

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-7

INTRODUCED BY:

Councilor Bushee

AN ORDINANCE

*RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING
SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL TO RAISE THE
THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,000,000; TO MANDATE
HIRING 100% OF SANTA FE COUNTY RESIDENTS UNLESS GRANTED A VARIANCE TO
REQUIRE THAT BENEFITS SHALL BE PROVIDED TO WORKERS AND THEIR
DOMESTIC PARTNERS IN ACCORDANCE WITH THE CITY ORDINANCES; AND TO
REQUIRE AN ANNUAL REVIEW OF THE CWA ORDINANCE.*

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 28.8.1 of the Purchasing Manual (being Ord. #2012-12, §1) is
amended to read:

28.8.1 Legislative Findings. The Governing Body finds that:

- (1) The use of community workforce agreements for construction projects in
excess of [~~\$500,000~~] \$1,000,000, is in the best interest of the City, in
building large capital outlay projects funded by Gross Receipts Tax and

General Obligation bonds.

(2) Community workforce agreements will ensure that:

- (a) Time schedules are met for large-scale construction projects;
- (b) Large-scale construction projects will be completed with highly qualified workers;
- (c) The project will meet the highest standards of safety and quality;
- (d) There are peaceful, orderly, and mutually binding procedures for resolving labor issues to:
 - (i) Avoid labor conflicts; and
 - (ii) Promote overall stability throughout the duration of the project by providing legally enforceable guarantees that the projects will be carried out in an orderly and timely manner without strikes, lockouts, or slowdowns in light of complex project elements and diversity or numerosity of contractors.
- (e) Residents of Santa Fe County shall be given preference in the hiring process.
- (f) [Necessary] In accordance with the city's ordinances, benefits shall be provided to workers and their domestic partners.

(3) Community workforce agreements will allow the City to more accurately predict the costs of large-scale construction projects and ensure fair and reasonable working conditions for all workers for large-scale City construction projects.

Section 2. Subsection 28.8.2 of the Purchasing Manual (being Ord. #2012-12, §1) is amended to read:

28.8.2 Applicability; Contracts Over \$500,000 \$1,000,000. Public works Construction

contracts in excess of [\$500,000] \$1,000,000 shall be governed by a Community Workforce Agreement (“CWA”) and shall be known as “Covered Projects.”

Section 3. Subsection 28.8.4 of the Purchasing Manual (being Ord. #2012-12, §1) is amended to read:

28.8.[4]3 Variable Terms. The terms of any construction project CWA may vary in accordance with the scope, duration, cost, or other characteristics of any Covered Project and such terms shall be determined by the City in any Invitation for Bid Packet on a project-by-project basis. Provided, however, that any CWA shall incorporate terms to promote the following objectives:

- (1) Make available a ready and adequate supply of highly trained and skilled trade and craft workers;
- (2) Accurately determine project labor costs at the outset of any construction project;
- (3) Establish working conditions for all construction trades and crafts for the duration of the project;
- (4) Negotiate legally enforceable commitments with all parties to a construction project to ensure labor stability and labor peace over the life of the project;
- (5) Facilitate increases in the number of trained and skilled local construction workers through cooperative procedures and apprenticeship programs; and
- (6) Promote the hiring of local subcontractors in the construction of large-scale public works projects funded by gross receipts tax and general obligation bonds.

~~[(7) — Strive to develop a local workforce and use at least fifty percent (50%) of local workers in public works projects.]~~

Section 4. A new Subsection 28.8.4 of the Purchasing Manual is ordained to read:

1 **28.8.4 [NEW MATERIAL] Mandatory Terms.** Every CWA shall include the following terms:

2 (1) Employment of Santa Fe County Residents.

3 (a) For the purposes of employment on a Covered Project, under a
4 CWA, union and non-union residents of Santa Fe County, as defined
5 below, shall receive preference in the hiring process.

6 (b) A “resident” of Santa Fe County shall be defined in accordance with
7 Section 1-1-7 NMSA 1978, and the cases interpreting such
8 provision.

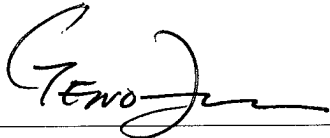
9 (2) *CWAs covered projects shall hire 100% Santa Fe County resident work-*
10 *force, unless granted a variance in accordance with the City’s CWA Policies*
11 *and Procedures Manual.*

12 (3) *In accordance with the city’s ordinances,* benefits shall be provided to
13 workers and their domestic partners.

14 **Section 5. A new Subsection 28.8.5 of the Purchasing Manual is ordained to read:**

15 **28.8.5 [NEW MATERIAL] Annual Review.** Subsection 28.8 of the Purchasing Manual shall be
16 reviewed on annual basis, with the first review occurring one year from the date of
17 adoption of this subsection, *including a review of new apprenticeship programs*
18 *created in collaboration with local educational entities and the number of Santa Fe*
19 *county residents enrolled in such apprenticeship programs as a result of any CWAs*
20 *during this period.*

21 APPROVED AS TO FORM:

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24 GENO ZAMORA, CITY ATTORNEY

25 M/M/Melissa/Bills 2013/2013-7 CWA (\$1_5k)(Sub Bill)