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March 14, 2023

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Board of Supervisors
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SUBJECT: Adoption of Resolution Adopting a Policy Statement to Strongly Encourage Contractors to “Hire Locally” and “Use a Skilled and Trained Workforce” Within the Meaning of Section 2601 of the Public Contract Code For Orphan and Idle Well Plugging and Abandonment Projects to Implement a Settlement Agreement Between the County and the California Works Labor-Management Cooperation Trust

RECOMMENDED ACTION:

Adopt the attached Resolution adopting a policy statement to strongly encourage contractors to “hire locally” and “use a skilled and trained workforce” within the meaning of section 2601 of the Public Contract Code for orphan and idle well plugging and abandonment projects to implement a settlement agreement between the County and the California Works Labor-Management Cooperation Trust

FISCAL IMPACT: None.

DISCUSSION:

On September 15, 2020, the Board approved the 2040 General Plan (“General Plan”) and, pursuant to the California Environmental Quality Act (“CEQA”), certified an environmental impact report (“EIR”) and made findings regarding environmental impacts associated with implementing the General Plan. The General Plan took effect on October 15, 2020.

Seven lawsuits remain pending in Ventura County Superior Court challenging approval of the General Plan and its policies. The lawsuits primarily allege violations of CEQA, the Brown Act, state Planning Law, state and federal preemption, and some allege the County’s

unconstitutional taking of property rights and other constitutional violations. The lawsuits primarily seek to nullify the Board's approval of the General Plan.

One of the seven pending lawsuits was filed against the County by the California Works Labor-Management Cooperation Trust ("CalWorks"). This lawsuit challenges the General Plan's new policies and programs regarding oil and gas production, and the EIR's analysis of, and mitigation measures regarding, potential wildfire impacts. County Counsel, working closely with staff from the Ventura County Sheriff's Office of Emergency Services and the County Executive Office, engaged in constructive settlement discussions with legal counsel for CalWorks. During this process, CalWorks offered suggestions regarding the County's Emergency Operations Plan and Catastrophic Wildfire After-Action Report that County staff found acceptable. The County has agreed to implement these suggestions as set forth on pages 4 and 5 of the attached settlement agreement between the County and CalWorks.

As part of the settlement CalWorks also requests that your Board adopt the attached Resolution strongly encouraging private contractors to "hire locally" and use a "skilled and trained workforce" when plugging and abandoning idle wells and orphan oil and gas wells and performing related construction and remediation work. The Resolution defines "hire locally" as a contractor hiring a construction workforce consisting of at least 30 percent of construction workers who should reside in Ventura County. And the term "skilled and trained workforce" is defined by Public Contract Code section 2601(d) to mean, generally, that a certain percentage of the contractor's workforce are graduates of a registered apprenticeship program for those working in an apprenticeable occupation. Under the Resolution the County would also: (1) make the adopted Resolution available on the County's website; (2) provide a copy of the Resolution to operators of idle wells in Ventura County and to the California Geologic Energy Management; and (3) request that private contractors, when applying for County-issued permits for covered oil well-related construction work, to notify the County whether they will implement these encouraged hiring practices.

The proposed settlement with CalWorks does not make or involve any amendments or changes to the General Plan.

Should your Board adopt the attached Resolution, the settlement agreement between the County and CalWorks will take effect, and CalWorks will dismiss its lawsuit, with both parties bearing their own litigation costs and attorney fees.

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This item has been reviewed by the County Executive Office and the Auditor-Controller's Office. If you have any questions, please call me at (805) 654-2581.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tiffany N. North", followed by a large, stylized circular flourish or scribble.

Tiffany N. North
County Counsel

TNN:tdb

Attachments: County/CalWorks Settlement Agreement
Proposed Board Resolution