capital improvement projects, including all bond projects and all other capital projects funded from other sources excluding sewer repairs funded from sewer service charge fees shall include an amount equal to five-percent (5%) of the total capital improvement project cost to be dedicated to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund. Funds appropriated will be used for the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers, and administrative costs to manage the program

The 5% appropriation shall include but not be limited to General Fund funded capital improvements, gas tax funded capital improvements, Measure KK funded projects, Measure DD funded projects; Measure B funded capital improvements, off street parking funded capital improvements and any and all other capital improvements funded from other revenues including grants which may be so appropriated; and

2. Parking Fund – Allocating an amount equal to five-percent of all Revenues to the City's Parking Fund shall be deposited to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund; and
3. **Development Services Fund** -- Allocating an amount equal to five-percent of all **gross revenues to the Development Services Fund** shall be deposited to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund; and
4. This Section establishes a Contractor payment in the amount of thirty cents (\$0.30) per hour worked or paid into the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund. The Contractor shall fulfill and implement this requirement in the following manner.
 - a) In addition to paying established employee benefits funds in the amounts designated in the appropriate prevailing wage determination for fringe benefit contributions, pursuant to the Contractor's contract, Contractors performing work under City contracts shall pay thirty cents (\$0.30) per hour worked or paid into the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund.
 - b) The Contractor should include the payment referenced in item (a) above and any administration costs associated with complying with the payment, in its bid.
 - c) Payment to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund shall be made monthly by the Prime Contractor (for its and all its subcontractors' workforce) and shall cover the hours reported on the Summary of Utilization of Construction Workforce Reports required to be submitted weekly to the City's Contract & Compliance Division by the last day of the month for which the payment is being made. Copies of the Summary Workforce Reports shall accompany each monthly payment.
 - d) The amount of the monthly payment to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund is the total number of workforce hours worked or paid shown on the Summary Workforce Reports submitted weekly during that month times thirty cents (\$0.30) per hour.
 - e) Monthly payments to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund shall be made within twenty (20) calendar days of the last day of the preceding month. Late payments shall be subject to interest charges of 1% per month on the unpaid balance.
 - f) Transmittal forms must be filed monthly even if no hours have been worked or paid until a final payment statement has been sent out.
 - g) Make checks payable to the "City of Oakland c/o Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund". Mail check, associated Summary Workforce Reports, and transmittal letter to:

City of Oakland
Oakland, CA 94612

The transmittal letter shall contain the following information:

- 1) The name and address of the Contractor
 - 2) The title and contract number of the City project.
 - 3) The period covered by the enclosed payment.
 - 4) The payment amount and calculation.
- h) If payments to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund in a timely manner as stated above, the City shall deduct and retain the estimated amount owed plus 25% of the estimated amount owed from the progress payment or from any other monies due or may become due to the Contractor under the Contract Documents.

METHOD OF CALCULATION. The minimum amount to be appropriated to the Cypress Mandela Training Program & Citywide Job Centers Project Account to fund said programs shall be the total capital project appropriation including all construction costs as well as architectural and engineering fees and site work expenses multiplied by 0.05, excluding amounts budgeted for real property acquisition; demolition; and financing costs. Cypress Mandela shall be allocated 50%, Men of Valor and Laborers Community Training Foundation shall be allocated 25%, and the Citywide Job Centers shall be allocated 25% of the Cypress Mandela Training Program & Citywide Job Centers Project funds less administrative costs not to exceed \$200,000.00 per fiscal year.

WAIVER OF COMPETITIVE BID REQUIREMENT. When the funding method, grant, bond, measure calls for disbursement of said funds through a competitive bid process the City Administrator and City Council finds that training Oakland's workforce and placing Oakland's residents in good jobs; is in the best interest of the City and is achieved by providing funding to Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers. As such, the City Administrator and City Council shall waive said RFP requirements so that Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers can be recipients of funds pursuant to this ordinance.

EXCLUSIONS. If the source of funding or other applicable law or regulation with respect to any particular capital improvement project or portion thereof prohibits or restricts the use of the 5% dedication of such funds for Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers this ordinance shall not apply to the project's expenses, so prohibited or restricted.

GRANT APPLICATIONS. All City departments shall, from the effective date of this ordinance, include in applications for capital improvement projects to outside granting authorities, amounts for construction training, job readiness and job placement as specified herein, where permitted or unless otherwise waived by the City Council. Receipt of such funds shall be administered as part of the City's the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers program.

SECTION 4. DISTRIBUTION OF FUNDS

It is intended that funds in the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Project Account will be distributed quarterly to the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers pursuant to Section 3(B) above.

SECTION 5. CYPRESS MANDELA TRAINING PROGRAM, MEN OF VALOR AND LABORERS COMMUNITY TRAINING FOUNDATION, AND THE CITY SPONSORED JOB CENTERS ACCOUNT.

Monies appropriated pursuant to this ordinance shall be transferred by the City Administrator or his designee to the project account within the City Administrator's Office designated "the Cypress Mandela Training Program, Men of Valor and Laborers Community Training Foundation, and the City sponsored Job Centers Fund" into which monies appropriated hereof shall be deposited.

Contracts and disbursements shall be in accordance with the City's fiscal and purchasing policies and procedures.

SECTION 6. SEVERABILITY.

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

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IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2017.

PASSED BY THE FOLLOWING VOTE:

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

NOES- NONE

ABSENT-

NONE

ABSTENTION-

NONE

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of
Oakland, California

