



Staff Report

TO: City Council

FROM: Todd Parton, City Manager

DATE: February 15, 2022

SUBJECT: Consider Resolution 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

Background and Analysis:

Project: State law requires each county and city to prepare and adopt a 20-year comprehensive and long-range general plan for its physical development (Gov. Code § 65300). On or about November 17, 2020, the City Council of the City of Beaumont (“City”) (1) approved the Beaumont General Plan Update (“Beaumont 2040 Plan”), Zoning Code Amendment, and Zoning Map, and (2) certified the Final Program Environmental Impact Report for the Beaumont 2040 Plan, adopting Findings of Facts and a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (“the Project”).

Lawsuit: On or about December 17, 2020, the Southwest Regional Council of Carpenters (“Petitioner”) filed an action against the City entitled Southwest Regional Council of Carpenters v. City of Beaumont, in Riverside County Superior Court, Case No. CVR120000653, seeking to enjoin the City’s November 17, 2020 action, and demanding a writ of mandate, declaratory and injunctive relief under the California Environmental Quality Act (“CEQA”) (“Lawsuit”). Petitioner alleged that the City violated CEQA, Pub. Res. Code § 21000 *et seq.*; and State Planning and Zoning Law, Gov. Code § 65000 *et seq.* in approving the Project.

Settlement Agreement/Dismissal: On January 10, 2022, the parties entered into a Settlement Agreement and Release. The lawsuit was dismissed with prejudice on January 19, 2022.

Proposed Resolution: As part of the settlement agreement, the City Council for the City of Beaumont agreed to consider a resolution adopting a policy statement to encourage but not mandate or require contractors to “hire locally”¹ and use a “skilled and trained workforce”² for any construction activities related to an “apprenticeable occupation”³ for projects 30,000 square feet or larger. 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. The City has no obligation to qualify, monitor or report on the labor forces hired for local projects. Pursuant to the settlement agreement, the City Council retains full discretion to approve or disapprove the proposed resolution.

Fiscal Impact:

No fiscal impacts are anticipated, except for minimal printing costs to provide copies of the resolution to developers of projects 30,000 square feet or larger within the City’s jurisdictional limits.

Recommended Action:

The following options are provided for City Council’s consideration:

1. Waive the full reading and adopt the resolution by title only, “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,”

or

2. Do not approve resolution and provide staff with further direction.

¹ The definition of “hire locally” 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.

² “Skilled and trained workforce” is defined in Public Contract Code section 2601(d). Section 6(d) of the proposed Resolution sets forth the specific definition.

³ “Apprenticeable Occupation” under Public Contract Code section 2601(a) 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.

Attachments:

A. Draft Resolution