RESOLUTION - ACTION REQUESTED 2017-227

MEETING: April 25, 2017

TO: The Board of Supervisors

FROM: Dallin Kimble, Interim CAO

RE: Letter Opposing AB 1066

RECOMMENDATION AND JUSTIFICATION:
Approve a Letter Opposing Assembly Bill 1066, Which Would Expand the Definition of "Demolition" Under Public Works Projects to Include Tree Removal and Require Prevailing Wage for Tree Removal Services Under the California Labor Code; and Authorize the Board of Supervisors Chair to Sign the Letter.

The County is engaged in significant tree mortality mitigation efforts. As written, this bill would require prevailing wage for tree mortality and wildfire cleanup work funding by grants from the State Responsibility Area (SRA) fund, which could severely limit the availability of contractors, cause delays in completing critical projects and reduce the total amount of work completed.

The bill’s author intends for the bill to promote locally-sourced labor. Staff is supportive of that intention, but remains concerned that the bill will actually prevent vital forest management, cleanup, restoration and mitigation projects from being completed in a timely fashion or, in some cases, at all.

Please see the attached letter and bill language for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has approved letters supporting or opposing legislation.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the letter. Individual members of the Board may write their own letters of support or opposition as desired.

ATTACHMENTS:
2017 Letter AB 1066   (PDF)
AB 1066 Text        (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
April 25, 2017

The Honorable Cecilia Aguiar-Curry  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA  95814

RE:  Assembly Bill 1066 (Aguiar-Curry) – Public Works: Definition.  
NOTICE OF OPPOSITION

Dear Assembly Member Aguiar-Curry:

On behalf of the County of Mariposa, we must respectfully oppose your Assembly Bill (AB) 1066, which would expand the definition of “demolition” under public works projects to include tree removal. The bill’s impact would result in prevailing wage for tree removal services under the California Labor Code.

While we support your intent to keep jobs local, particularly in rural communities where even the smallest number of jobs represents a greater percentage of the workforce than urban areas, this bill would negatively impact rural counties like Mariposa that have already been disproportionately impacted by the tree mortality crisis.

Since the Governor issued the Emergency Proclamation in October of 2015, ten counties, including Mariposa County, have been declared “high hazard zone” counties for tree mortality by the state and have passed resolutions declaring a state of emergency. Many other counties have also passed emergency declarations as the tree mortality epidemic spreads beyond the Southern and Central Sierras. However, in order to access state emergency funding, counties are required to provide a twenty-five percent match to receive assistance from the California Disaster Assistance Act (CDA) fund, which places a huge burden on those counties seeking assistance for tree mortality mitigation. The increased cost of requiring prevailing wages for critical work that needs to be done in counties like Mariposa only adds to the financial burdens we are already facing in order to ensure the safety of our communities.

In addition to tree mortality mitigation work carried out with CDA funds, we are also concerned that the bill as written would trigger prevailing wages for tree mortality and wildfire cleanup work funded by grants from the State Responsibility Area (SRA) fund, which helps locals with fire prevention activities including tree removal, and restoration grants from the state which could include tree removal. Local tree removal contractors are also not always readily available,
especially immediately after a high-severity wildfire event or in high hazard tree mortality zones when tree removal work is in high demand, which could cause delays in completing critical projects during emergency conditions.

Ultimately, our concern is that AB 1066 will actually prevent vital forest management, cleanup, restoration, and mitigation projects from being completed in a timely fashion while not having the intended impacts on the local, rural economy.

For the reasons listed above, the County of Mariposa opposes AB 1066.

Sincerely,

[Signature]

Marshall Long
Chair

cc: Senator Tom Berryhill, 8th District
    Assembly Member Frank Bigelow, 5th District