

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 11/25/2014	(3) CONTACT/PHONE Dave O'Halloran, Construction Division Manager (805) 781-4387	
(4) SUBJECT Submittal of resolutions approving Labor Compliance Programs for County of San Luis Obispo and Flood Control and Water Conservation District applicable to Proposition 84 Funded Projects. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District) adopt the attached resolution: <ol style="list-style-type: none"> <li>1. Adopting a Labor Compliance Program for District Projects financed in any part by Proposition 84 funds;</li> <li>2. Authorizing the Director of Public Works to submit application to the State Department of Industrial Relations; and</li> <li>3. Direct staff to engage labor compliance consultant to independently enforce the program.</li> </ol> Acting as the Board of Supervisors for the San Luis Obispo County adopt the attached resolution: <ol style="list-style-type: none"> <li>1. Adopting a Labor Compliance Program for County Projects financed in any part by Proposition 84 funds;</li> <li>2. Authorizing the Director of Public Works to submit application to the Department of Industrial Relations; and</li> <li>3. Direct staff to engage labor compliance consultant to independently enforce the program.</li> </ol>			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: 1/28/14, #29	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) All Districts			

Reference: 14NOV25-C-6

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Dave O'Halloran, Construction Division Manager

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 11/25/2014

SUBJECT: Submittal of resolutions approving Labor Compliance Programs for County of San Luis Obispo and Flood Control and Water Conservation District applicable to Proposition 84 Funded Projects. All Districts.

## **RECOMMENDATION**

It is recommended that the Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District) adopt the attached resolution:

1. Adopting a Labor Compliance Program for District Projects financed in any part by Proposition 84 funds;
2. Authorizing the Director of Public Works to submit application to the State Department of Industrial Relations; and
3. Direct staff to engage labor compliance consultant to independently enforce the program.

Acting as the Board of Supervisors for the San Luis Obispo County adopt the attached resolution:

1. Adopting a Labor Compliance Program for County Projects financed in any part by Proposition 84 funds;
2. Authorizing the Director of Public Works to submit application to the Department of Industrial Relations; and
3. Direct staff to engage labor compliance consultant to independently enforce the program.

## **DISCUSSION**

Under the State of California's Proposition 84 grant program, the Public Resource Code requires a Labor Compliance Program (LCP) be adopted by the grant recipient and filed with the State Department of Industrial Relations. As both the County of San Luis Obispo and the San Luis Obispo County Flood Control and Water Conservation District have projects moving forward with Proposition 84 funding, LCPs must be adopted and submitted for both entities.

On January 28, 2014, the Board approved a resolution adopting a Labor Compliance Program (LCP) for the County of San Luis Obispo Projects in conformance with Public Resource Code 75075. The LCP manual adopted on January 28, 2014 was submitted to the California Department of Industrial Relations (DIR) for its approval; however, significant amendments are required by DIR to include additional essential enforcement and monitoring procedures. The previous resolution provided authority to the Director of Public Works to submit the LCP to DIR for its approval, but it did not provide authorization to revise the manual. Therefore, prior to resubmittal and approval by DIR, it is necessary for the Board to re-adopt the revised LCP manual.

Adoption of the attached resolutions will allow Public Works to re-submit the LCP manual for the County of San Luis Obispo Project and to submit a separate application for District Projects to DIR for approval and will provide the Director of Public Works authorization to make minor edits as necessary for DIR approval. The resolutions will also provide authorization to engage outside specialized consultants, as needed, to properly administer the adopted LCP.

Current and upcoming projects with Proposition 84 funding, for which an LCP is required, include the Los Osos Wastewater Project, the CSA 23 - Atascadero Inter-tie Project, and the Flood Control Zone 1/1A Arroyo Grande Creek Channel Project.

Specialized consulting services for oversight and enforcement required under the LCP will be provided through the existing construction management agreement for the ongoing Los Osos Water Recycling Facility project, approved by your Board on June 18, 2013. For upcoming projects, it is anticipated that staff will initiate a Request for Qualifications/Proposals process, in accordance with County Purchasing guidelines, to develop an on-call list of outside specialized consultants in order to provide LCP enforcement as necessary to comply with Proposition 84 funded project requirements.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

Projects that receive funding from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 [Proposition 84] are subject to the LCP requirement in Public Resources Code §75075. The Department of Water Resources administers the Proposition 84 IRWM Grant funds under an agreement with the County.

A Labor Compliance Program application, required under the funding agreement, must be approved by the Department of Industrial Relations (DIR) and annual compliance report are to be submitted to DIR. County Counsel is providing legal guidance on all aspects of the project and has approved the attached resolutions as to its legal form and effect.

#### **FINANCIAL CONSIDERATIONS**

There is no budget impacts anticipated from adopting the resolutions related to Labor Compliance Programs. The individual project budget will cover cost to implement the LCP via independent consultants. However, this action will allow the County to utilize Proposition 84 grant funds for local projects.

## **RESULTS**

Approval of the recommended actions will provide necessary administrative measures for staff to continue the Labor Compliance Program efforts for construction projects to receive grant funding from Proposition 84. This provides for a well-governed community.

File: Los Osos WWP 300448.00.1.4

Reference: 14NOV25-C-6

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## **ATTACHMENTS**

1. Labor Compliance Program - County of San Luis Obispo
2. Resolution adopting a Labor Compliance Program for County Public Works Projects in conformance with Public Resources Code Section 75075
3. Resolution adopting a Labor Compliance Program for County Flood Control District Projects in conformance with Public Resources Code Section 75075