



Legislation Text

File #: 10-0455, **Version:** 0

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Henry
At the request of: The Get Baltimore Working Campaign
Address: 3200 Wilkens Avenue, Baltimore, Maryland 21229
Telephone: (410) 444-1550

A BILL ENTITLED

AN ORDINANCE concerning
Community Partnership Agreements

FOR the purpose of requiring community partnership agreements for certain construction projects financed or funded by or through the City; defining certain terms; specifying the minimum contents of an agreement; providing for the creation of a model agreement; requiring certain annual reports; and generally relating to agreements that promote workforce development, minimize workplace strife, and ensure that community residents receive the benefits of city-financed or -funded projects.

BY adding

Article 5 - Finance, Property, and Procurement
Section(s) 23-1 to 23-8, to be under the subtitle,
“Subtitle 23. Community Partnership Agreements”
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

SUBTITLE 23. COMMUNITY PARTNERSHIP AGREEMENTS

§ 23□ DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) CITY.

“CITY” MEANS:

- (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE; AND
- (2) ANY OF ITS AGENCIES, INSTRUMENTALITIES, OR UNITS.

(C) CONTRACTOR.

(1) IN GENERAL.

“CONTRACTOR” MEANS ANY PERSON THAT ENTERS INTO A CONTRACT FOR THE PERFORMANCE OF CONSTRUCTION WORK ON A COVERED CONSTRUCTION PROJECT.

(2) INCLUSIONS.

“CONTRACTOR” INCLUDES A SUBCONTRACTOR AT ANY TIER.

(D) COVERED CONSTRUCTION PROJECT.

“COVERED CONSTRUCTION PROJECT” MEANS ANY CONSTRUCTION PROJECT WITH A TOTAL COST OF \$5,000,000 OR MORE:

- (1) THAT THE CITY FINANCES, IN WHOLE OR IN PART, THROUGH A TAX INCREMENT FINANCING PROGRAM OR A TAX ABATEMENT PROGRAM OR FOR WHICH THE CITY APPROPRIATES FUNDS, IN WHOLE OR IN PART; OR
- (2) EXCEPT AS OTHERWISE PROVIDED BY ANY STATE OR FEDERAL RULE OR LAW, THAT IS FUNDED, IN WHOLE OR IN PART, THROUGH STATE OR FEDERAL GRANTS OR LOANS ADMINISTERED BY THE CITY.

(E) PERSON.

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; OR
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(F) QUALIFIED CONSTRUCTION UNION.

“QUALIFIED CONSTRUCTION UNION” MEANS ANY LABOR ORGANIZATION THAT:

(1) IS ACTIVE IN REPRESENTING OR SEEKING TO REPRESENT CONSTRUCTION WORKERS IN THE CITY; AND

(2) REPRESENTS OR SEEKS TO REPRESENT WORKERS IN A TRADE APPROPRIATE FOR THE COVERED CONSTRUCTION PROJECT.

§ 232. PURPOSE; FINDINGS.

(A) PURPOSE OF SUBTITLE.

THE PURPOSE OF THIS SUBTITLE IS TO PROTECT THE CITY’S INVESTMENT AND PROPRIETARY INTEREST IN COVERED CONSTRUCTION PROJECTS BY MINIMIZING THE POSSIBILITY OF WORK STOPPAGES, LABOR DISRUPTIONS, GRIEVANCES, AND CONFLICTS ON THOSE PROJECTS.

(B) FINDINGS.

(1) THE CITY FINDS THAT COMMUNITY PARTNERSHIP AGREEMENTS:

(I) PROMOTE COST CONTAINMENT AND TIMELY AND ECONOMICAL PROJECT COMPLETION BY ENSURING THAT COVERED CONSTRUCTION PROJECTS UTILIZE A HIGHLY SKILLED WORKFORCE, WHICH RESULTS IN LOWER COSTS FOR REPAIRS AND MAINTENANCE OVER THE LIFE OF THE PROJECT;

(II) MINIMIZE THE POSSIBILITY OF WORK STOPPAGES, LABOR DISRUPTIONS, GRIEVANCES, AND CONFLICTS, THEREBY PROMOTING HARMONIOUS LABOR RELATIONS, COST CONTAINMENT, AND TIMELY AND ECONOMICAL PROJECT COMPLETION; AND

(III) HAVE THE CAPACITY TO PROVIDE ADDITIONAL BENEFITS, SUCH AS THE PROMOTION OF COMMUNITY INVESTMENT, SUSTAINABLE CAREERS IN THE CONSTRUCTION INDUSTRY FOR CITY RESIDENTS, HIGHER SAFETY AND QUALITY STANDARDS, AND THE PROMPT GENERATION OF TAX FLOW AND OTHER INCOME TO THE CITY.

(2) THE CITY FURTHER FINDS THAT THE BOARD OF ESTIMATES SHOULD RETAIN FLEXIBILITY IN CRAFTING COMMUNITY PARTNERSHIP AGREEMENTS IN CONSULTATION WITH QUALIFIED CONSTRUCTION UNIONS IN ORDER TO ENSURE THAT THE APPLICATION OF A COMMUNITY PARTNERSHIP AGREEMENT TO A SPECIFIC PROJECT BEST FULFILLS THE GOALS OF ACHIEVING HARMONIOUS LABOR RELATIONS, COST CONTAINMENT, AND TIMELY AND ECONOMICAL PROJECT COMPLETION.

§ 233. CONSTRUCTION.

THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE ANY CONTRACTORS TO BE SIGNATORY TO ANY COLLECTIVE BARGAINING AGREEMENT.

§ 234. {RESERVED}

§ 235. COMMUNITY PARTNERSHIP AGREEMENT REQUIRED.

THE CITY SHALL INCLUDE IN CONTRACTS FOR A COVERED CONSTRUCTION PROJECT A REQUIREMENT THAT CONTRACTORS ENTER INTO A COMMUNITY PARTNERSHIP AGREEMENT WITH THE CITY AND THE APPROPRIATE QUALIFIED CONSTRUCTION UNIONS.

§ 236I. MINIMUM CONTENTS OF AGREEMENT.

(A) IN GENERAL.

EACH COMMUNITY PARTNERSHIP AGREEMENT MUST CONTAIN THE CORE PROVISIONS DESCRIBED IN THIS SECTION.

(B) INITIAL SOURCE OF EMPLOYEES.

(1) THE AGREEMENT MUST REQUIRE ALL CONTRACTORS THAT PERFORM WORK ON A COVERED CONSTRUCTION PROJECT TO USE THE HIRING HALLS OF THE SIGNATORY QUALIFIED CONSTRUCTION UNIONS AS THEIR FIRST SOURCE OF EMPLOYEES FOR THE COVERED CONSTRUCTION PROJECT.

(2) HOWEVER:

(I) THE EMPLOYER MAY RESERVE THE RIGHT TO SELECT AND HIRE ALL SUPERVISORS IT CONSIDERS NECESSARY AND DESIRABLE; AND

(II) THE EMPLOYER MAY EMPLOY FROM ANY AVAILABLE SOURCE IF THE SIGNATORY QUALIFIED CONSTRUCTION UNIONS DO NOT REFER EMPLOYEES WITHIN 48 HOURS (SATURDAYS, SUNDAYS, AND HOLIDAYS EXCLUDED) AFTER REQUESTED TO DO SO BY THE EMPLOYER.

(C) NO-STRIKES, ETC.

THE AGREEMENT MUST PROHIBIT THE SIGNATORY QUALIFIED CONSTRUCTION UNIONS FROM ENGAGING IN, ENCOURAGING, OR RATIFYING PICKETING, STRIKING, OR OTHER WORK STOPPAGES ON THE COVERED CONSTRUCTION PROJECT.

(E) LOCAL RECRUITMENT.

THE AGREEMENT MUST REQUIRE THE SIGNATORY QUALIFIED CONSTRUCTION UNIONS TO EXERT THEIR BEST EFFORTS TO RECRUIT AND IDENTIFY RESIDENTS OF THE CITY TO PARTICIPATE IN THEIR HIRING HALLS AND TO ASSIST INDIVIDUALS IN QUALIFYING AND BECOMING ELIGIBLE FOR UNION APPRENTICESHIP PROGRAMS THAT LEAD TO SUSTAINABLE CAREER PATHS IN THE CONSTRUCTION INDUSTRY.

§ 237I. MODEL AGREEMENT.

(A) BOARD OF ESTIMATES TO DEVELOP.

IN CONSULTATION WITH ONE OR MORE QUALIFIED CONSTRUCTION UNIONS, THE BOARD OF ESTIMATES SHALL PRODUCE A MODEL COMMUNITY PARTNERSHIP AGREEMENT FOR USE ON COVERED CONSTRUCTION PROJECTS.

(B) CONTENTS.

THE MODEL AGREEMENT MUST CONTAIN:

(1) THE CORE PROVISIONS REQUIRED BY § 23-6 {"MINIMUM CONTENTS OF AGREEMENT"} OF THIS SUBTITLE; AND

(2) ANY OTHER TERMS THAT THE BOARD OF ESTIMATES, IN CONSULTATION WITH QUALIFIED CONSTRUCTION UNIONS, DEEMS NECESSARY AND APPROPRIATE TO FULFILL THE PRIMARY OBJECTIVES OF PROMOTING HARMONIOUS LABOR RELATIONS, PROJECT COST CONTAINMENT, AND TIMELY AND ECONOMICAL PROJECT COMPLETION.

(C) APPLICATION.

(1) BEFORE APPLYING THE MODEL COMMUNITY PARTNERSHIP AGREEMENT TO A SPECIFIC COVERED CONSTRUCTION PROJECT, THE BOARD OF ESTIMATES MUST PREPARE A DETAILED REPORT THAT DESCRIBES HOW THE MODEL COMMUNITY PARTNERSHIP AGREEMENT ACHIEVES THE OBJECTIVES OF PROMOTING HARMONIOUS LABOR RELATIONS, PROJECT COST CONTAINMENT, AND TIMELY AND ECONOMICAL PROJECT COMPLETION.

(2) BASED ON THIS REPORT AND WITHOUT MODIFYING THE CORE ELEMENTS REQUIRED BY § 23-6 {"MINIMUM CONTENTS OF AGREEMENT"} OF THIS SUBTITLE, THE BOARD OF ESTIMATES, IN CONSULTATION WITH QUALIFIED CONSTRUCTION UNIONS, MUST MODIFY THE COMMUNITY PARTNERSHIP AGREEMENT, TO ENSURE THAT IT FULFILLS THE OBJECTIVES OF PROMOTING HARMONIOUS LABOR RELATIONS, PROJECT COST CONTAINMENT, AND TIMELY AND ECONOMICAL PROJECT COMPLETION.

§ 238: ANNUAL REPORT.

(A) IN GENERAL.

THE BOARD OF ESTIMATES SHALL PREPARE AND PUBLISH AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE COMMUNITY PARTNERSHIP AGREEMENTS ENTERED INTO UNDER THIS SUBTITLE.

(B) CONTENTS.

THE REPORT SHALL INCLUDE:

(1) RECOMMENDATIONS TO BETTER EFFECTUATE THE PRIMARY PURPOSES OF PROMOTING HARMONIOUS LABOR RELATIONS, PROJECT COST CONTAINMENT, AND TIMELY AND ECONOMICAL PROJECT COMPLETION; AND

(2) FINDINGS AND RECOMMENDATION ON THE EMPLOYMENT OF CITY RESIDENTS IN COVERED CONSTRUCTION PROJECTS.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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