



SEATTLE CITY COUNCIL

Legislative Summary

CB 119032

Record No.: CB 119032

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125368

In Control: City Clerk

File Created: 07/11/2017

Final Action: 08/02/2017

Title: AN ORDINANCE related to City public works and the priority hire program; amending Sections 20.37.010, 20.37.020, 20.37.040, and 20.37.050 of the Seattle Municipal Code to change references to "project labor agreement" to "community workforce agreement," to make certain technical corrections, and to change the number of core workers open-shop contractors may bring to a project.

Notes:

Filed with City Clerk: 8/2/2017

Mayor's Signature: 7/28/2017

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/13/2017	sent for review	Council President's Office			
	Action Text:	The Council Bill (CB) was sent for review. to the Council President's Office					
	Notes:						
1	Council President's Office	07/13/2017	sent for review	Full Council			
	Action Text:	The Council Bill (CB) was sent for review. to the Full Council					
	Notes:						
1	Full Council	07/17/2017	referred	Full Council			
1	Full Council	07/24/2017	passed				Pass
	Action Text:	The Motion carried, the Council Bill was passed by the following vote, and the President signed the Bill:					
	Notes:	Motion was made and duly seconded to pass Council Bill 119032.					

In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Sawant

Opposed: 0

1	City Clerk	07/25/2017	submitted for Mayor's signature	Mayor
1	Mayor	07/28/2017	Signed	
1	Mayor	08/02/2017	returned	City Clerk
1	City Clerk	08/02/2017	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125368

COUNCIL BILL 119032

AN ORDINANCE related to City public works and the priority hire program; amending Sections 20.37.010, 20.37.020, 20.37.040, and 20.37.050 of the Seattle Municipal Code to change references to “project labor agreement” to “community workforce agreement,” to make certain technical corrections, and to change the number of core workers open-shop contractors may bring to a project.

WHEREAS, in January 2015, following the positive results of a pilot program on the Elliott Bay Seawall project, and after making legislative findings, the Seattle City Council, with concurrence from the Mayor, enacted Ordinance 124690 (“Priority Hire”), codified in Chapter 20.37 of the Seattle Municipal Code; and

WHEREAS, Priority Hire requires that a certain percentage of labor hours on City public works construction projects of \$5 million or more be performed by workers living in economically distressed areas of Seattle and King County and establishes goals for hiring of women and people of color; and

WHEREAS, analysis has shown that Priority Hire has improved access to training programs and well-paying construction jobs for local workers in economically distressed neighborhoods and increased the diversity of the workforce on City construction projects that are covered by Ordinance 124690; and

WHEREAS, on April 8, 2015, The City of Seattle entered into a project labor agreement with unions called a “Community Workforce Agreement,” which binds the unions, the City, and signatory contractors to the requirements of Priority Hire; and

WHEREAS, as codified in Chapter 20.42 of the Seattle Municipal Code, the City is committed to including Women- and Minority-owned Businesses in City contracts and to providing

1 technical assistance to Women and Minority Businesses to increase their capacity to
2 effectively compete for the award of government contracts and subcontracts; and

3 WHEREAS, a Priority Hire Annual Report was submitted by the Department of Finance and
4 Administrative Services to the Mayor and City Council in February 2017, which
5 evaluates Priority Hire from its inception, describes planned program improvements and
6 provides recommendations for legislative change intended to further improve Priority
7 Hire program outcomes while maintaining the performance of City construction projects;
8 NOW, THEREFORE,

9 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

10 Section 1. Section 20.37.010 of the Seattle Municipal Code, enacted by Ordinance
11 124690, is amended as follows:

12 **20.37.010 Definitions**

13 When used in this Chapter 20.37, the following words and phrases shall have the meanings given
14 below unless the context in which they are included clearly indicates otherwise:

15 * * *

16 “City” means The City of Seattle.

17 “Community Workforce Agreement” or “CWA” means an agreement executed between
18 the Director, on behalf of the City, and each Union that represents the workers for trades that
19 typically perform work on City public works projects, which agreement sets out the terms and
20 conditions between the City, the Unions, and signatory contractors on a Covered Project and that
21 meets the requirements of this Chapter 20.37.

22 * * *

1 requirements or goals would be inconsistent with a grant or agreement with a public agency,
2 when requirements or goals are inconsistent with federal funding or other funding sources, when
3 the project is in a remote location, when superseded by safety or other legal requirements, or
4 absent an executed (~~(Project Labor Agreement)~~) Community Workforce Agreement.

5 Section 3. Section 20.37.040 of the Seattle Municipal Code, enacted by Ordinance
6 124960, is amended as follows:

7 **20.37.040 Priority Hire**

8 A. For Covered Projects which are not found impracticable under Section 20.37.020,
9 the Director shall establish in the bid documents the required percentage of Labor Hours to be
10 performed by Priority Workers. The Director shall establish the percentages separately for
11 Apprentices and for Journey-level workers. Contractors and Dispatch under a (~~(PLA)~~) CWA
12 shall seek to first hire and dispatch Priority Workers so as to meet or exceed the required
13 percentages.

14 B. For each Covered Project, the Director shall establish the greatest practicable
15 required percentage of Labor Hours to be performed by Priority Workers by using past
16 utilization percentages on similar public works projects from the previous three calendar years,
17 and shall increase that percentage by no less than two full percentage points above past
18 performance. The Director shall calibrate these required percentages annually and shall consult
19 with the Priority Hire Implementation and Advisory Committee regarding these requirements.

20 C. In order to maximize the impact of this program in Economically Distressed
21 Areas, the Director shall set project-specific requirements with the intent of achieving a total
22 percentage of no less than 20 (~~(%)~~) percent for all Labor Hours performed annually by Priority
23 Workers on the combined total of Covered Projects by 2016, and shall strive to achieve 40 (~~(%)~~)

1 percent of Labor Hours performed by Priority Workers by 2025. Annual percentage rates will be
2 measured January 1—December 31 of each applicable year.

3 D. In order to meet the percentage of Labor Hours to be performed by Priority
4 Workers, the Director shall require Contractors and Dispatch under a ~~((PLA))~~ CWA to first seek
5 to employ a Priority Worker who is a Resident in an Economically Distressed Area within
6 Seattle City limits. The second priority shall be workers from Economically Distressed Areas
7 within King County ~~((, and then workers from any other Economically Distressed Area))~~ as
8 needed to meet the percentage of Labor Hours to be performed by Priority Workers. The
9 Director ~~((shall establish))~~ may, in consultation with the Advisory and Implementation
10 Committee, establish by Director's Rule the specific process by which Contractors, Union
11 Dispatch, and the Jobs Coordinator will collaborate in order to facilitate the hiring of Priority
12 Workers.

13 * * *

14 F. The Director shall enforce the requirements in this Chapter 20.37 and may use
15 actions such as withholding invoice payments, to the extent allowed by contract, or debarment
16 ~~((to the extent allowed by contract))~~ as authorized by ~~((Seattle Municipal Code))~~ Chapter 20.70.

17 * * *

18 ~~((F))~~ J. The Director shall establish a Priority Hire Implementation and Advisory
19 Committee that includes representatives of the following groups: ~~((;))~~ 1) Labor Unions, 2)
20 community organizations, 3) Contractors, including at least one WMBE firm, and
21 4) ~~((;))~~ Apprentice and Pre-apprentice Training Programs. The Committee shall provide an
22 advisory role to the City regarding the implementation and effectiveness of the Priority Hire
23 policy. Each of the four named groups above shall make nominations from among themselves

1 for Committee representatives to the Mayor. The Mayor shall appoint no less than two and no
2 more than ~~((three))~~ four persons from each group to the Committee. The Department will
3 convene the Committee on a regular basis, at least once every quarter, and will provide the
4 Committee with information about program performance. The Director shall assign at least one
5 staff member from ~~((FAS))~~ the Department to support the work of the Committee. The
6 Committee shall submit an annual report in writing to the Mayor and City Council, and may
7 submit recommendations, findings, or other reports to the Director, Mayor, or City Council, for
8 consideration as appropriate. The Committee shall establish rules for its procedures.

9 Section 4. Section 20.37.050 of the Seattle Municipal Code, enacted by Ordinance
10 124960, is amended as follows:

11 **20.37.050 ~~((Project labor agreement))~~ Community Workforce Agreement**

12 A. The Director shall negotiate and execute a ~~((Project Labor Agreement))~~ CWA that
13 applies to all Covered Projects other than projects deemed impracticable under Section
14 20.37.020. The ~~((PLA))~~ CWA shall comply with and include the applicable terms of this
15 ~~((ordinance))~~ Chapter 20.37 and any applicable rules and standards developed by the Director.
16 The ~~((PLA))~~ CWA shall require that all Contractors agree to abide by the terms of the ~~((PLA))~~
17 CWA in order to compete and serve on the Covered Project.

18 B. The Director shall include a requirement in the ~~((PLA))~~ CWA that one of every
19 five Apprentices employed on a Covered Project be Preferred Entry candidates.

20 C. The Director shall establish provisions within the ~~((PLA))~~ CWA that encourage
21 Open-Shop subcontractors to compete and participate in Covered Projects, including reimbursing
22 existing employer sponsored dual-benefit health and pension costs paid by Open-Shop

1 Contractors, which are determined by the City to be compliant with usual benefits as defined in
2 WAC 296-127-014.

3 D. The ((PLA)) CWA shall permit an Open-Shop Contractor to employ as many as
4 ((five)) three Core Employees on each contract ((in)) for a Covered Project, provided the Core
5 Employees meet the Core Employee criteria set forth in the ((PLA)) CWA, and up to two
6 Apprentices enrolled in an Apprentice Training Program who are also one of the following: (1) a
7 Priority Worker, (2) a Pre-apprentice Graduate, (3) or an individual who furthers the City's
8 aspirational goals for women and people of color. Open-Shop Contractors are allowed to select
9 and hire ((up to 5)) these Core Employees and Apprentices before filling any further hiring needs
10 through Dispatch. Open-Shop Contractors must notify the Union and identify their Core
11 Employees and Apprentices. FAS has authority, at any time, to verify that the employees meet
12 the definition of Core Employee as established in the ((PLA)) CWA.

13 E. No worker shall be required to become a member of a Union to be eligible for
14 employment on a project under a ((PLA)) CWA with ((the)) The City of Seattle. No Contractor
15 shall be required to become affiliated with a Union to be eligible for work on a project under a
16 ((PLA)) CWA with ((the)) The City of Seattle.

17 F. The Department may provide technical assistance to WMBE and Open-Shop
18 Contractors in transitioning to a ((PLA)) CWA environment.

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

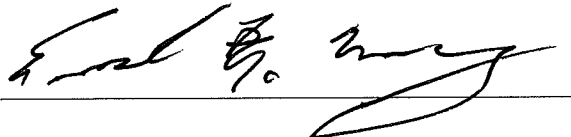
4 Passed by the City Council the 24th day of July, 2017,
5 and signed by me in open session in authentication of its passage this 24th day of
6 July, 2017.

7 

8 President _____ of the City Council

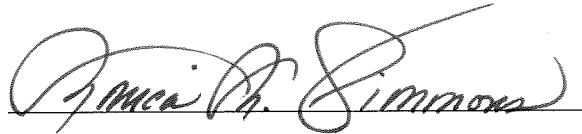
26th - A.S.

9 Approved by me this 26 day of July, 2017.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 2nd day of AUGUST, 2017.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

352754

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

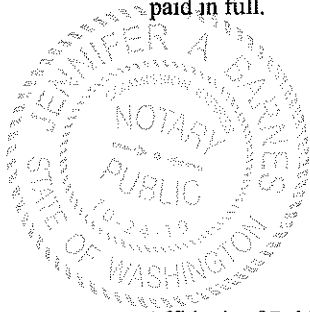
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125357,359-125370

was published on

08/10/17

The amount of the fee charged for the foregoing publication is the sum of \$272.85 which amount has been paid in full.



Affidavit of Publication

A handwritten signature in cursive script, appearing to be "R. L. ...", written over a horizontal line.

Subscribed and sworn to before me on

08/10/2017

A large, bold handwritten signature in cursive script, written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, approved by the City Council on July 24, 2017, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125357

Council Bill 119028

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 113 of the Official Land Use Map to rezone property located at 2320 E Union Street from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65), and accepting a Property Use and Development Agreement as a condition of rezoning approval. (Petition by Capitol Hill Housing, C.F. 814849, SDCI Project 3018178)

Ordinance 125359

Council Bill 118981

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 112 and 113 of the Official Land Use Map to rezone land in the 23rd and Cherry node of the 23rd & Union-Jackson Residential Urban Village; and amending Sections 23.45.510, 23.45.512, 23.45.514, and 23.45.517 of the Seattle Municipal Code to implement Mandatory Housing Affordability (MHA).

Ordinance 125360

Council Bill 118982

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 112 and 113 of the Official Land Use Map to rezone land in the 23rd and Union node of the 23rd & Union-Jackson Residential Urban Village; amending Section 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the 23rd & Union-Jackson Residential Urban Village; and amending Sections 23.58C.040 and 23.58C.060 of the Seattle Municipal Code to implement Mandatory Housing Affordability (MHA).

Ordinance 125361

Council Bill 118983

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 118 and 119 of the Official Land Use Map to rezone land in the 23rd and Jackson node of the 23rd & Union-Jackson Residential Urban Village to support community vision and implement Mandatory Housing Affordability (MHA); and amending Section 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the 23rd & Union-Jackson Residential Urban Village.

Ordinance 125362

Council Bill 118980

AN ORDINANCE relating to land use and zoning; amending Section 23.41.010 of the Seattle Municipal Code to update the list of approved neighborhood design guidelines; approving and adopting the new Mount Baker Town Center Design Guidelines; and approving and adopting augmented Pike/Pine Design Guidelines.

Ordinance 125363

Council Bill 119004

AN ORDINANCE relating to land use and zoning; amending Map A for Section 23.68B.060 of the Seattle Municipal Code (SMC); and amending the Official Land Use

Map (Chapter 23.82 of the SMC) to make typographical corrections related to Exhibit A to Ordinance 125291 that rezoned certain land in Downtown, South Lake Union, and adjacent IC zones.

Ordinance 125364

Council Bill 119021

AN ORDINANCE relating to the reconstruction of Alaskan Way and the construction of Elliott Way surface street improvements necessary as part of the State of Washington's State Route 99 Alaskan Way Viaduct Replacement Program; authorizing the Mayor or the Mayor's designee to execute an Agreement with the State of Washington whereby the State will fund the construction of those improvements by The City of Seattle; and ratifying and confirming certain prior acts.

Ordinance 125365

Council Bill 119024

AN ORDINANCE relating to funding for housing and community development programs; adopting The City of Seattle 2017 Annual Action Plan to the 2014 - 2017 Consolidated Plan for Housing and Community Development and authorizing its submission to the United States Department of Housing and Urban Development; authorizing acceptance of grant funds from that department for programs and activities included in the Annual Action Plan; amending Ordinance 125207, which adopted the 2017 Budget, by modifying appropriations to various departments and budget control levels in the 2017 Adopted Budget; and lifting a proviso; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125366

Council Bill 119026

AN ORDINANCE relating to property at Sand Point; authorizing the Housing Director to execute an amendment to and partial termination of the lease of City of Seattle land authorized by Ordinance 122459, as amended pursuant to Ordinance 123196, to remove two parcels from that lease; authorizing a new lease of the removed parcels to SPH Two LLLP; authorizing deeds to buildings on those parcels; authorizing related documents and actions; and ratifying and confirming certain prior acts.

Ordinance 125367

Council Bill 119031

AN ORDINANCE amending Ordinance 125205, which conditioned the Seattle Department of Transportation's 2017 grant applications and repealed Ordinance 118719.

Ordinance 125368

Council Bill 119032

AN ORDINANCE related to City public works and the priority hire program; amending Sections 20.37.010, 20.37.020, 20.37.040, and 20.37.060 of the Seattle Municipal Code to change references to "project labor agreement" to "community workforce agreement," to make certain technical corrections, and to change the number of core workers open-shop contractors may bring to a project.

Ordinance 125369

Council Bill 119033

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125370

Council Bill 118984

AN ORDINANCE relating to the Seattle Office for Civil Rights; amending Section 3.14.920 of the Seattle Municipal Code to increase the membership of the Seattle Human Rights Commission, the Seattle Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Commission, and the Seattle Commission for People with Disabilities and change the appointment authority for these and the Seattle Women's Commission.

Date of publication in the Seattle Daily Journal of Commerce, August 10, 2017.
8/10(362754)