



Monterey County

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Board Report

Legistar File Number: WRAA 16-011

May 17, 2016

Introduced: 5/4/2016

Version: 1

Current Status: Agenda Ready

Matter Type: WR Agreement

Approve Amendment No. 1 to the Project Labor Agreement among the Monterey County Water Resources Agency and the Monterey/Santa Cruz Counties Building and Construction Trades Council and the Tri-Counties Building and Construction Trades Council, relating to the Interlake Tunnel and Spillway Modification Projects; and, authorize the Chair of the Board to execute Amendment No. 1 to the Project Labor Agreement.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors:

Approve Amendment No. 1 to the Project Labor Agreement among the Monterey County Water Resources Agency and the Monterey/Santa Cruz Counties Building and Construction Trades Council and the Tri-Counties Building and Construction Trades Council, relating to the Interlake Tunnel and Spillway Modification Projects; and, authorize the Chair of the Board to execute Amendment No. 1 to the Project Labor Agreement.

SUMMARY/DISCUSSION:

On April 12, 2016, Monterey County Water Resources Agency Board of Supervisors approved a Project Labor Agreement (PLA) for the Interlake Tunnel and Spillway Modification Project, among the Agency, the above referenced building trades councils, and their various participating craft and trades unions. The Board approved execution of the PLA subject to finalization of Addendum C, relating to a drug testing policy, and the list of unions required to participate and execute the PLA.

Since April 12, the construction trades councils have requested a modification of one section of the PLA. The section, 13.3, is reproduced below. The changes that the Councils request are shown between the brackets, and are underlined.

13.3 If a dispute arising under this Article involves the Northern California Carpenters Regional Council [("NCCRC")] or any of its subordinate bodies, [or the Southwest Regional Council of Carpenters ("SRCC") or any of its subordinate bodies,] an Arbitrator shall be chosen by the procedures specified in Article V, Section 5, of the Plan from a list composed of John Kagel, Thomas Angelo, Robert Hirsch, and Thomas Pagan, and the Arbitrator's hearing on the dispute shall be held [for the NCCRC] at the offices of the California State Building and Construction Trades Council in Sacramento, California[, or for the SRCC at the offices of the Tri Counties Building and Construction Trades Council,] within fourteen (14) days of the selection of the Arbitrator. All other procedures shall be as specified in the Plan.

Agency staff and counsel can recommend approval of the changes to Section 13.3. Section 13.3 provides that “jurisdictional disputes” (i.e., disputes as to which trade or craft should perform a particular task) involving certain named carpenter councils are to be decided by one of the arbitrators listed in Section 13.3. Section 13.3 also specifies where the arbitration takes place, depending on the carpenter council involved. The amendment language more specifically identifies the affected carpenter’s councils, and adds an additional site where arbitration will take place.

Amendment No. 1 language does not affect any obligations of the Agency because Section 13.3 relates to the handling of disputes among carpenter unions as to which union (member) has authority to perform a specific task.

OTHER AGENCY INVOLVEMENT:

County Counsel.

Due to the late submission of the report, the CAO Budget and Analysis division was not provided adequate time to review for potential fiscal, organizational, policy or other implications to the County of Monterey.

FINANCING:

There is no financial effect from approving Amendment No. 1 to the Project Labor Agreement.

Prepared by: Jesse J. Avila, Deputy County Counsel, (831) 755-5045

Approved by:

David E. Chardavoyne, General Manager, (831) 755-4860

Attachments:

Amendment No. 1 to the Project Labor Agreement among the Monterey County Water Resources Agency and the Monterey/Santa Cruz Counties Building and Construction Trades Council and the Tri-Counties Building and Construction Trades Council, relating to the Interlake Tunnel and Spillway Modification Projects.

Approved Project Labor Agreement