

DISTRIBUTION DATE: August 15, 2019



MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL **FROM:** Deborah Barnes, Director,
Contracts & Compliance

Mark Sawicki, Director, Economic
& Workforce Development

SUBJECT: Status of Public Lands Policy Ordinance **DATE:** August 15, 2019

City Administrator Approval

Date:

8/15/19

INFORMATION

On December 14, 2018, the City Council adopted Resolution No. 87483 C.M.S. that included two amendments introduced on the floor (the “Public Lands Resolution”), setting forth a framework of new policies for the disposition of City-owned property (“Public Lands”) and directing the City Administrator to return to Council with an Ordinance to codify this policy into law. The two amendments were:

- 1) that the Public Lands Ordinance requirement for a Project Labor Agreement (PLA) be deferred until the Council has completed its deliberations regarding a Community Workforce Agreement (CWA) framework that explicitly addresses equitable participation of African American workers as a standard; and
- 2) that two City-owned properties, 1800 San Pablo and 1911 Telegraph, be excluded from the future Public Lands Ordinance.

Regarding the first amendment above, Council had previously directed staff in July 2018 to undertake: 1) an equity impact analysis; and 2) a community engagement process to develop recommendations to Council in considering potential PLA provisions and/or CWA requirements.

Pursuant to the Resolution, staff drafted two ordinances as follows:

- 1) Amending the Oakland Municipal Code to:
 - a) adopt policies and procedures for the disposition of City real property prioritizing the use of such property for affordable housing development and other community uses;
 - b) set aside net proceeds from real property dispositions into the Affordable Housing Trust Fund; and

- c) require Project Labor Agreements¹ or other labor standards and impose environmental standards as a condition of real property dispositions; and
- 2) Establishing the 16-member, Real Property Community Advisory Commission to advise on the disposition of City real property for use and development.

Regarding the PLA provisions, staff had drafted the Public Lands Policy Ordinance to include the following language: “A PLA shall not be required until the City has identified a policy package that includes agreement provisions that will remove barriers to participation for Oakland residents that has been determined by the City Council to adequately redress the challenges of African American workers.” However, staff was advised by the City Attorney’s Office that the Public Lands Ordinance could not be adopted as presented, but rather that the CWA analysis must first be completed so that its conclusions could be included and adopted as part of the Public Lands Ordinance.

The Rules Committee, at its meeting on July 11, 2019 requested an update as to the status of the Public Lands Policy Ordinance, which is the purpose of this memorandum.

Status of Community Engagement and Equity Impact Analysis

On July 24, 2018, the City Council adopted Resolution No. 87293 C.M.S., directing city staff to undertake: 1) an equity impact analysis; and 2) a robust community engagement process with input from racially and economically diverse stakeholder communities addressing topics including participation of non-union contractors, local hiring, small local businesses, local workforce training and supportive services, reporting of demographic data by participating unions, admission of local workers to apprenticeship programs, and more. The objective of this process is for staff to bring any resulting recommended PLA or CWA to the City Council for review, discussion and possible action.

Subsequently, in Council adopted Resolution No. 87483 C.M.S. on the Public Lands Policy, the Council directed to apply the same community engagement and race impact analysis findings to the Project Labor Agreement requirement contained in the Public Lands Policy.

Staff developed a Community Outreach and Engagement Plan following the “Inclusive Outreach and Engagement Best Practices” recommended by the Department of Race and Equity. This effort is designed to identify and prioritize relationships in/with under-represented African American communities and solicit feedback on the key topics of PLAs, Community Workforce Agreements, and current city local hire policies.

Staff has met with various stakeholders to secure input on the process for collecting and assessing stakeholder feedback on proposed inclusion and application of a CWA/PLA on housing projects, public lands projects and public works projects. Staff met with representatives of the Building and Construction Trades Council of Alameda County (BCTCAC) to discuss the

¹ The draft ordinance does not yet include a Community Workforce Agreement framework that explicitly addresses equitable participation of African American workers as a standard. As explained later in this memorandum, the process to include the CWA framework has not yet concluded.

logistics of the collection of stakeholder feedback. The BCTCAC and staff proposed candidates to serve as facilitator(s) for the stakeholder outreach. Staff, with the concurrence of the BCTCAC, has selected a facilitator, Junious Williams, for the stakeholder outreach meetings. Mr. Williams has supported the effort by designing public information strategies, workshop information, facilitating engagement meetings, and reaching out to organizations currently serving underrepresented and underemployed residents.

Community Engagement/Outreach Meetings

Staff conducted an initial outreach session as a Town Hall meeting at City Hall on **June 20, 2019**, at which staff presented an overview of the City's desire to secure community input to assess and develop a comprehensive Community Workforce Agreement that may or may not be facilitated by a Project Labor Agreement or existing City policies with appropriate modification(s). A large, seasoned contracting firm, several subject matter experts, as well as the National Association of Minority Contractors attended the Town Hall meeting. The numbers were small, but the feedback was fruitful.

The first of three community engagement meetings was held on **July 25, 2019** in East Oakland at Youth Uprising. There were seventy-five participants representing a cross section of Oaklanders who would be potentially impacted by the City adopting a CWA/PLA for all City contracts over a certain size and a CWA/PLA to apply to the public land policy. The feedback represented a wide cross-section of opinions, perspectives and experiences. The ethnic make-up was diverse. The outreach meeting was led by the facilitator, Junious Williams, and there was robust discussion of pros and cons including those in favor of a Community Workforce Agreement, Project Labor Agreements, and the pros and cons of experiencing both. The feedback from the participants noted that this was one of the most effective community engagement meetings in the community. Staff observed that there were various levels of experience with the major subject matters, and the break-out sessions in smaller groups were rich with feedback, with participation from community advocates, building trades, carpenters, East Oakland residents from Men of Valor, and a young journeywoman, for example. Strong opinions were expressed and participants were respectful of the differences in opinions.

The second outreach meeting occurred on **August 10, 2019** at the West Oakland Youth Center, and the third outreach session is scheduled for **August 19, 2019 from 7 pm to 9 pm at the San Antonio Senior Center in the Fruitvale district** to facilitate resident access to the Community Workforce Agreement/Project Labor Agreement assessment and development process.

Subsequent meetings including the following have been added based on community requests. These will be scheduled in early September 2019 and incorporated in the report and recommendations to Council:

- Cypress Mandela – Workforce;
- Men of Valor focus group; and
- Subject Matter Experts to include Building Trades recommendations.

Race and Equity Impact Analysis and Data Collection

Having disaggregated demographic data is a fundamental component to understanding the present climate of Oakland and how PLAs, CWAs and other policies impact Oakland's equity indicators. Through the adoption of Ordinance No. 13326 C.M.S, the City Council established the Department of Race and Equity, to intentionally integrate, on a citywide basis, the principle of 'fair and just' in all the City does in order to achieve equitable opportunities for all people and communities. 'Fair and just' means the city serves all residents by promoting fairness and opportunity and eliminating inequities through actions to which equity and social justice foundational practices are applied. It is essential that *details of implementing the CWA be developed through a robust community engagement process* with input from racially and economically diverse stakeholder communities.

To conduct the equity impact analysis and establish racial equity measures to track progress over time, it is essential to receive and access specific demographic data from participating unions in the Alameda County Building Trades Council. The data is also necessary to ensure that recommendations for CWA are designed with strategies that intentionally address current inequities. It is staff's understanding that the Alameda County Building Trades Council will have the data available to the city in late September 2019.

After the completion of both the community engagement and equity impact analysis, recommendations can be formulated and presented to the City Council for consideration as part of the Public Lands Policy Ordinance as directed.

Respectfully submitted,

/s/

DEBORAH LUSK BARNES
Director, Contracts & Compliance Division

/s/

MARK SAWICKI
Director, Economic & Workforce Development
Department

For questions about the status of the Community Engagement and Race and Equity Impact Analysis, please contact Jonothan Dumas, Local Employment Supervisor, Contracts & Compliance, at 510-238-7359.

For questions about the Public Lands Policy Ordinances, pursuant to Resolution No. 87483 C.M.S., please contact Mark Sawicki, Director, Economic & Workforce Development, at 510-238-2992.