

CITY OF CHULA VISTA

Proposition G

(This proposition will appear on the ballot in the following form.)

PROP G

Shall the ordinance prohibiting the City from funding or entering into public works contracts that require agreements with labor organizations or payments on behalf of employees to labor organization benefit plans or other trust funds be adopted?

This proposition requires approval by a simple majority (over 50%)
of the voters voting on the proposition.

Full text of this proposition follows the arguments and rebuttals.

CITY ATTORNEY IMPARTIAL ANALYSIS

The Measure applies to City public works projects, which are defined as all construction projects paid for, in whole or in part, by City funds, including, but not limited to, "any building, road, street, park, playground, water system, irrigation system, sewer, storm water conveyance system, reclamation project, redevelopment project, or other public safety facility."

The Measure would establish contracting and payment prohibitions in public works (construction) projects by the City of Chula Vista and its redevelopment agency, referred to collectively as the "City". The proposed measure prohibits the City from funding, in whole or in part, any contract for a public works project that requires hiring through a labor organization (union) for construction workers. These agreements, commonly referred to as "Project Labor Agreements", require that a contractor enter an agreement with a labor organization that determines the wages, benefits and other terms of employment for the construction workers. Under a Project Labor Agreement, the workers hired through the agreement could include union and non-union workers who are hired through the labor organization that represents the workers.

The Measure also prevents the City from signing any agreements directly with labor organizations for public works construction projects. The City is also prohibited from paying funds on behalf of construction workers to any union benefit plan or union trust fund. The Measure prohibits any City agreement that requires workers on a public works project be represented by a labor organization. The City must refrain from encouraging or discouraging workers on a public works project from being represented by a labor organization. While the Measure does not prevent private parties from entering into collective bargaining agreements with labor organizations, it does prohibit the City from imposing a collective bargaining agreement through the way it issues construction bids or signs contracts with public works construction contractors.

Current law allows the City Council to determine on a project-by-project basis whether to use Project Labor Agreements. Currently, there are no Project Labor Agreements in place that would fit under the criteria of this Measure. Adoption of this Measure would prohibit the City from entering into or approving Project Labor Agreements in the future.

The Measure would become part of the City's Municipal Code and could only be amended or repealed by the People. Any violation of this Measure can be challenged in San Diego County Superior Court. If any part of this Measure is found to be invalid, the remaining portions would remain in effect. The Measure would not impact any existing contracts of the City, only future contracts.

A "yes" vote means that the City is prohibited from funding or entering into public works contracts that require agreements with labor organizations or payments on behalf of employees to labor organization benefit plans or other trusts.

A "no" vote means the City is not prohibited from funding or entering into public works contracts that require agreements with labor organizations or payments on behalf of employees to labor organization benefit plans or other trusts.

ARGUMENT IN FAVOR OF PROPOSITION G

The Fair and Open Competition Ordinance (Proposition G) will help **create local jobs and save taxpayers' money.**

Prop G will help ensure that all workers, both union and non-union, have a fair and equal opportunity to compete for work on public works projects funded by taxpayers in the City of Chula Vista.

Prop G is **good for Chula Vista because it provides:**

- **More jobs for Chula Vistans:** Prop G will help create more jobs and opportunities by protecting the rights of all local workers to compete for public works contracts on a level playing field.
- **Lower Costs:** Prop G will help lower the cost of public works projects, stretching our tax dollars further and allowing more local projects to be completed.
- **Fair and Open Competition:** Prop G ensures no local firms or employees can be excluded from competing for public works contracts simply because they are not unionized.

National and local labor unions from throughout the country are funding the campaign to defeat this Fair and Open Competition Ordinance. Don't be misled by false claims. Prop G is NOT "anti-union". It simply allows ALL firms and employees to compete for public works projects. **Quality, skill and the lowest reasonable price should determine who does the work—NOT special deals.**

Please join the Chula Vista Taxpayers Association, Chula Vista Civic Association, San Diego County Taxpayers Association, Howard Jarvis Taxpayers Association and the Associated Builders and Contractors in supporting Fair and Open Competition by voting YES on Prop G.

Yes to more local jobs, lower costs, and savings for Chula Vista taxpayers!

Vote Yes on Prop G—the Fair and Open Competition Ordinance!

We have reached these opinions after our careful study of Proposition G. Learn more at www.fairnessforchulavista.com

ALEX GALICIA
Local Plumbing Contractor,
Veteran and ABC Member

LARRY BREITFELDER
President,
Chula Vista Taxpayers Association

JAMES F. DOUD, SR.
Senior Community Leader and
Former Sweetwater Water Board Member

LANI LUTAR
President & CEO,
San Diego County Taxpayers Association

ISABELLE ESPINO
Director, Chula Vista Civic Association

REBUTTAL TO THE ARGUMENT IN FAVOR OF PROPOSITION G

On the surface, "Fair and Open Competition" seems like an admirable objective.

But that's not what Proposition G does. In fact, the City determined that title wasn't appropriate to use on the ballot for Proposition G.

Proposition G will cost local workers jobs and could prevent the economic benefit of long awaited projects like the Bayfront.

Here are some facts to consider as you look beyond the slogans.

- State and federal project funding, passed through the Chula Vista City Treasury, will be lost if those projects include any labor agreement provisions. Proposition G will ban these projects in Chula Vista, keeping union and non-union construction workers from going back to work.
- Use of money raised with voluntary self-assessments such as business improvement districts, community improvement districts or voluntary hotel assessments will not be allocated to Chula Vista projects if those projects include labor peace agreements. These restrictions will harm both union and non-union workers.
- The independent Chula Vista City Attorney analysis concludes that Proposition G prohibits certain trust fund benefit payments on behalf of both union and non-union workers. This is bad for both union and non union workers.

Proposition G costs are too high. Costs in project delays, costs in litigation, costs to both union and non-union construction contractors, and loss of local non-union and union jobs because of unintended consequences.

Proposition G is bad for Chula Vista's future.

Build! Don't Ban!

www.NoOnG.net

ALEX ANGUIANO
Teacher, Hilltop High School

JAMES E. SANDSTROM
Secretary-Treasurer,
Chula Vista Electric Co.

BERTHA LOPEZ
Member, Sweetwater Union High School District
Board of Trustees

STEVEN KING
Owner, Steven King Plumbing
Chula Vista resident

BILL HALL
Businessman/Chula Vista Homeowner

ARGUMENT AGAINST PROPOSITION G

Banning agreements with union construction companies is the wrong way for Chula Vista.

Proposition G bans Chula Vista from using agreements to use union construction workers on the Bayfront project. We need these jobs. We need the Bayfront.

Proposition G contradicts state and federal agreements.

Many federal and state projects require highly skilled union construction companies and journeymen for complex, dangerous work. Chula Vista can't participate in building these projects under Proposition G.

The Proposition G ban will also block the city from participating in building projects like a Chula Vista State University campus and federal transportation construction.

Should we ban agreements that protect Chula Vista's electricians and ironworkers and heavy equipment operators?

We say **NO**.

The agreements that Proposition G bans require local workers to get local work. The agreements that Proposition G bans give preferences to local veterans. The agreements that Proposition G bans provide family health insurance to workers.

Under Proposition G, Chula Vista will lose jobs and money.

Build! Don't Ban!

No on the Ban. No on Proposition G.

www.NoOnG.net

NICHOLAS SEGURA, JR.
Electrician/Chula Vista Homeowner

PAMELA BENSOUSSAN
Member, Chula Vista City Council

STEVE LOPEZ
Carpenter/Chula Vista Homeowner

COLLEEN COOKE-SALAS
Math Teacher/Chula Vista Homeowner

CONGRESSMAN BOB FILNER
Chairman, House Committee on Veterans' Affairs

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION G

Everyone should have the right to compete for construction jobs in Chula Vista.

We support the Fair and Open Competition Ordinance (Proposition G) because competition for City-funded construction projects in Chula Vista should be open to ALL local contractors and workers, both union and non-union.

Proposition G is supported by both union and non-union contractors because it allows ALL qualified contractors to compete for work on Chula Vista public construction projects.

Proposition G prevents the City from making discriminatory agreements with powerful labor unions.

Special interest groups oppose Proposition G because they want union-only monopolies on construction projects in Chula Vista. Union-only monopolies reduce competition. Less competition means higher prices for public construction.

Don't believe the opponents' scare tactics. Proposition G does not stop development in Chula Vista, veterans programs, or state and federal projects. Proposition G simply prevents the city from entering into public construction deals that unfairly favor unions.

More than 80% of construction workers do not belong to a union. Supporters of Proposition G simply want equal treatment for ALL contractors and workers.

Voting **YES on G** is the best choice for taxpayers and the fairest choice for all contractors and workers.

YES on G is endorsed by:

- The Chula Vista Taxpayers Association
- Chula Vista Civic Association
- San Diego County Taxpayers Association
- Howard Jarvis Taxpayers Association and
- Associated Builders and Contractors

This is our view of Proposition G. Read it for yourself at www.fairnessforchulavista.com.

JERRY SCOTT
Vice President,
Chula Vista Taxpayers Association
Veteran

JOHN McCANN
Councilmember, City of Chula Vista
Iraq War Veteran

LORI KNEEBONE
50 year resident of Chula Vista and
Controller, Pacific Rim Mechanical

LANI LUTAR
President and CEO,
San Diego County Taxpayers Association

JAIME MERCADO
Director, Chula Vista Civic Association
Retired High School Principal

PROPOSED ORDINANCE

FAIR AND OPEN COMPETITION ORDINANCE

The people of the City of Chula Vista hereby declare and ordain as follows:

SECTION 1. Statement of the People's Intent

(a) The People of the City of Chula Vista ("the People") desire fair and open competition for public works projects that are paid for, in whole or in part, with the funds of the City of Chula Vista or its Redevelopment Agency.

(b) The People believe fair and open competition enables government to expand the pool of qualified candidates to perform work and, in turn, to save public funds by lowering the cost of public works projects. The people likewise seek to remove limits or impediments to the consideration of qualified parties to work on public projects.

(c) The People believe fair and open competition creates more local jobs and improves Chula Vista's economy, and provides equal opportunity for all workers, both union and non-union.

(d) The People believe public money should be spent only on public works projects that allow fair and open competition.

(e) The People intend the following Proposition to amend the Municipal Code of the City of Chula Vista, as follows:

SECTION 2. Chula Vista Municipal Code, Title 2, "Administration and Personnel" is amended by adding Chapter 2.59, to read as follows:

Chapter 2.59

Fair and Open Competition in Contracting

2.59.010 Purpose and Intent The purpose and intent of this chapter is to establish criteria that will ensure fair and open competition for public works projects funded in whole or in part with public funds; to aid in lowering the cost of public works projects; and to ensure that all workers, both union and non-union, have a fair and equal opportunity to work on public works projects.

2.59.020 Definitions For purposes of this Chapter, the following definitions shall apply:

"Act" shall mean the National Labor Relations Act, Title 29 USC §§ 151 – 169.

"City" shall mean and include both the City of Chula Vista and the Redevelopment Agency of the City of Chula Vista.

"Contracting party" shall mean and include an owner, developer, contractor, subcontractor or material supplier, involved in a public works project.

"Labor organization" shall have the same meaning ascribed to it in Section 2 of the Act (29 USC § 152)

"Public works project" shall mean and include all construction projects paid for, in whole or in part, by the funds of the City or the Redevelopment Agency, including but not limited to any building, road, street, park, playground, water system, irrigation system, sewer, storm water conveyance system, reclamation project, redevelopment project, or other public facility.

PROPOSED ORDINANCE (Continued)

2.59.030 Requirements for Fair and Open Competition in Contracting

In contracting for the construction, maintenance, repair, improvement or replacement of public works projects:

- (a) The City shall not fund, in whole or in part, or enter into, any contract which contains a requirement that a contracting party:
 - (1) execute, comply with, or become a party to an agreement between a Labor organization, on the one hand, and the City, the Contracting Party, or any third party on the other;
 - (2) become a signatory to a collective bargaining agreement;
 - (3) be required to make payments on behalf of employees to union benefit plans or other trust funds;
 - (4) require its employees to be represented by a Labor organization; or
 - (5) encourage or discourage employees of a contracting party to have representation by a Labor organization.
- (b) The City shall not impose, as a bid specification, contract prerequisite, contract term or otherwise, any requirement prohibited by subsection (a) of this Section.
- (c) Nothing in this Section shall be construed as prohibiting private parties covered by this provision from entering into individual collective bargaining relationships, or otherwise as regulating or interfering with activity protected by applicable law, including but not limited to the Act.
- (d) Any person aggrieved or injured in any way by a violation of this Section shall be entitled to injunctive relief in the Superior Court of the State of California, County of San Diego, including by way of an action filed pursuant to California Code of Civil Procedure section 526a.

SECTION 3. Effective Date

To the extent permitted by law, the provisions of this Chapter 2.59 shall become effective 10 days after the vote is declared by the Chula Vista City Council, as provided by California Elections Code § 9217. Contracts awarded before this effective date and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this ordinance.

SECTION 4. Amendment; Repeal

This ordinance may be amended or repealed only by a majority vote of the voters of the City of Chula Vista.

SECTION 5. Severability

If any Section of this Proposition, or any provision contained in this Proposition, is held by a court of law to be invalid, or is superseded by a numerically superior vote as provided in Section 6 of this measure, the remaining Sections and provisions of this Proposition shall not be affected but shall remain in full force and effect, and to that end the provisions of this Proposition are severable.

SECTION 6. Conflicting Measures

If any other measure, appearing on the same ballot as this measure, addresses the same subject matter in a way that conflicts with the treatment of the subject matter in this Proposition, and if each measure is approved by a majority vote of those voting on each measure, then as to the conflicting subject matter the measure with the highest affirmative vote shall prevail, and the measure with the lowest affirmative vote shall be deemed disapproved as to the conflicting subject matter.