

AGENDA REPORT

Resolution: Cooperation Agreement Among the Port of Oakland and Specified Oakland Community-Based Organizations for the Seaport Logistics Project **(SRD)**

MEETING DATE: 11/9/2017

AMOUNT: \$250,000 Contract Authority
\$125,000 (5 Years Total, FY18-FY22)
Operating Expense

PARTIES INVOLVED: Revive Oakland Coalition
Oakland Works Coalition

SUBMITTED BY: Amy Tharpe, Director of Social Responsibility

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

The Social Responsibility Division requests that the board adopt a resolution authorizing the Executive Director to approve and sign the Cooperation Agreement Among the Port of Oakland and Specified Oakland Community-Based Organizations ("Cooperation Agreement") for the Seaport Logistics Project.

BACKGROUND

The Port of Oakland Social Responsibility Division convened a series of meetings that began in March 2016, to discuss and develop community benefits related ~~to the Seaport Logistics Complex ("Project"). The Project is defined by the terms into that the~~ Ground Lease with Centerpoint Oakland Development I, LLC which covers approximately 27 acres of land, and if exercised, an additional "Expansion Area" of an approximate 97 acres on the former Oakland Army Base ("Project"). The Port and CenterPoint Properties Trust (CNT) engaged in discussions with representatives of the Revive Oakland Coalition and the Oakland Works Coalition ("Community Parties"). The meetings facilitated broad agreement on language for an Operations Jobs Policy (see Attachment "B") setting forth requirements related to employment in non-construction jobs at the Project site. Port staff is requesting the Board to authorize the Executive Director to approve and sign the Cooperation Agreement (see Attachment "A") with community-based organizations.

The Port has been working with the Community Parties on the development of the Cooperation Agreement since the beginning of negotiations on the Operations Jobs Policy. Negotiations

resumed in earnest in the last few months, once the Operations Jobs Policy was final. The Cooperation Agreement between the Port and the Community Parties [applies to and](#) supports the monitoring and compliance of the [Project](#) Operations Jobs Policy, facilitates long term community engagement with the Community Parties, and gains support for the Seaport Logistics Complex by the Community Parties.

ANALYSIS

On September 7, 2017, the Community Parties signed and approved the Cooperation Agreement. Key elements of the Cooperation Agreement include:

- funding to the West Oakland Jobs Resource Center to facilitate local hiring and workforce development activities on the Project; funding is for 5 years;
- terms under which the Community Parties agree to support the Project;
- requires the Port to monitor all "worker qualifications" provisions of the Operations Jobs Policy including when a position, or set of positions are subject to a background check;
- establishment of a 13 member Stakeholder Working Group ("Working Group") consisting of the Port, the Community Parties, local workforce development experts, representatives of employers operating at the Project, and a worker employed at the Project;
- Working Group will assist the Port in the monitoring and compliance of the Operations Jobs Policy; the Working Group will receive Port-prepared progress reports on an agreed upon frequency, and they will provide guidance on implementation.

BUDGET & STAFFING

Funding to the West Oakland Jobs Resource Center is \$50,000 per year for five years for a total of \$250,000. Based on the Port's agreement with CNT, CNT Oakland will fund \$25,000 of this commitment to the West Oakland Jobs Resource Center per year for the five-year period. The remaining \$25,000 will be included in the Social Responsibility Division's operating budget each year for a five-year period beginning in Fiscal Year 2018.

The proposed action has no impact on staffing.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Plan (<http://www.portofoakland.com/pdf/about/strategicPlan2011-2015.pdf>)

Goal A: Create Sustainable Economic Growth for the Port and Beyond

- Objective 3: Increase revenue, job creation and small business growth.
- Objective 4: Pursue strategic partnerships at all levels: local, regional, national and international.

Goal C: Promote Equitable Community Access to Employment and Business Opportunities

- Objective 1: Comply with all federal, State, local and Port workforce mandates
- Objective 2: Conduct comprehensive communication and outreach to stakeholders and strategic partners to improve workforce and small business opportunities.
- Objective 3: Integrate workforce mandates into all Port agreements, policies and processes at the front end.

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement because the service provider does not have a contract or lease with the Port within the meaning of the Living Wage Regulations.

ENVIRONMENTAL

CEQA Determination: The signing of the Cooperative Agreement will not have a physical impact on the environment and thus is categorically exempt pursuant to CEQA section 15061(b)(3).

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)/ PROFESSIONAL LIABILITY INSURANCE PROGRAM (PLIP)

The Owner Controlled Insurance Program (OCIP) and Professional Liability Insurance Program (PLIP) do not apply to the matters addressed by this Agenda Report as they are not capital improvement construction or design projects.

OPTIONS

- 1) Authorize the Executive Director to approve and sign the Cooperation Agreement. This is the recommended action.
- 2) Do not authorize the Executive Director to approve and sign the Cooperation Agreement. Include the Operations Jobs Policy as a material term in the ground lease with CNT Oakland.
- 3) Do not authorize the Executive Director to approve and sign the Cooperation Agreement.

RECOMMENDATION

Staff recommends that the Board adopt a resolution authorizing the Executive Director to approve and sign the Cooperation Agreement. The Cooperation Agreement will be effective upon signature of the Executive Director.