

TO: James L. App, City Manager

FROM: Doug Monn, Public Works Director

SUBJECT: California Department of Industrial Relations Requirement to Establish a Labor Compliance Program for Proposition 84 Recipients

DATE: March 5, 2013

NEEDS: For the City Council to establish a Labor Compliance Program in association with the construction of the new Paso Robles Uptown Family Park.

- FACTS:
1. Following an application process that began in February 2010, and the award of a Proposition 84 Statewide Park Development and Community Revitalization Grant in the amount of \$2,575,000 in November 2010, on May 17, 2011, City Council authorized contracts with (1) the State of California accepting the grant of \$2,575,00; and (2) the San Luis Obispo County Office of Education, for a 30-year Ground Lease Agreement for the construction and operation of the Uptown Family Park on the First Five property at 641 36th Street.
 2. As a condition of the Grant, all Grantees must provide a certified and approved Labor Compliance Program prior to requesting reimbursement of any on-site construction costs performed by a contractor. The City is not certified to provide the service.
 3. A Labor Compliance Program is created to enforce prevailing wage requirements on Public Works construction projects on behalf of the awarding body. Labor Compliance Programs are required, among other things, to inform contractors about their prevailing wage obligations, monitor compliance by obtaining and reviewing certified payroll reports, investigating complaints and other suspected violations, and take appropriate enforcement action when violations are found.
 4. On December 18, 2012, City Council approved retaining LCP Inc. to create and maintain the Labor Compliance Program and obtain the required State of California Department of Industrial Relations certification of the City's program.
 5. The first step in acquiring State certification of the Labor Compliance Program is a City Council Resolution authorizing the establishment of such a program.

ANALYSIS &
CONCLUSION:

Public Contracts Code 75075 requires an awarding body that awards any contract for a Public Works project financed in any part from Proposition 84 funds to adopt and enforce, or contract with a third party to enforce, a Labor Compliance Program pursuant to subdivision (b) of Labor Code Section 1771.5 for application to that Public Works project. Establishment of the program will allow for the reimbursement of any on-site construction costs performed by a contractor.

The Uptown Family Park project is subject to Section 75075. As such the City cannot seek reimbursement of any on site construction costs incurred by the contractor until the Labor Compliance Program is certified.

POLICY

REFERENCE: Resolution No. 10-021 authorizing the City to apply for Proposition 84 Statewide Park Development and Community Revitalization Grant funds; Resolution No. 11-065 authorizing the acceptance of the Proposition 84 Statewide Park Development and Community Revitalization Grant and a 30-year lease with the San Luis Obispo County Office of Education; Resolution 12-191 awarding a contract to LCP Inc. to provide create, certify, maintain and enforce a labor compliance program.

FISCAL IMPACT: This action is a procedural requirement. There is no fiscal impact.

OPTIONS: a.
b. Amend, modify, or reject the above option.

Attachments

1) Resolution

RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ESTABLISHING A LABOR COMPLIANCE PROGRAM ASSOCIATED WITH PROPOSITION 84
GRANT FUNDING

WHEREAS, Public Contracts Code 75075 requires an awarding body that awards any contract for a Public Works project financed in any part from funds made available pursuant to Proposition 84 to adopt and enforce, or contract with a third party to enforce, a labor compliance program pursuant to subdivision (b) of Labor Code Section 1771.5 for application to that Public Works project; and

WHEREAS, the City seeks to establish a Department of Industrial Relations-approved in-house Labor Compliance Program approved by the Department of Industrial Relations; and

WHEREAS, the City may utilize the services of a labor compliance program consulting firm to execute the services of the City's Labor Compliance Program should it be approved by the Department of Industrial Relations.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby establish a Labor Compliance Program geared to monitor and enforce contractors' compliance with California labor and apprenticeship laws for its Public Works construction projects financed in any part by Proposition 84.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 5th day of March 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk