

COUNCIL POLICY			
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PROJECT LABOR AGREEMENTS	XXX-XX	January 1, 2024	1 of 5

1. PURPOSE

To establish a policy for a Project Labor Agreement (“PLA”) Program at the City applicable to certain City Capital Improvement Projects, consistent with the following three key objectives:

- 1.1 Enhances the City’s highly skilled local workforce and increase access to apprenticeship programs to benefit diversity, equity, and broader inclusion in the workforce;
- 1.2 Reduces the City’s carbon footprint by keeping local workforce local; and
- 1.3 Creates positive economic impacts by re-investing capital improvement funds through the local workforce.

2. REFERENCES

- 2.1 City Charter, Sections 22 and 45
- 2.2 City Code, Chapter 3-44, Public Works Contracting Policy
- 2.3 California Public Contract Code Section 2500 *et seq.*

3. DEFINITIONS

3.1 “Horizontal Project” means those City transportation and public works, water and other departmental projects that are predominantly roadway or other linear in nature.

Examples include, but are not limited to, concrete, asphalt, weatherproofing/wearing surface work and water, sewer, fiber and other similar underground work.

3.2 “Local” means the Counties of Sonoma, Marin, Napa, Mendocino, and Lake in California.

3.3 “Project” means a City-initiated Public Works project(s) under section 3-44 (Public Works Contracting Policy) of the City Code.

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- 3.4 “Project Threshold” has the meaning set forth in section 4.1.2.
- 3.5 “Public Works” has the meaning set forth in Section 3-44.020(k) of the City Code, as the same may be amended from time to time.
- 3.6 “Vertical Project” means those City transportation and public work, water or other departmental projects that involve the construction of buildings, park, landscaping and environmental work, electrical work and mechanical work.

Examples include, but are not limited to: fire stations, office buildings, traffic signals, building upgrades and retrofits, HVAC boilers and controls.

4. POLICY

4.1 SCOPE

- 4.1.1. General. Public Works Projects will incorporate Project Labor Agreement(s) in a manner consistent with the terms of this policy, utilizing Project Labor Agreement documents approved as to form by the City Attorney.
- 4.1.2. Project Threshold. This Policy applies to any Public Works Project where the engineer’s estimate of total construction costs meets or exceeds three million dollars (\$3,000,000) in City funding.
- 4.1.3. Vertical Projects. This Policy applies to all Vertical Projects that satisfy the Project Threshold.
- 4.1.4. Linear Projects. This Policy applies to all Horizontal Projects that satisfy the Project Threshold.
- 4.1.5. Work Covered by the PLA.
 - (A) Construction Craft Workers. This Policy applies to construction craft workers working on Public Works Projects. To the maximum extent possible, the City’s Project Labor

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Agreement will be applicable to work already considered covered work under existing collective bargaining agreements between Local contractors and unions.

- (B) Certain Contractor Employees and Consultants. This Policy does not apply to any operational, maintenance or managerial, executive, clerical or supervisory employees above the level of general foremen, nor to the work of persons, firms or other entities that perform consulting, planning, scheduling, management or other supervisory services on a Public Works Project, provided that such employees and/or Consultants shall not perform craft employee construction work on the Public Works Project.

4.2 ADDITIONAL REQUIREMENTS

4.2.1. Local Workforce Requirements.

- (A) Any PLA utilized by the City will incorporate provisions that establish a Local Workforce Requirement of thirty percent (30%).
- (B) The Director of Transportation and Public Works may waive or otherwise modify this requirement where: (i) a particular construction craft does not have sufficient local presence; or (ii) the Director of Transportation and Public Works has determined that the Contractor has demonstrated to the City's satisfaction that it has made best efforts to comply with the City's Local Workforce Requirement.

4.2.2. State Law Requirements. Any PLA utilized by the City will be consistent with state law requirements for project labor agreements, including, without limitation, those set forth in California Public Contract Code, section 2500 *et seq.*, as the same may be amended from time to time.

4.3 EXCLUSIONS

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Notwithstanding the foregoing, this Policy will not apply under the following circumstances to Public Works Projects, where the Director of Transportation and Public Works reasonably determines that:

4.3.1. Use of a Project Labor Agreement on a Public Works Project may:

- (A) Be inconsistent with State, Federal or other public funding source requirements or otherwise hinder the City’s ability to obtain such funding for a Public Works Project;
- (B) Have a substantially negative impact on Public Works Project delivery, including the ability to deliver such Public Works Projects on-time and on-budget, for instance due to time-sensitive funding requirements, or permits and/or entitlements; or
- (C) For certain categories or workers on Public Works Projects and/or categories of Public Works Projects where there is not sufficient union density and/or local workforce or local company presence to make the use of a Project Labor Agreement feasible, efficient, and/or economic.

Example: An example of a category of worker on a Public Works Project includes trucking/hauling for a Public Works Project. An example of a category of Public Works Project is slurry seal projects. Such examples are not exhaustive.

4.3.2. There is an emergency, other urgent need to protect health, safety and welfare or other exigent circumstances.

4.4 TERM

4.4.1. Effective Date. This Policy will apply to Public Works Projects solicited on or after January 1, 2024.

4.4.2. Evaluation Date. This Policy will be reconsidered by Council within three years of the Effective Date.

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4.4.3. Expiration Date. This Policy expires on January 1, 2027.

4.5 SEVERABILITY

If any provision of this Policy or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the invalidity will not affect other provisions or applications of this Policy that remain effective without the invalid provision or application, and to that end the provisions of this resolution are severable.