

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 06091

RESOLUTION TO REQUIRE AIRPORT CONCESSION CONTRACTOR AND ITS SUBTENANTS TO COMPLY WITH PROVISIONS OF THE OAKLAND CHARTER AND PORT ORDINANCE LIVING WAGE REQUIREMENTS UNDER THE SPACE USE PERMIT ENTERED INTO FOR THE OPERATION OF FOOD AND BEVERAGE, RETAIL AND DUTY-FREE CONCESSION AT THE OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, City of Oakland Charter Section 728 requires that all service contractors of the Port involved in a Port Aviation or Port Maritime Business employing more than 20 persons working in such Port business ("Covered Contractors") shall pay a minimum compensation to each of their employees and shall not displace service employees of a prior Covered Contractor; and

WHEREAS, the Board of Port Commissioners has adopted Port Ordinance 3666, as amended by Port Ordinance 3719, under which the Port requirements are conformed to the City Charter living wage requirements and that additionally requires Covered Contractors to provide a minimum level of compensated time-off (the City Charter Section 728 requirements and Port Ordinance 3666, as amended, are collectively referred to as the "Living Wage Requirements"); and

WHEREAS, the Port has issued a Request for Proposals for a prime airport concessionaire (the "Concessionaire") to improve and operate the food and beverage, retail and duty-free concessions (the "Concession") at the Oakland International Airport (the "Airport"); and

WHEREAS, the Concessionaire will subcontract or sublease to sub-tenants certain portions of the Concession (the "Sub-Tenants") and it is possible that the Concessionaire and certain Sub-Tenants may employ less than 20 employees working at the Concession; and

WHEREAS, there are currently incumbent sub-tenants at the Airport that hire less than 20 employees and pay less than the compensation required under the Living Wage Requirements, including, but not limited to, See's Candies, Your Black Muslim Bakery and the Duty-Free Store (the "Grandfathered Sub-Tenants"); and be it

RESOLVED, that, for policy reasons outlined in the Agenda Report for Item A-3 of the Board of Port Commissioners' meetings held on April, 18, 2006, it shall be a material provision of the Space Use Permit between the Port and Concessionaire that the Concessionaire and Sub-Tenants shall comply with the Living Wage Requirements regardless of the number of employees that the Concessionaire or each Sub-Tenant shall employ in the Concession, provided however that the Grandfathered Sub-Tenants shall be excepted from such provision of the Space Use Permit.

At the regular meeting held on April 18, 2006

Passed by the following vote:

Ayes: Commissioners Kiang, Kramer, Protopappas,
Scates and President Katzoff – 5

Absent: Commissioners Ayers-Johnson and Batarse – 2