

**EXECUTIVE/COUNCIL APPROVAL FORM**

**MANAGEMENT ROUTING:**  
 EXECUTIVE Dave Somers  
 EXEC. DIR. Susan Neely  
 DIRECTOR/ELECTED Nathan Kennedy *NC*  
 DEPARTMENT Finance  
 DIV. MGR. Josh Dugan  
 DIVISION Exec Special Projects  
 ORIGINATOR Josh Dugan  
 DATE 4/25/2019 X3030

**TO: COUNCIL CHAIRPERSON:**  
**SNOHOMISH COUNTY COUNCIL**

**EXECUTIVE RECOMMENDATION:**  
 Approve  No Recommendation  
 Further Processing  
 Requested By \_\_\_\_\_

Susan Neely 5/23/19  
 Executive Office Signature  
 CEO Staff Review Cep MAY 23 2019  
 Received at Council Office CA 5/23/19

**DOCUMENT TYPE:**

BUDGET ACTION:  
      Emergency Appropriation  
      Supplemental Appropriation  
      Budget Transfer  
 CONTRACT:  
      New  
      Amendment

GRANT APPLICATION  
 ORDINANCE  
      Amendment to Ord. # \_\_\_\_\_  
 PLAN  
 OTHER

**DOCUMENT / AGENDA TITLE:**

ORDINANCE NO. 19- 019, AMENDING CHAPTER 2.100.030 SCC PERTAINING TO AUTHORITY AND FUNCTION OF THE DEPARTMENT OF FINANCE.

**APPROVAL AUTHORITY:** EXECUTIVE \_\_\_\_\_ COUNCIL X  
 CITE BASIS SCC 2.100.030

**HANDLING:** NORMAL X EXPEDITE \_\_\_\_\_ URGENT \_\_\_\_\_ DEADLINE DATE \_\_\_\_\_

**PURPOSE:**

AMENDING SCC 2.100.030 TO INCLUDE ESTABLISHMENT AND DEVELOPMENT OF PROCEDURAL GUIDANCE OF PROJECT LABOR AGREEMENTS AND COMMUNITY WORKFORCE AGREEMENTS BY THE DEPARTMENT OF FINANCE.

**BACKGROUND:**

- BY EXECUTIVE ORDER 19-02, AUTHORITY WAS ESTABLISHED FOR EXECUTIVE DEPARTMENTS TO CONSIDER THE USE OF PROJECT LABOR AGREEMENTS (PLA), ALSO KNOWN AS COMMUNITY WORKFORCE AGREEMENTS (CWA), WHEN DEVELOPING MULTI-YEAR, MULTI-MILLION DOLLAR MAJOR CONSTRUCTION PROJECTS.
- PLAs OR CWAs CAN BE OF ECONOMIC BENEFIT THROUGH LABOR STABILIZATION AND COST PREDICTABILITY FOR MAJOR CONSTRUCTION PROJECTS THAT ARE PUBLICALLY FUNDED.
- PLAs OR CWAs SHOULD BE CONSIDERED IN LIMITED CIRCUMSTANCES WHEN SUCH AN AGREEMENT CLEARLY BENEFITS THE INTERESTS OF SNOHOMISH COUNTY FROM A COST, EFFICIENCY, SAFETY, AND/OR TIMELINESS POINT OF VIEW.
- FOR CONSISTENCY AND PREDICTABILITY, PLAs OR CWAs MAY HELP THE COUNTY AND CONTRACTORS ACCURATELY DETERMINE PROJECT LABOR COSTS AND ESTABLISH WORKING CONDITIONS FOR THE DURATION OF THE PROJECT.
- PLAs OR CWAs ARE FORMS OF COLLECTIVE BARGAINING AGREEMENTS AND AS SUCH, MUST RECEIVE COUNTY COUNCIL APPROVAL PRIOR TO ENTERING INTO SUCH AGREEMENTS AND CONTRACTS.
- THIS ORDINANCE AMENDS SCC 2.100.030 BY CODIFYING AUTHORITY FOR THE DEPARTMENT OF FINANCE TO ESTABLISH AND DEVELOP PROCEDURAL GUIDANCE IN DEVELOPING PLAs OR CWAs BY EXECUTIVE DEPARTMENTS.

**FISCAL IMPLICATIONS:**

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
<b>TOTAL</b>			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
<b>TOTAL</b>			

DEPARTMENT FISCAL IMPACT NOTES:

BUDGET REVIEW: Analyst *[Signature]* Administrator *[Signature]* Recommend Approval *[Signature]*

**CONTRACT INFORMATION:**

ORIGINAL \_\_\_\_\_ CONTRACT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_  
 AMENDMENT \_\_\_\_\_ CONTRACT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

CONTRACT PERIOD:

ORIGINAL Start \_\_\_\_\_ End \_\_\_\_\_  
 AMENDMENT Start \_\_\_\_\_ End \_\_\_\_\_

CONTRACT / PROJECT TITLE:

CONTRACTOR NAME & ADDRESS (City/State only):

APPROVED:

RISK MANAGEMENT Yes \_\_\_\_\_ No X

COMMENTS \_\_\_\_\_

PROSECUTING ATTY - AS TO FORM: Yes X No \_\_\_\_\_

**OTHER DEPARTMENTAL REVIEW / COMMENTS:**

**ELECTRONIC ATTACHMENTS :** (List & include path & filename for each, e.g. G:\ECAF\deptname\docname\_Motion)  
 G:\ECAF\Dept12\_finance\2019\Projectlaboragreement\ECAF.doc.docx  
 G:\ECAF\Dept12\_finance\2019\Projectlaboragreement\Ordinance.docx

**NON-ELECTRONIC ATTACHMENTS:**

Executive Order 19-02

1 APPROVED:  
2 EFFECTIVE:

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7 SNOHOMISH COUNTY COUNCIL  
8 Snohomish County, Washington

9  
10 ORDINANCE NO. 19- 028

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12 AMENDING CHAPTER 2.100.030 SCC; INCREASING DUTIES OF THE DEPARTMENT  
13 OF FINANCE  
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17 NOW, THEREFORE, BE IT ORDAINED:

18  
19 Section 1. A new subsection is added to Snohomish County Code Section 2.100.030, last  
20 amended by Amended Ordinance 12-026 on June 6, 2012, to read:

21  
22 (20) Develop and establish procedural guidance by which the county may consider and, with  
23 the approval of the county council, enter into project labor agreements (PLAs) or community  
24 workforce agreements (CWAs) for major construction projects.  
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26  
27 PASSED this \_\_\_ day of \_\_\_\_\_, 2019.  
28

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30 SNOHOMISH COUNTY COUNCIL  
31 Snohomish County, Washington

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33 Chairperson  
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35 \_\_\_\_\_  
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37 ATTEST:  
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39 \_\_\_\_\_  
40 Clerk of the Council  
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- 42  
43 ( ) APPROVED  
44 ( ) EMERGENCY  
45 ( ) VETOED  
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47 DATE: \_\_\_\_\_  
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County Executive

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Approved as to form only:

Rebecca Wendling 5/21/2019

Deputy Prosecuting Attorney



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**EXECUTIVE ORDER 19-02**

**PROJECT LABOR/COMMUNITY WORKFORCE AGREEMENTS**

**PURPOSE:**

Project Labor Agreements (PLAs) or Community Workforce Agreements (CWAs) may be considered for use by Snohomish County Executive Departments. For the purposes of this order, the term "Project Agreement(s)" shall refer to Project Labor Agreement(s) (PLA) and Community Workforce Agreement(s) (CWA).

**DISCUSSION:**

Snohomish County is committed to fiscal responsibility and prudent budgetary practices. Snohomish County has an interest in awarding major construction project contracts (multi-year, multi-million dollar projects) in such a manner as to yield the lowest reasonable cost and the highest standard of quality and efficiency on the job. Project Agreements can be of economic benefit for major construction projects that use public funding sources. Such major construction projects may involve a substantial number of contractors, subcontractors, and craft workers as well as have a substantial project cost to Snohomish County taxpayers.

In appropriate circumstances, Project Agreements may facilitate the timely and efficient completion of major construction projects by making available a ready and reliable supply of highly trained and skilled craft workers. For consistency and predictability, Project Agreements may help Snohomish County and contractors accurately determine project labor costs and establish working conditions for the duration of the project. Additionally, Project Agreements provide a means of assuring labor stability and avoiding project disruptions such as strikes, lockouts, or slowdowns over the life of a major construction project.

The use of Project Agreements should be considered only in those limited circumstances when such an agreement clearly benefits the interests of Snohomish County from a cost, efficiency, quality, safety, and timeliness point of view.

This Executive Order does not authorize or promote the selection of any particular contractor, subcontractor, union, trade council, or labor organization. Snohomish County shall adhere to all provisions of federal, state, and local law.

**ACTION:**

1. Snohomish County Executive Departments should consider the use of Project Agreements when contemplating major construction projects through the competitive bidding process.
2. The following factors shall be considered by an Executive Department in considering whether to use a Project Agreement for a major construction project:
  - a. The potential for labor disruptions, such as strikes, lockouts, or slowdowns that may delay completion of the project.

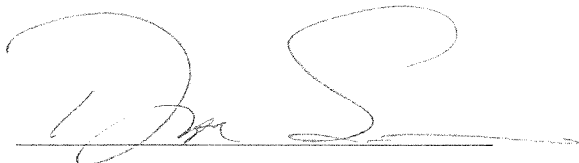
- b. The complexity of the project, to include the number of contractors, subcontractors, and craft workers necessary to complete the project in a timely manner.
  - c. The need and urgency of the project and the harm to the public if completion of the project were to be delayed.
  - d. The benefits to the public by the use of a Project Agreement in terms of cost, efficiency, safety, quality, and timeliness.
3. The decision to propose to the County Council the use a Project Agreement in connection with a major construction project shall be supported by written findings that clearly demonstrate how the use of a Project Agreement will benefit the major construction project and protect the interests of the public and Snohomish County in terms of cost, efficiency, quality, safety, and timely completion.
4. In accordance with this Executive Order a proposed Project Agreement should, at a minimum:
  - a. Select through a competitive process, a general contractor, project manager or similar construction firm that is experienced in the negotiation and administration of Project Agreements to manage and oversee the construction of the project-including the development and implementation of a labor relations policy for the major construction project.
  - b. Contain guarantees against strikes, lockouts, slowdowns or other similar action.
  - c. Set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work.
  - d. Be made binding on all contractors and subcontractors on the project through the inclusion of appropriate bid specifications in all relevant bid documents.
  - e. Be open to competition for work to be performed by all union and non-union contractors, subcontractors, and material suppliers who are willing to abide by the terms of the Project Agreement.
  - f. Prohibit discrimination in job referrals as required by federal, state, and local law.
  - g. Provide for and promote increased opportunity for trade worker apprenticeship utilization and training opportunities.
  - h. Contain specific provisions related to preservation and protection of trade worker health and safety on the jobsite.

This Executive Order shall take effect immediately.

**CANCELLATION:**

This Executive Order shall remain in effect until cancelled or superseded.

Dated this 24<sup>th</sup> day of April, 2019



Dave Somers

County Executive