

Resolution #07-4

Resolution of the Fort Ord Reuse)
Authority Board Amending the)
Board's Prevailing Wage Policy.)

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

WHEREAS, the Fort Ord Reuse Authority ("FORA") Board of Directors established a prevailing wage policy on July 14, 1995 by adopting Ordinance No. 95-01; and

WHEREAS, the FORA Board of Directors has heard testimony that clarifying and amending the language included in its Master Resolution addressing the payment of prevailing wages would help in implementing this policy; and

WHEREAS, the FORA Board of Directors now seeks to further define its Prevailing Wage Policy; and

WHEREAS, the FORA Board of Directors intends this language take effect from and after adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the FORA Board of Directors that:

1. Master Resolution Section 3.03.100 is repealed;
2. Master Resolution Section 3.03.090 is amended as noted below;

3.03.90 PREVAILING WAGES

(a) Not less than the general prevailing rate of wages for work of a similar character in Monterey County, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the California Labor Code, shall be paid to all workers employed on the first generation construction performed on parcels subject to the Fort Ord Base Reuse Plan. This subsection applies to work performed under Development Entitlements as defined in 1.01.050 of this Master Resolution and by contract with a FORA member or a FORA member agency including their transferees, agents, successors-in-interest, developers or building contractors.

This policy is limited to "first generation" construction work, which is defined in Section 1.01.050 of this Master Resolution. In addition to the exceptions enumerated in the definition of Development Entitlements found in section 1.01.050 of this Master Resolution, this policy does not apply to:

- i) **construction work performed by the Authority or a member jurisdiction with its own workforce;**
- ii) **construction work performed by paid, full-time employees of the developer, unless the developer is performing the work of a contractor as defined in California Business and Professions Code section 7026;**

- iii) **construction improvements following issuance of an occupancy permit;**
- iv) ***affordable housing when exempted under California state law; and**
- v) ***construction of facilities to be used for eleemosynary non-commercial purposes when owned in fee by a non-profit organization operating under Section 501(c)(3) of the Internal Revenue Code.**

(b) Member agencies shall include language in all of their contracts and deeds for the conveyance, disposition and/or development of former Fort Ord property to give notice of and assure compliance with the policy set forth above in subsection 3.03.090(a).

(c) FORA shall determine compliance by member agencies with this section at the time of and as part of FORA's consistency determination under Chapter 8 of this Master Resolution.

- 3. Master Resolution Section 1.01.050 is amended to add immediately after the "Ex-Officio Members" definition:

"First Generation Construction" means construction performed during the development and completion of each parcel of real property contemplated in a disposition or development agreement at the time of transfer from each member agency to a developer(s) or other transferee(s) and until issuance of a certificate of occupancy by the initial owners or tenants of each parcel.

- 4. Future Consistency Determination submittals must provide evidence of contractual agreements that comply with the FORA Prevailing Wage Policy and how it will be enforced by the submitting local jurisdiction. The standard of review established by this policy takes effect upon adoption of this policy. This policy governs Development Entitlements that the FORA Board has not yet found to be consistent with the Reuse Plan prior to adoption of this policy.

Upon motion by Mayor Mettee-McCutchon, seconded by Mayor Ralph Rubio, the foregoing resolution was passed on this 9th day of March 2007, by the following vote:

AYES:	9	Directors McCloud, Russell, Mettee-McCutchon, Wilmot, Della Sala, Davis, Pendergrass, Rubio, and Mancini
NOES:	-0-	
ABSTENTIONS:	2	Directors Smith and Calcagno
ABSENT:	2	Directors Potter and Barnes

I, Joseph P. Russell, Chair of the Board of Directors of the Fort Ord Reuse Authority in the County of Monterey, State of California, do hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item 6c, Page 2, of the board meeting minutes of March 9, 2007 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

3/14/07
Date


Joseph P. Russell, Chair