



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/PW  
**Department No.:** 012/054  
**For Agenda Of:** May 18, 2021  
**Placement:** Set Hearing  
**Estimated Time:** 1 hour on  
June 22, 2021  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: CEO

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Provide conceptual direction to staff on negotiations for a Community Workforce Agreement (CWA) on public projects, including to pursue one of the following options:
  - 1) Utilize the CWA the City of Santa Barbara recently negotiated with Tri-County Building and Construction Trades Council (TCBT); or
  - 2) Utilize the CWA the City of Santa Barbara recently negotiated with TCBT as the County's base agreement and negotiate certain terms within that document; or
  - 3) Utilize your Board's 2014 conceptually approved Project Stabilization Agreement (PSA) as the County's CWA; or
  - 4) Negotiate an entirely new CWA with TCBT; or
  - 5) Provide other direction as appropriate.
- b) Direct staff to proceed with the necessary coordination and negotiation, and to return to your Board for further direction as necessary during negotiations, and following negotiations, with a recommended ordinance and findings to approve use of a CWA; and

- c) 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), therefore no environmental document is required.

**Summary Text:**

In April, 2019 your Board directed staff to draft an ordinance governing the use of CWA on public projects. These agreements are also referred to at times as Project Labor Agreements or Project Stabilization Agreements. 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. Since that time, leadership changes at TCBT, other high priority and time sensitive County projects and initiatives, and the COVID-19 pandemic have slowed movement on negotiating an agreement. Staff had also been monitoring the City of Santa Barbara’s progress in creating and negotiating a CWA with TCBT in hopes of mirroring aspects of its agreement that would work for the County. The City anticipates having a final CWA before their Council in May for approval.

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 expeditious 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 jobs and training opportunities for disadvantaged workers.

Pursuant to Public Contract Code section 2500, *et seq.* and *Associated Builders & Contractors, Inc. v. San Francisco Airports Com.* (1999) 21 Cal.4th 352, 374-376, the County must include certain terms in a CWA and must find that use of a CWA on a project is in furtherance of a legitimate government interest and is necessary to avoid labor strife.

On June 22nd, your Board’s negotiating team needs your input as we commence negotiations with TCBT about establishing a CWA for future County projects. Whatever the terms ultimately negotiated, staff recommends creating a countywide ordinance governing when to use a CWA for public projects and negotiating a template of terms for a future project-specific CWA will save staff time and resources. Additionally, a broad template will provide continuity across County projects over a specific threshold and will save money in staff time by not requiring separate negotiations for individual projects.

**Authored by:**

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