

RESOLUTION NO. 2022-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, ADOPTING A POLICY STATEMENT TO ENCOURAGE BUT NOT MANDATE OR REQUIRE CONTRACTORS TO “HIRE LOCALLY” AND USE A “SKILLED AND TRAINED WORKFORCE” WITHIN THE MEANING OF PUBLIC CONTRACT CODE SECTION 2601(d) FOR ANY CONSTRUCTION ACTIVITIES RELATED TO AN “APPRENTICEABLE OCCUPATION” PURSUANT TO PUBLIC CONTRACT CODE SECTION 2601(a) FOR PROJECTS 30,000 SQUARE FEET OR LARGER.

WHEREAS, the City recognizes the importance of requiring the use of apprentices and graduates of apprenticeship as a means to ensure that a qualified workforce is employed on public works projects;

WHEREAS, the skilled and trained standard is used to help ensure quality work and protect against accidents;

WHEREAS, use of a local state certified apprenticeship program or a skilled and trained workforce with a local hire component can help demonstrate emission reductions; and

WHEREAS, the City Council of the City of Beaumont desires to adopt a policy encouraging but not mandating or requiring contractors to hire locally and use a skilled and trained workforce, as defined below.

NOW, THEREFORE, BE IT RESOLVED that the City of Beaumont, California, hereby adopts this Policy Statement:

SECTION 1: The City shall adopt a policy statement to encourage but not mandate or require contractors to “hire locally” and use a “skilled and trained workforce” for any construction activities related to an “apprenticeable occupation” for projects 30,000 square feet or larger.

SECTION 2: The definition of “hire locally” for purposes of this Policy Statement means at least 30 percent of the construction workforce for construction activities 30,000 square feet or larger should reside within 10 miles of the City of Beaumont.

SECTION 3: The definition of “skilled and trained workforce” for purposes of this Policy Statement is defined below and in conformance with Public Contract Code section 2601(d).

SECTION 4: The definition of “apprenticeable occupation” for purposes of this Policy Statement is defined below and in conformance with Public Contract Code section 2601(a).

SECTION 5: As used in Section 1, the term “encourage” means to make the Resolution, if ultimately adopted, available through the City’s website (<https://www.beaumontca.gov/>) and to provide a copy to developers of projects 30,000 square feet or larger within the City’s

jurisdictional limits. These are the only obligations the City has to Southwest Regional Council of Carpenters under this Resolution. The City has no obligation to qualify, monitor or report on the labor forces hired for local projects. In the event that the City should fail to provide a copy of the Resolution pursuant to this Section, the City shall have thirty (30) days after receiving written notice from Southwest Regional Council of Carpenters of said failure upon which to cure ("Cure Period"). Notwithstanding anything to the contrary herein, the parties agree that this Resolution does not apply to Chapter 2.9 of the Skilled and Trained Workforce Requirements (Public Contract Code sections 2600, *et seq.*). The City shall have no obligations under Chapter 2.9 of the Skilled and Trained Workforce Requirements (Public Contract Code sections 2600, *et seq.*), including but not limited to, any notice, monitoring, penalties or reporting requirements, or verification of conditions met under the "Skilled and Trained Workforce" definition on the labor forces hired for local projects.

SECTION 6: For the application of this Policy Statement, the following definitions pursuant to California Public Contract Code section 2601 applies:

(a) "Apprenticeable Occupation" means an occupation for which the Chief of the Division of Apprenticeship Standards of the Department of Industrial Relations had approved an apprenticeship program pursuant to Section 3075 of the Labor Code before January 1, 2014.

(b) "Chief" means the Chief of the Division of Apprenticeship Standards of the Department of Industrial Relations.

(c) "Graduate of an Apprenticeship Program" means either of the following: (1) An individual that has been issued a certificate of completion under the authority of the California Apprenticeship Council for completing an apprenticeship program approved by the Chief pursuant to Section 3075 of the Labor Code; or (2) An individual that has completed an apprenticeship program located outside California and approved for federal purposes pursuant to the apprenticeship regulations adopted by the federal Secretary of Labor.

(d) "Skilled and Trained Workforce" means a workforce that meets all of the following conditions:

- (1) All the workers performing work in an Apprenticeable Occupation in the building and construction trades are either Skilled Journeypersons or apprentices registered in an apprenticeship program approved by the Chief.
- (2) At least sixty (60) percent of the Skilled Journeypersons employed to perform work within the scope of the construction contract or project by every contractor and each of its subcontractors at every tier are Graduates of an Apprenticeship Program for the applicable occupation. Pursuant to Public Contract Code Section 2601, this Policy Statement shall not apply to work performed in the following occupations:

acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher.

- (3) For an Apprenticeable Occupation in which no apprenticeship program had been approved by the Chief before January 1, 1995, up to one-half of the graduation percentage requirements may be satisfied by Skilled Journeypersons who commenced working in the Apprenticeable Occupation before the Chief's approval of an apprenticeship program for that occupation in the County of Riverside.
- (4) The above apprenticeship graduation percentage requirements are satisfied if, in a particular calendar month, either of the following is true:
(A) At least the required percentage of the Skilled Journeypersons employed by the contractor or subcontractor to perform work on the contract or project meet the graduation percentage requirement; or (B) For the hours of work performed by Skilled Journeypersons employed by the contractor or subcontractor on the contract or project, the percentage of hours performed by Skilled Journeypersons who met the graduation requirement is at least equal to the required graduation percentage.
- (5) The contractor or subcontractor need not meet the apprenticeship graduation requirements above if, during the calendar month, the contractor or subcontractor employs Skilled Journeypersons to perform fewer than 10 hours of work on the contract or project.
- (6) A subcontractor need not meet the apprenticeship graduation requirements specified in this Policy Statement if both of the following requirements are met: (A) The subcontractor was not required to be a listed subcontractor under Public Contract Code section 4104 or was not a substitute for a listed subcontractor; and (B) The subcontract does not exceed one-half of 1 percent of the price of the prime contract.

(e) "Skilled Journeyperson" means a worker who either: (1) Graduated from an apprenticeship program for the applicable occupation that was approved by the Chief or which was located outside California and approved for federal purposes pursuant to the apprenticeship regulations adopted by the federal Secretary of Labor; or (2) Has at least as many hours of on-the-job experience in the applicable occupation as would be required to graduate from an apprenticeship program for the applicable occupation that is approved by the Chief.

SECTION 7: The City has no obligation to qualify, monitor or report on the labor forces hired for local projects. As set forth in Section 5, the use of Public Contract Code section 2601 is used solely for the purpose of defining “Skilled and Trained Workforce” and “Apprenticeable Occupation” under Section 6 of this Resolution, and by no means requires the City to substantiate or verify that the project applicants have met the conditions under these definitions. Moreover, none of the other sections under Chapter 2.9 of the Skilled and Trained Workforce Requirements (Public Contract Code sections 2600, *et seq.*) are applicable to this Resolution, including, but not limited to, Public Contract Code sections 2600 (applicability of chapter), 2600.5 (failure to provide notice; obligations not excused), 2602 (enforceable commitments; required provisions), and 2603 (failure to use skilled and trained workforce; penalty).

SECTION 8: This Resolution shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the ____ day of February 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lloyd White, Mayor Pro Tem

Attest:

Steven Mehlman, City Clerk

Approved as to form:

John O. Pinkney, City Attorney