

**BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**BOARD OF DIRECTORS OF THE SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

**BOARD OF DIRECTORS OF THE
SANTA BARBARA COUNTY WATER AGENCY**

**BOARD OF DIRECTORS OF THE
LAGUNA COUNTY SANITATION DISTRICT**

**BOARD OF DIRECTORS OF THE
SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT**

IN THE MATTER OF)
ESTABLISHING A POLICY ON) **RESOLUTION NO. _____**
THE USE OF A TEMPLATE)
COUNTYWIDE COMMUNITY)
WORKFORCE AGREEMENT)

WHEREAS, it is the intent of the Board of Supervisors and Directors in enacting this resolution establishing a policy for use of a Template Countywide Community Workforce Agreement to encourage the use of local labor, to eliminate labor strife that may cause work stoppages and project delays, and to ensure a skilled and properly trained workforce that will be able to successfully complete County capital construction projects in a timely manner, especially when multiple trades are involved in a project; and

WHEREAS, a “Community Workforce Agreement” means a pre-hire collective bargaining agreement that complies with Public Contract Code section 2500 *et seq.*, and that covers all the trades on a publicly funded construction project; and

WHEREAS, “County” as used in this resolution, includes the County of Santa Barbara, the Santa Barbara County Flood Control and Water Conservation District, the Santa Barbara County Water Agency, the Laguna County Sanitation District, and the Santa Barbara County Fire Protection District; and

WHEREAS, on December 2, 2022, the Board approved a Template Countywide Community Workforce Agreement for use on capital construction projects as directed herein; and

WHEREAS, a “Construction Project” means any County construction project subject to the Public Contract Code’s competitive bidding requirements that includes construction, reconstruction, replacement, or improvement, excluding maintenance and repair and emergency work, of any public infrastructure, paid for in whole or in part by County funds with a projected construction cost of ten million dollars or more; and

WHEREAS, an “Emergency Project” means any County construction project which is necessary for the immediate protection of public health and safety; and

WHEREAS, this resolution establishes a policy for the use of the Template Countywide Community Workforce Agreement for five years for County Construction Projects greater than ten million dollars; and

WHEREAS, this policy is in furtherance of a legitimate governmental interest consistent with competitive bidding law in that it will prevent costly project delays, assure contractors access to skilled labor, and avoid the potential for labor strife during the life of Construction Projects; and

WHEREAS, this resolution is adopted in accordance with Public Contract Code section 2500 *et seq.*, and shall be enforced only to the extent that it is consistent with the laws of the State of California and the United States; and

WHEREAS, nothing in this resolution is intended to exempt any contractor or business from complying with State, Federal, or local laws, regulations or ordinances, or from complying with requirements for apprenticeship programs.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board finds that use of the Template Countywide Community Workforce Agreement, as directed herein and adopted by the Board on December 2, 2022, for capital Construction Projects in excess of ten million dollars is in furtherance of a legitimate government interest and is necessary to avoid labor strife.
2. Construction Projects, subject to the advertising, bidding and award requirements of the Public Contract Code, in an amount of ten million dollars or more, as estimated by the County’s Project Engineer or the County’s Project Manager, will use the Template Countywide Community Workforce Agreement, unless: i) said agreement will jeopardize State, Federal or other funding sources for the Construction Project,

ii) the project is for repair and maintenance, iii) is an Emergency Project, or iv) is for work specifically excluded in Section 2.3 of the Template Countywide Community Workforce Agreement. In addition, if a Construction Project has been bid with the Template Countywide Community Workforce Agreement and the Project needs to be rebid it is in the department's discretion to rebid the project without the Template Countywide Community Workforce Agreement.

- a. The determination of the Construction Project's costs shall be made by the County's Project Engineer or the County's Project Manager and is not subject to appeal.
 - b. If the use of the Template Countywide Community Workforce Agreement is required, the requirement shall be included in the procurement documents and the construction contract.
3. Annually the County Executive Office will provide a report on the use of the Template Countywide Community Workforce Agreement and the achievement of the County's goals as stated in this policy.
 4. This resolution will take effect on April 1, 2023 and shall be effective for five years, unless otherwise extended by the Board. After five years, if not otherwise extended, this resolution will be null and void and of no further effect.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, the Board of Directors of the Santa Barbara County Water Agency, Board of Directors of the Laguna County Sanitation District, and the Board of Directors of the Santa Barbara County Fire Protection District held on this ___ day of December, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board
Ex Officio Clerk of the Santa Barbara
County Flood Control and Water
Conservation District, Santa Barbara
County Water Agency, Laguna County
Sanitation District, and Santa Barbara
County Fire Protection District

COUNTY OF SANTA BARBARA;

**SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT;**

**SANTA BARBARA COUNTY
WATER AGENCY;**

**LAGUNA COUNTY SANITATION
DISTRICT; and**

**SANTA BARBARA COUNTY
FIRE PROTECTION DISTRICT**

By: _____
Deputy Clerk

By: _____
Joan Hartmann,
Chair, Board of Supervisors
Chair, Board of Directors

APPROVED AS TO FORM:

Rachel Van Mullem
County Counsel

By: _____
Deputy