

RESOLUTION NUMBER R- 312736

DATE OF FINAL PASSAGE NOV 07 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE AWARD OF  
CONSTRUCTION CONTRACTS FOR PHASE 1 OF PURE  
WATER SAN DIEGO WITHOUT A REQUIREMENT THAT  
APPRENTICES BE REGISTERED IN JOINT LABOR  
MANAGEMENT APPRENTICESHIP PROGRAMS.

WHEREAS, on November 15, 2018, the San Diego City Council authorized the Mayor or his designee to award the construction contracts for Phase 1 of Pure Water San Diego, on the condition that the construction contracts include labor requirements consistent with the Memorandum from Patrick Bouteller, Director of Government Affairs, dated November 15, 2018, pursuant to San Diego Resolution R-312062; and

WHEREAS, these labor requirements included a condition that certain construction contracts require that all apprentices be registered in Joint Labor Management Apprenticeship Programs approved by the State of California; and

WHEREAS, on May 23, 2019, the San Diego Chapter of the Associated General Contractors (AGC) filed litigation against the City alleging that the Joint Labor Management Apprenticeship Program requirement violates City Proposition A, a local initiative that prohibits the City from requiring project labor agreements on City construction projects, with certain exceptions; and

WHEREAS, on June 24, 2019, the San Diego Superior Court granted AGC's request for a preliminary injunction prohibiting the City from awarding the construction contract for the North City Pure Water Facility so long as it includes a requirement that apprentices be registered

in Joint Labor Management Apprenticeship Programs, reasoning that the requirement violates the Statement of the People's Intent in Proposition A; and

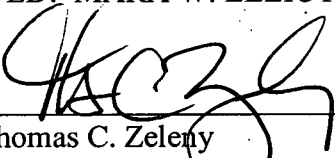
WHEREAS, the City estimates that for each month construction of Phase 1 of Pure Water San Diego is delayed, inflation and related factors will increase the cost of Phase 1 by \$4 million; and

WHEREAS, the City desires to avoid further delay of construction of Phase 1 of Pure Water and the increased costs associated with that delay, and removing the requirement that apprentices be registered in Joint Labor Management Apprenticeship Programs will allow the City to proceed with construction while complying with the Court's injunction; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Mayor or his designee is authorized to award construction contracts for Phase 1 of Pure Water San Diego without a requirement that apprentices be registered in Joint Labor Management Apprenticeship Programs, and the Joint Labor Management Apprenticeship Program requirement in San Diego Resolution R-312062 is hereby repealed.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Thomas C. Zeleny  
Sr. Chief Deputy City Attorney

TCZ:cw  
10/21/19  
Or.Dept: Public Utilities  
CC No.: N/A  
Doc. No.: 2204871

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,  
at its meeting of NOV 05 2019.

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk

Approved: 11/7/19  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 05 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 07 2019

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Aty Brady*, Deputy

Office of the City Clerk, San Diego, California

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