

A Resolution in Support of the Establishment of a Community Benefits Agreement for the Richmond Bay Campus Development

- WHEREAS,** Richmond, California, is a low-income community of over 100,000 people; and¹
- WHEREAS,** more than 83 percent of Richmond residents are people of color;²
- WHEREAS,** the median household income of Richmond is at least \$6,000 below the state average³; and
- WHEREAS,** the poverty rate in Richmond is 17.9 percent, which is 2.9 percent higher than the state average⁴; and
- WHEREAS,** the California state minimum wage is only \$9 an hour⁵; and
- WHEREAS,** the unemployment rate in Richmond is approximately 10 percent, which is higher than both the state and national averages⁶; and
- WHEREAS,** Richmond has 36,093 occupied housing units, of which over 48.3 percent are occupied by renters⁷; and
- WHEREAS,** renters are most vulnerable to rising rents and displacement from gentrification⁸; and
- WHEREAS,** the Chevron oil refinery, formerly of Standard Oil, has operated since 1901 and is currently the largest employer in the city, employing over 2,191 people, despite a long history of pollution and exploitation^{9 10};

¹ City of Richmond. 2014. "Richmond City Facts."
www.ci.richmond.ca.us/DocumentCenter/Home/View/8348

² Ibid.

³ Census Bureau. 2014. "Quick Facts." <http://quickfacts.census.gov/qfd/states/06/0660620.html>

⁴ Ibid.

⁵ Richman, Josh. 2014. "California's minimum wage rises Tuesday, but advocates say it's not enough." San Jose Mercury News, June, 30. Accessed Oct. 19, 2014.
www.mercurynews.com/california/ci_26064468/californias-minimum-wage-rises-tuesday-but-advocates-say

⁶ Homefacts. 2014. "Richmond, CA Unemployment State Report."
www.homefacts.com/unemployment/California/Contra-Costa-County/Richmond.html

⁷ City of Richmond. 2014. "Richmond City Facts."
www.ci.richmond.ca.us/DocumentCenter/Home/View/8348

⁸ PBS. "What is gentrification?" www.pbs.org/pov/flagwars/special_gentrification.php

⁹ City of Richmond. 2014. "Richmond City Facts."
www.ci.richmond.ca.us/DocumentCenter/Home/View/8348

and

- WHEREAS,** the people of Richmond have a long history of resisting corporate exploitation and challenging institutional racism, including systematic housing and employment discrimination, police violence, environmental racism, and political disenfranchisement¹¹; and
- WHEREAS,** the University of California (UC) at Berkeley is founded on the mission of teaching, research, and public service; and
- WHEREAS,** the Principles of Community at UC Berkeley include “a deep commitment to contributing to a better world,” and the statement: “We believe that active participation and leadership in addressing the most pressing issues facing our local and global communities are central to our educational mission”¹²; and
- WHEREAS,** UC Berkeley, the UC Office of the President (UCOP), and the Lawrence Berkeley National Lab (LBNL) announced plans in January 2012 to establish a new research campus, the Richmond Bay Campus (RBC), on university property at the Richmond Field Station in Richmond, California¹³; and
- WHEREAS,** on April 25, 2012, the Richmond City Council approved the General Plan 2030 to guide the city toward “sustainable growth and development,” concluding an extensive, five-year “community visioning and planning process”¹⁴; and
- WHEREAS,** in June 2012, Richmond received a Priority Development Area (PDA) Planning Grant from the Metropolitan Transportation Commission (MTC) to develop the Richmond South Shoreline Specific Plan (SSSP) and Program Environmental Impact Report (PEIR)¹⁵ in order to further develop their General Plan and “integrate the proposed LBNL development with the surrounding community and, where appropriate, encourage more intense development patterns”; and

¹¹Ibid.

¹² University of California, Berkeley. 2014. “Principles of Community.” <http://berkeley.edu/about/principles.shtml>

¹³ Trivedi, Amruta. 2014. “Richmond site selected as Berkeley lab’s second campus.” *Daily Californian*, Jan. 23. Accessed October 14, 2014. www.dailycal.org/2012/01/23/richmond-site-selected-as-berkeley-lab-s-second-campus/

¹⁴ City of Richmond. 2012. “Richmond General Plan 2030.” www.ci.richmond.ca.us/index.aspx?nid=2608

¹⁵ City of Richmond. 2013. “South Shoreline Specific Plan.” www.ci.richmond.ca.us/DocumentCenter/View/27239

- WHEREAS,** on January 15, 2013 the Richmond City Council directed the Richmond City Manager to partner with Social Sector Solutions (S³), which is part of the Center for Nonprofit and Public Leadership at the Haas School of Business at UC Berkeley, in order to develop a strategic business plan to secure economic benefits from the RBC for the community¹⁶; and
- WHEREAS,** the Richmond City Council reaffirmed its view that the RBC “project is a transformative opportunity for the Richmond community and can be a local and regional economic catalyst, accelerating scientific innovation, leading to technology transfer and commercialization, and creating new jobs”¹⁷; and
- WHEREAS,** the city’s development of the SSSP and PEIR have included multiple community meetings and will conclude in the spring of 2015¹⁸; and
- WHEREAS,** at public meetings, the community of Richmond has consistently expressed their desire for community-centered economic development from the project, especially in regard to supporting local businesses and providing job training and job opportunities¹⁹; and
- WHEREAS,** UC Berkeley Chancellor Nicholas Dirks established an executive steering committee for the Richmond Bay Campus in January 2014, after overcoming funding issues and other hurdles that delayed the project²⁰; and
- WHEREAS,** Chancellor Dirks and LBNL Director, Paul Alivisatos, signed a “Joint Statement of Commitment to Strengthen Community Partnerships Between UC Berkeley, Lawrence Berkeley National Laboratory, and the Richmond Community,” in April 2014, thereby establishing a “Working Group” designed to engage community members in regard to: education, local employment, procurement, and workforce training ^{21 22}; and

¹⁶ City of Richmond. 2013. “Resolution No. 2-13.” www.ci.richmond.ca.us/Archive/ViewFile/Item/4958

¹⁷ Ibid.

¹⁸ City of Richmond. 2014. “Specific Plan Environmental Impact Report (EIR) Scoping Meeting.” www.ci.richmond.ca.us/DocumentCenter/View/29787

¹⁹ City of Richmond. 2014. “South Shoreline Specific Plan: Community Workshop Summary.” www.ci.richmond.ca.us/DocumentCenter/View/28590

²⁰ Veklerov, Kimberly. 2014. “Dirks announces executive committee to guide planning of Richmond Bay Campus.” *Daily Californian*, Jan. 27. Accessed October 14, 2014.

www.dailycal.org/2014/01/27/dirks-announces-executive-committee-guide-planning-richmond-lab/

²¹ UC Berkeley. 2014. “Joint Statement of Commitment to Strengthen Community Partnerships Between UC Berkeley, Lawrence Berkeley National Laboratory, and the Richmond Community.” http://richmondbaycampus.lbl.gov/assets/docs2/raw/Joint%20Statement%20of%20Commitment.RB.C._001.pdf

²² UC Berkeley Public Affairs. 2014. “Major milestone for Richmond Bay Campus.” *UC Berkeley Newscenter*, May 22. Accessed October 14, 2014. <http://newscenter.berkeley.edu/2014/05/22/milestone-richmond-bay-campus/>

- WHEREAS,** the Joint Statement established a “Richmond community partnership Working Group,” which is charged with developing “recommendations and proposals for inclusion in a Richmond Partnership Commitment within the defined scope of education, local employment, procurement and workforce training”²³; and
- WHEREAS,** the Joint Statement affirmed UC Berkeley’s position as a “member of the Richmond community” and as a “significant employer”²⁴; and
- WHEREAS,** the Joint Statement affirmed UC Berkeley and LBNL as “active partners and stakeholders,” with Richmond²⁵; and
- WHEREAS,** the Joint Statement acknowledges that a two-year public engagement process demonstrated the community’s desire to “strengthen partnerships and expand community programs in the areas of education, local employment, procurement and workforce training”²⁶; and
- WHEREAS,** a Partnership Commitment is not a Community Benefits Agreement(CBA)²⁷; and
- WHEREAS,** “CBAs are legally binding and enforceable contracts stipulating community benefits provided by a developer in conjunction with a development they are pursuing”²⁸; and
- WHEREAS,** CBAs are traditionally “negotiated between three parties: local government, the private developer, and a coalition of community organizations and organized residents”²⁹; and
- WHEREAS,** “The goal of a CBA-like agreement for the RBC development is to insure that the RBC partners continue to be committed to supporting economic development in Richmond far into the future”³⁰; and
- WHEREAS,** the Richmond Bay Campus Report, prepared by S³, explains that the city of Richmond is in a disadvantaged position in terms of negotiating a CBA because the city lacks significant leverage to unilaterally secure commitments that UC Berkeley and LBNL will find “costly or even

²³ UC Berkeley. 2014. “Joint Statement of Commitment to Strengthen Community Partnerships Between UC Berkeley, Lawrence Berkeley National Laboratory, and the Richmond Community.” http://richmondbaycampus.lbl.gov/assets/docs2/raw/Joint%20Statement%20of%20Commitment.RBC_001.pdf

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Social Sector Solutions. “The Richmond Bay Campus Report.” www.ci.richmond.ca.us/DocumentCenter/View/27690

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

inconvenient” without withholding permits or opposing the project altogether³¹; and

WHEREAS, UC Board of Regents approved the Long-Range Development Plan (LRDP) and Environmental Impact Report (EIR) for the RBC, in May 2014, thereby endorsing the project and ensuring its advancement³²; and

WHEREAS, in remarks prior to the Regents’ vote, Chancellor Dirks stated, “We have a welcoming partner in the City of Richmond. [Both the campus and the Lab] have shown our commitment to work in partnership with the community to ensure all we do will benefit not research on campus and in the labs, but also will benefit Richmond itself and the larger East Bay,”³³; and

WHEREAS, in an executive summary outlining the LRDP and its EIR before the Regents vote, UCOP officially recognized that both the community of Richmond and the city of Richmond want the RBC to address the following issues: education, workforce development and training, local hire, local procurement, equity and gentrification, and infrastructure coordination and proportional allocation³⁴; and

WHEREAS, the LRDP “communicates a vision of the Richmond Bay Campus as a physically attractive open site where sensitive natural resources are preserved and the local communities are enriched by the research and development enterprise,”³⁵; and

WHEREAS, in presentations to the Richmond community, UC Berkeley was clear that the LRDP “does not address issues of community benefits or economic development”³⁶; and

WHEREAS, the LRDP states that the project will include “up to 5.4 million gross square feet of research, education, and support space capacity and related utility and transportation infrastructure,” on approximately 133 acres³⁷; and

³¹ Ibid.

³² UC Berkeley Public Affairs. 2014. “Major milestone for Richmond Bay Campus.” *UC Berkeley Newscenter*, May 22. Accessed October 14, 2014.
<http://newscenter.berkeley.edu/2014/05/22/milestone-richmond-bay-campus/>.

³³ Ibid.

³⁴ UC Office of the President. 2014. “Executive Summary.”
<http://regents.universityofcalifornia.edu/regmeet/may14/gb4.pdf>

³⁵ UC Berkeley. 2014. “University of California Richmond Bay Campus Long Range Development Plan”.
<http://richmondbaycampus.lbl.gov/assets/docs2/lrdp-2014/final/Final%20RBC%20LRDP%20Complete.pdf>

³⁶ UC Berkeley. 2014. “Richmond Bay Campus Community Engagement Meeting.”
<http://richmondbaycampus.lbl.gov/assets/docs/RBC2-26-2014.pdf>

³⁷ UC Berkeley. 2014. “University of California Richmond Bay Campus Long Range Development Plan”.
<http://richmondbaycampus.lbl.gov/assets/docs2/lrdp-2014/final/Final%20RBC%20LRDP%20Complete.pdf>

- WHEREAS,** the LRDP states that the “average daily population at the campus is projected to grow from 300 in 2013 to 10,000 by 2050,” thereby eventually becoming the largest employer in Richmond³⁸; and
- WHEREAS,** LBNL operations at the RBC are expected to bring over \$76 million in direct procurement each year alone³⁹; and
- WHEREAS,** the LRDP states that one of its goals is to: “advance LBNL and UC Berkeley’s tradition of world class science by expanding their strong partnership to the cooperative development of the new campus, in order to augment accomplishments and contributions of both institutions in the fields of human health, the economy, energy, and the environment”⁴⁰; and
- WHEREAS,** the human health, economy, energy, and environment of the Richmond community should not be separated from those academic fields;
- WHEREAS,** the LRDP states that another one of its goals is to: “catalyze new discoveries, economic revitalization, and community vibrancy by facilitating inspiration along the full spectrum of the research and development enterprise and fostering connectivity with the surrounding community”⁴¹; and
- WHEREAS,** the goal of the LRDP to promote economic revitalization and community vibrancy in the surrounding community necessitates community engagement and intentional community-driven initiatives; and
- WHEREAS,** the minimum wage for UC workers protected by union contracts is greater than the minimum wage.⁴² Moreover, these workers enjoy medical benefits that are invaluable in a community suffering high rates of asthma and other illnesses correlated with pollution and poverty;⁴³ and

³⁸ Ibid.

³⁹ Social Sector Solutions. “The Richmond Bay Campus Report.” www.ci.richmond.ca.us/DocumentCenter/View/27690

⁴⁰ UC Berkeley. 2014. “University of California Richmond Bay Campus Long Range Development Plan”. <http://richmondbaycampus.lbl.gov/assets/docs2/lrdp-2014/final/Final%20RBC%20LRDP%20Complete.pdf>

⁴¹ Ibid.

⁴² Per City Ordinance, the Richmond city minimum wage is set to increase to \$9.60 an hour on Jan. 1, 2015 and to \$12.30 an hour by 2017. Source: Brekke, Dan and Wendi Jonassen. 2014. “Richmond City Council Approves Increase in City’s Minimum Wage.” KQED, May 7. Accessed Oct. 19, 2014. In contrast, the lowest-paid workers represented by AFSCME 3299 earn \$15 per hour. Source: AFSCME 3299.

⁴³ Jane Kay and Cheryl Katz, “Pollution, Poverty, People of Color: The Factory on the Hill,” *Environmental Health News*, June 4, 2012: <http://www.environmentalhealthnews.org/ehs/news/2012/pollution-poverty-and-people-of-color-richmond-day-1>

WHEREAS, the LRDP does not include explicit labor protections or a CBA⁴⁴.

THEREFORE BE IT RESOLVED, the University of California Student Association calls on UC Berkeley, LBNL, and UCOP to sign a legally-binding CBA with the Richmond community that includes, but is not limited to, the following protections:

1. Investment in an anti-displacement fund to subsidize the development of affordable housing units and protect low income tenants;
2. Investment in training programs to ensure that local and disadvantaged workers develop skills for professions on the RBC;
3. The establishment of a living wage policy to lift all workers out of poverty;
4. The establishment of a Project Labor Agreement that ensures union representation and includes local hire language;
5. The establishment of protections to ensure that jobs similarly performed at the UC Berkeley campus covered by collective bargaining agreements remain UC jobs at the new campus;
6. Investment in and enhance opportunities for local small businesses;
7. Investment in a Youth Opportunity and Education Fund for K-12 and community college students to help build career pathways; and

THEREFORE BE IT FURTHER RESOLVED, the UCSA recognizes the potential positive impact of the RBC for the community of Richmond so long as certain community protections are established and guaranteed; and

THEREFORE BE IT FURTHER RESOLVED, the UCSA affirms its belief that the public mission of UC Berkeley, its Principles of Community, and the vision and goals for the RBC project, as stated in the LRDP, require a legally-binding CBA in order to fulfill the university's mission and ensure that the people of Richmond actually benefit from the development; and

THEREFORE BE IT FURTHER RESOLVED, the UCSA affirms its belief that, without a CBA, the RBC development will likely advance gentrification, displacement, and the exploitation of the Richmond community because the city of Richmond is not well-positioned to negotiate for a formal agreement and the histories of Richmond and similar vulnerable communities have shown that without legal protections, these communities are invariably neglected and exploited by both private industry and public institutions; and

THEREFORE BE IT FURTHER RESOLVED, the UCSA commits to educating student associations about the RBC through board members' external affairs offices; and

THEREFORE BE IT FURTHER RESOLVED, within ten days of this bill's passage, the UCSA President and Chair will write a letter to both Chancellor Dirks and President Napolitano requesting that they publicly commit to establishing a formal CBA with the

⁴⁴ UC Berkeley. 2014. "University of California Richmond Bay Campus Long Range Development Plan". <http://richmondbaycampus.lbl.gov/assets/docs2/lrdp-2014/final/Final%20RBC%20LRDP%20Complete.pdf>.

city of Richmond and that they direct the RBC Executive Steering Committee and Richmond community partnership Working Group to begin proceeding with a formal CBA process; and

THEREFORE BE IT FURTHER RESOLVED, the UCSA President and Chair request that Chancellor Dirks and President Napolitano provide a public justification for not supporting the establishment of a CBA for the RBC development, in the event that they do not both publicly support a CBA and initiate action toward drafting a CBA with Richmond; and

THEREFORE BE IT FINALLY RESOLVED, the UCSA supports the people of Richmond in their on-going efforts to secure community-centered economic development and a formal CBA from the RBC development.