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Agenda Item: ID#14-549 (3-C)

Date: 11/6/14

CITY CLERK, FRESNO

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – ID#14-549 (3-C)

Supplemental Packet Date: November 4, 2014

Item(s)

BILL – (For introduction) Repealing Section 4-111 of the Fresno Municipal Code and adding Section 4-111 to the Fresno Municipal Code relating to Project Labor Agreements – Council President Brandau

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



Pacific Advocacy Group

November 4, 2014

**Steve Brandau, Council President
Fresno City Council
2600 Fresno Street
Fresno, CA 93721**

**Re: Support for *Agenda Item 3-C ID#14-549* BILL - (For Introduction) -
Repealing Section 4-111 of the Fresno Municipal Code and adding Section
4-111 to the Fresno Municipal Code relating to Project Labor Agreements**

Dear Council President Brandau:

I offer the following comments on behalf of my clients: Western Electrical Contractors Association (WECA), Plumbing-Heating-Cooling Contractors Association of California (CAPHCC), Air Conditioning Trade Association (ACTA) and Associated Builders and Contractors - San Diego Chapter.

My clients' members perform public works construction throughout the San Joaquin valley and some perform work for the City of Fresno. WECA, ACTA and CAPHCC are approved by the State of California to indenture, train, and dispatch apprentices in Fresno.

Like many public agencies that favor *Fair and Open Competition (FOC)* for public works construction, your city has had a *FOC* ordinance in place since 2000, the first of its kind in the nation.

In response to the popularity of FOC ordinances, the State's construction unions prevailed upon the State Legislature to pass and Governor Brown to sign, SB 922 in 2011. As I am sure you are well aware, SB 922 and its companion, SB 829, disqualifies charter cities from receiving state funding or financial assistance who if they had PLA bans by a charter provision, initiative, or ordinance in effect prior to November 1, 2011.

My clients believe local government should control their own municipal affairs and that charter cities, in particular, have a right - pursuant to the State Constitution to control local contracting procedures.

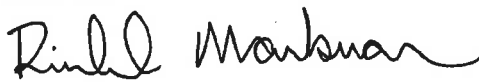
**419 Nasca Way
Sacramento California 95831
916 538 2360**

Steve Brandau, Council President
Support for **Agenda Item 3-C ID#14-549**
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Accordingly, my clients support the passage of ID #14-549 that will reinstate the City's original FOC Ordinance upon the entry of a final judgment invalidating Public Contract Code Sections 2500-2503 (Senate Bills 829 (2011) and 922 (2012)).

My clients are Merit Shop employer associations. Merit Shop is a way of doing business in which companies reward employees based on performance and encourage them to reach their highest level of achievement, and in which contracts are awarded based on safety, quality, and value, regardless of labor affiliation.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Markuson". The signature is fluid and cursive, with the first name "Richard" and last name "Markuson" clearly distinguishable.

Richard Markuson

cc: WECA
PHCC
ACTA
ABCSD