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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF THE REVISED MARITIME AND
AVIATION PROJECT LABOR AGREEMENT
("MAPLA").**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 5.1 dated September 28, 2015 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the revised Maritime and Aviation Project Labor Agreement ("MAPLA") promotes the Port's proprietary interest in assuring the timely, economical, and efficient completion of construction work while providing for the peaceful settlement of labor and jurisdictional disputes without strikes, lockouts, or other work stoppages; and

WHEREAS, the revised MAPLA also promotes the Port's proprietary interest in assuring the timely, economical, and efficient transportation of materials related to construction work without work disruptions; and

WHEREAS, the revised MAPLA provides open bidding opportunities for all contractors while ensuring an adequate supply of skilled craft workers necessary to provide the Port with construction of the highest quality; and

WHEREAS, the revised MAPLA creates business opportunities for small and disadvantaged local companies to the extent practically and legally permissible, and also encourages the recruitment, training, and employment of historically disadvantaged individuals for meaningful and sustainable careers in the building and construction industry; and

WHEREAS, the current MAPLA will expire on September 30, 2015, and therefore revised terms of the MAPLA have been negotiated, as more fully described in the Agenda Report; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received; now therefore be it

RESOLVED, that the terms and conditions of the revised MAPLA, as more fully described in the Agenda Report, are hereby ratified and approved; and be it

FURTHER RESOLVED, that the Board authorizes the Executive Director, or his designee, to execute the revised MAPLA for a term not exceeding five (5) years with the material terms and conditions consistent with those described in the Agenda Report, provided that the revised MAPLA is approved as to form and legality by the Port Attorney, and provided that the Executive Director's authority to finalize and execute the revised MAPLA shall expire after thirty (30) days from the effective date of this resolution; and be it

FURTHER RESOLVED, that the Executive Director is further authorized to make corrections, modifications or edits to the revised MAPLA, or to enter into supplemental agreements or side letters to the revised MAPLA with the parties of the revised MAPLA for the purpose of interpreting, implementing or carrying out the provisions and terms of the revised MAPLA as described in the Agenda Report and to the extent that such corrections, modifications, edits or supplemental agreements are consistent with the intent and material terms of the revised MAPLA as described in the Agenda Report; and be it

FURTHER RESOLVED, that the Board also authorizes the Executive Director, or his designee, to execute an agreement and any related documents to extend the term of the current MAPLA for a term not to exceed ten (10) days from the current expiration date of September 30, 2015 for the purpose of finalizing and executing the revised MAPLA; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon approval and adoption by the Board; and be it

FURTHER RESOLVED, that this resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Board.