



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 20, 2021

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Approval Of Community Workforce Agreement With Tri Counties Building & Construction Trades Council

### **RECOMMENDATION:**

That Council approve the City's Community Workforce Agreement for use on future qualifying Capital Improvement Projects, and authorize the Public Works Director to execute the Community Workforce Agreement on behalf of the City.

### **DISCUSSION:**

A Community Workforce Agreement (CWA) is a collective bargaining agreement with labor organizations. The CWA establishes the terms and conditions of employment for construction projects. The CWA will apply to all contractors and subcontractors who bid on projects covered by the City Ordinance enacting a CWA. The CWA outlines the relationship of contractors to their employees and sets the hiring process.

CWAs generally include provisions for: uniform work conditions; hiring procedures, including allowances for a contractor's "core" workers; wages and benefits; management rights; expedited labor dispute resolution procedures; no-strike commitments and procedures to prevent work stoppages; and agreement to adhere to existing Master Labor Agreements for the trades subject to the CWA. In addition, CWAs often include provisions to promote participation in covered projects from targeted categories of workers, including local area residents, apprentices, historically under-utilized residents and businesses, at-risk persons, veterans, minority-owned businesses, and disadvantaged business enterprises.

On December 11, 2018, Council adopted an Ordinance authorizing the use of a CWA for construction projects with an estimated construction cost of \$5 million. On March 19, 2019, Council authorized staff to execute contracts for legal and technical support in the negotiation of a CWA with the Tri Counties Building & Construction Trades Council (Trades Council), who will represent labor unions who will be signatory to the CWA. On August 6, 2019, Council received an update from City staff and provided direction that allowed staff to begin negotiations with the Trades Council.

Staff worked with the experts authorized at the March 2019 Council meeting to develop a CWA that is consistent other CWAs and with the City of Santa Barbara's objectives. Staff negotiated the terms of the CWA with the Trades Council and tentatively reached agreement on most terms, with four exceptions. For the remaining terms, staff received direction from Council on January 26, 2021. Staff has recently finalized negotiations with the Trades Council and is recommending approval of the CWA. Provided in this report are brief summaries of the final terms of the previously outstanding items. A copy of the CWA recommended for Council approval is attached.

### Local Participation Goal

The CWA includes a local participation goal of 50 percent.

### Core Workers

Contractors located in the Santa Barbara, Ventura, or San Luis Obispo counties (Local Contractor) who are not currently working under a Master Labor Agreement (Non-MLA Contractor) may directly employ up to three Core Workers. After employing three Core Workers, a Local Non-MLA Contractor may directly employ up to three additional Core Workers by providing one Core Worker for each worker referred through the Union referral list. This alternating hiring procedure would allow for up to six total Core Workers, if a Local, Non-MLA Contractor is utilizing a workforce of twelve or greater employees.

### Benefit Plans

All Contractors shall to pay contributions to the established employee benefit funds.

### Construction Inspection and Material Testing

The City may employ a testing/inspection firm to perform secondary testing and/or inspection, but is not required to, be performed under the terms and conditions of the CWA.

### **NEXT STEPS:**

Following approval from Council on this CWA, contractors and subcontractors on future public works projects, other than maintenance and repair, will be required to be bound by the terms of the CWA. Staff will reference the CWA, and the requirement to be bound by it, in all bid notices and contracts for covered work. These provisions have not been applied to past contracts or contracts bid before the execution of the CWA.

**BUDGET/FINANCIAL INFORMATION:**

Implementation of individual projects under the CWA will require additional staff and/or consultant time. Specifically, the CWA requires that the City provide a Community Workforce Coordinator to monitor compliance and assist with implementing and administering the CWA. The Community Workforce Coordinator role can be provided by staff or by contract.

**ATTACHMENT:** Community Workforce Agreement

**PREPARED BY:** Brian D'Amour, P.E. City Engineer/sk

**SUBMITTED BY:** Joshua Haggmark, Acting Public Works Director

**APPROVED BY:** City Administrator's Office