



# Project Labor Agreement Process/Timeline

CBOC MEETING

NOVEMBER 10, 2015

# PLA Public Records Act Request Litigation Hold

- ▶ On or about October 20, 2015, the District received a Public Records Act ("PRA") request from Dustin Jones, an attorney and partner with the law firm of Finch, Thornton & Baird in San Diego.
- ▶ The District requested clarification Requestor regarding the scope of its PRA request.
  - ▶ Gov. Code § 6253.1 (the District shall assist the requester in making a focused and effective request that reasonably describes an identifiable record).
- ▶ Mr. Jones emailed the District's general counsel and indicated he submitted the PRA to preserve responsive documents. The District's legal counsel advised Mr. Jones that a PRA does not preserve documents as would a litigation hold. *In response, Finch, Thornton & Baird distinctly stated that it would "sue" the District and sought to have the responsive records (subject to clarification, which the District awaits) subject to a litigation hold.*

# PLA Public Records Act Request Litigation Hold

- ▶ In an abundance of caution (although the District awaits clarification of the specific requested records) the District has attempted to identify individuals who may possess information related to the District's consideration of a PLA.
- ▶ The District, via its General Counsel, advised those individuals of the threatened litigation and that records and documents potentially relevant to the threatened litigation should be preserved.
- ▶ **Since then we have received clarification from the requestor limiting whose personal devices they want documents from.**
- ▶ *However, in an abundance of caution since suit was threatened, we still advise you not to destroy documents on your personal devices relevant to a Project Labor Agreement.*

# CBOC Policy and Regulations



- ▶ Section 9.2 Brown Act Compliance; Public Records.
- ▶ (a) Regular meeting dates, time, and place shall be established by the Oversight Committee and published/posted in accordance with the Ralph M. Brown Act (being Government Code Sections 54950 et seq.) and applicable District posting procedures. All Oversight Committee proceedings shall be open to the public and shall be subject to the provisions of the Ralph M. Brown Act. The Oversight Committee may adopt rules and regulation guidelines or similar procedures as may be necessary or desirable in order to comply with the requirements of the Ralph M. Brown Act. The Board has requested that the Committee or subcommittees thereof, meet on a basis which is not less frequent than quarterly.
- ▶ (b) All documents received by the Oversight Committee, Oversight Committee minutes and reports issued by the Oversight Committee shall be a matter of public record and shall initially be available on the Committee's website.



# Implementation of PLA Resolution

# PLA Process/Timeline

## October/November

- ▶ **October 12, 2015** – Board passed Resolution 4391.
  - ▶ Internal working group consists of the following:
    - ▶ Assistant Superintendent of Business Services
    - ▶ Legal Services Division
    - ▶ Planning and Construction
    - ▶ Facilities
    - ▶ Maintenance
    - ▶ Purchasing
    - ▶ Finance
- ▶ November 10, 2015 – Overview Informational Board Item to CBOC
- ▶ **November 18, 2015** – Informational Board item to propose steps and timelines established by internal working group prior to initiating negotiations.

# PLA Process/Timeline

## November/December

- ▶ District staff will conduct meetings with other entities that have used a Project Labor Agreement.
- ▶ District will research different factors impacting negotiations related to the Project Labor Agreements, such as new laws impacting thresholds.

# PLA Process/Timeline

## January/February

### ▶ January 2016/February 2016 –

- ▶ Internal working group meeting with focus groups of various stakeholders who express interest in providing feedback into the specific terms of PLAs, such as:
  - ▶ CBOC
  - ▶ Contractors/Subcontractors
  - ▶ Community Groups
  - ▶ Internal and External Labor Groups
- ▶ Based on Nov/Dec research prepare requests of common questions for working groups.



# PLA Process/Timeline

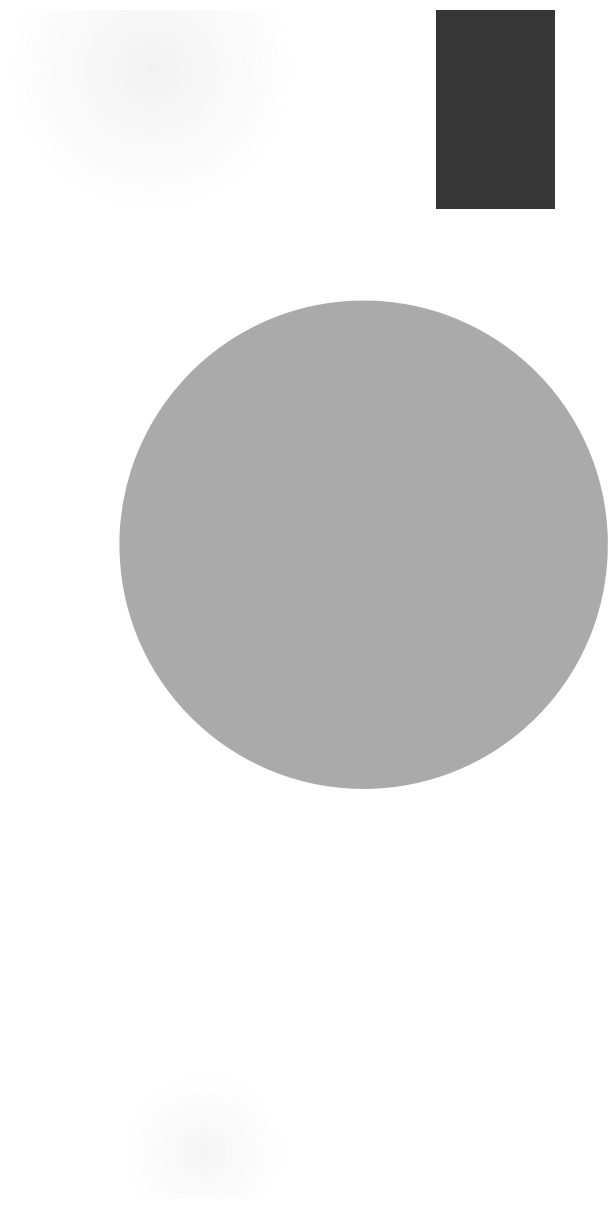
## February/March

- ▶ **February 2016**

- ▶ Work with the internal working group and counsel to compile all input relevant to negotiations.
- ▶ Return to the Board with an informational item, which presents research, stakeholder input at the second February Board Meeting.

- ▶ **March** – Begin negotiations.

Questions??



Thank you

Jennifer Carbuccia, General Counsel  
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