



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO/Public Works
Department No.: 012/054
For Agenda Of: November 29, 2022
Placement: Set Hearing
(11/29/2022)
Departmental
(12/02/2022)
Estimated Time: 60 Minutes on
December 2, 2022
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department: Mona Miyasato, County Executive Officer, (805)568-3400
Director:
Contact Info: Scott D. McGolpin, P.E., Public Works Director, (805)568-3010
SUBJECT: Development of Countywide Community Workforce Agreement Resolution
and Project Template

County Counsel Concurrence

As to form: Yes

Other Concurrence: General Services and Community
Services

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receive report on the status of negotiations for the development of a Countywide Community Workforce Agreement Resolution and Project Template; and
- B. Approve and authorize the Chair to sign the Countywide Community Workforce Agreement with Tri-Counties Building and Construction Trades Council for a term of five years for County capital projects; and
- C. Adopt a Resolution establishing a policy for the use of Countywide Community Workforce Agreement for five years for County capital projects greater than \$10 million finding that said agreement furthers a legitimate governmental interest consistent with competitive bidding law by preventing costly project delays, assuring contractors access to skilled labor, and avoiding the potential for labor strife during the life of the County capital project; and
- D. Find that the proposed activities do not constitute a "Project" within the meaning of the California Environmental Quality Act, pursuant to 14 CCR §15378 (b)(5) (Organizational or

administrative activities of governments that will not result in direct or indirect physical changes in the environment) and 15061(b)(3), therefore no environmental document is required.

Summary Text:

Staff has been diligently negotiating with the Tri-Counties Building and Construction Trades Council (TCBT) to develop a template Community Workforce Agreement (CWA) in accordance with the direction of your Board. Staff plans to bring an update on these negotiations and the template CWA on December 2, 2022.

Background:

Community Workforce Agreements (CWAs) are a type of contract used in the construction industry to set the terms and conditions of employment on large projects of long duration and design complexity. CWAs allow for the resolution of disputes that can arise in the course of the project, helping to ensure that the project is delivered on time and that safety and quality standards are maintained. CWAs may include provisions that seek to improve conditions on the worksite and provide benefits to the community by including local and veteran jobs and training opportunities.

In April, 2019 your Board directed staff to draft an ordinance governing the use of a Countywide Community Workforce Agreement (CWA) on public projects. In addition, direction was given to the General Services and Public Works Departments to negotiate a template of terms to be used in the framework of future project-specific CWA with the TCBT. The Board at that time did not express any preferences for specific terms of the CWA.

On August 17, 2021 your Board provided conceptual direction to staff on negotiations for a CWA on public projects, including to pursue utilizing the CWA the City of Santa Barbara had negotiated with TCBT as the County's base agreement and negotiate certain terms within that document. Your Board chose Option 1 which was to utilize your negotiation teams' recommended CWA, with agreement point modifications and exclusions described in that report, for future County capital projects over \$10 million and including rebid provisions. Staff was also directed to continue negotiations with TCBT.

Your CWA Negotiation Team's primary goal throughout this process has been to ensure maximum future potential bidders for the County's public projects while honoring the benefits of CWAs for the community and the County.

Authored by:

Scott D. McGolpin, P.E., Public Works Director, (805)568-3010

cc: Tri-Counties Building and Construction Trades Council