



Legislation Text

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The purpose of this ordinance is to enact new Chapter 378 in the Columbus City Codes, pertaining to the creation of the Community Benefits Agreement Advisory Committee.

This Committee will review plans for large construction, alteration, and renovation projects for City-owned buildings or structures to determine whether a Community Benefits Agreement would improve the project and its purposes. Such an agreement might include stipulations regarding the labor force, the use of the structure, or the mitigation of the effects of construction on the community or environment.

While the role of the Committee is advisory in nature, Council is introducing this new Chapter of City Code to promote greater focus on community benefit during the ideation, procurement, and construction processes for large development projects. The Office of the Mayor, the Department of Finance and Management, and the other departments within the City of Columbus will work to keep the Committee apprised of upcoming, qualifying projects so that they may provide recommendations to the Office of the Mayor in a timely fashion.

This new Chapter will promote a diverse workforce, efficient construction timelines, greater consideration of environmental impacts, and the overall community benefit relating to large City construction and renovation projects on buildings and other structures.

To enact new Chapter 378 of the Columbus City Codes, pertaining to the creation of the Community Benefits Agreement Advisory Committee.

WHEREAS, the City of Columbus has been a national leader in the use of Community Benefits Agreements for public development projects; and

WHEREAS, Community Benefits Agreements are effective mechanisms by which to increase economic opportunity, reduce economic inequality, provide low-income persons with access to good paying jobs, promote fair and equitable development goals, and address the history of systemic racism in our communities as a crisis affecting minority residents specifically and our City as a whole; and

WHEREAS, Community Benefits Agreements help to ensure that local building tradespersons and their families directly benefit from the construction of the region's public and civic infrastructure, support a diverse, inclusive local building trades workforce, and support the investment made in training local building tradespersons to ensure the highest quality construction; and

WHEREAS, Community Benefits Agreements establish the conditions for the prompt and efficient completion of construction work, promote optimum productivity by providing close cooperation among the City of Columbus, contractors, community, and the Columbus Building Trades and Construction Council and eliminate the risk of delays and disruption caused by labor disputes and unrest; and

WHEREAS, the purpose of this ordinance is to enact new Chapter 378 in the Columbus City Codes, pertaining to the creation of the Community Benefits Agreement Advisory Committee; and

WHEREAS, the City of Columbus is committed to public-private partnerships between government, contractors, labor and community organizations that strengthen our neighborhoods and provide economic benefits for all who work and

reside in Columbus, Ohio; **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That new chapter 378 of the Columbus City Codes is hereby enacted, reading as follows:

Chapter 378 - Community Benefits Agreement Advisory Committee

378.01 - Community Benefits Agreement Advisory Committee

There is hereby created a Community Benefits Agreement Advisory Committee ("Committee"), the purpose of which is to review certain proposed City of Columbus owned development projects as defined in Section 378.02 and recommend to the Office of the Mayor, as appropriate, Community Benefits Agreements (CBAs) for the projects. The Committee shall also review how effectively past CBAs achieved their goals and objectives.

378.02 - Scope of Oversight

The Committee will review development projects consisting of constructing, reconstructing, altering, or renovating a City-owned building or other structure as follows:

- a) A construction, reconstruction, alteration, or renovation fairly estimated to be equal to or greater than the threshold of \$5,000,000.00 described in Section 378.02(b).
- b) City owned development projects shall be reviewed by the Committee if the project is fairly estimated to be equal to or greater than the threshold of \$5,000,000.00 based on the prevailing wage rates in the locality at the time the project is to be let out for bidding, whether done at one time or in phases within the meaning of Ohio Administrative Code 4101:9-4-17.
- c) A construction, alteration, or repair of public utilities or the public right-of-way, bridge, dam, or related structures are excluded from development projects referred to in this section.

378.03 - Duties

Recommendations for CBAs will be made by a majority vote of Committee members on a case-by-case basis for each project within twelve (12) weeks of receiving sufficient information on the respective development, as described:

- a) The Committee shall communicate to the Office of the Mayor what information they deem necessary for the purposes of their deliberations. The City of Columbus shall provide the Committee with sufficient information to permit the Committee to review proposed development projects and to make recommendations concerning CBAs. Consistent with the foregoing, the City will provide the information to the Committee during the early conception, design, and planning stages of the development project and prior to a vote by City Council on financing for the development project as defined in Section 378.02. The Directors of the Departments of Finance and Management, Development, and other departments as needed, shall designate the personnel in their respective departments responsible for providing the information to the Committee in a timely manner.
- b) The Committee shall make recommendations relevant to the project itself and to inform the procurement process. The Committee should consider, but is not limited to, topics such as:
 - 1) Overall project elements and project impact on the community, including opportunities for greater community benefit, such as:
 - i. Dedicated green space for the use of the community,
 - ii. Areas for community recreation such as splash pads or multi-sport courts,
 - iii. Specific, occasional uses of the public building, such as art or youth programming;
 - 2) Inclusion of participants in apprenticeship readiness programs in construction of the project;
 - 3) Source of labor force for the construction of the project, including the consideration of regional hiring, the diversification of labor force, and the inclusion of minority and female recruitment efforts in accordance with the provisions of Section 329 and Title 39;
 - 4) Opportunities to establish expectations for worksite conditions, dispute resolutions, and other labor standards;
 - 5) Opportunities to mitigate the environmental impact of the project for the community's benefit; and
 - 6) Opportunities to mitigate the impact of construction on the community's residential and commercial

areas.

378.04 - Implementation of an Agreement

The Office of the Mayor shall consider the recommendations of the Committee and exercise discretion in determining whether to implement any or all of the recommendations. Terms of the CBA shall be finalized, if desired, for qualifying projects within eight (8) weeks of receiving a recommendation from the Committee.

378.05 - Structure, Membership, and Governance

The structure and governance of the Committee shall be as follows:

- a) The Committee shall consist of nine (9) representatives. The Committee shall include representatives of groups historically underrepresented in the building and construction industry, the Columbus/Central Ohio Building and Construction Trades Council ("CBCTC"), contractors, the Office of the Mayor, the Department of Finance and Management, the Department of Development, the Office of Diversity and Inclusion, and City Council.
- b) The Committee shall include two (2) co-chairs, both of whom shall be nominated by members of the Committee and selected by the Committee. One chair shall conduct meetings and the other shall take and maintain the minutes of the meetings. The role of the chairs will rotate on an annual basis.
- c) The Committee member terms are three (3) years, subject to reappointment by the Office of the Mayor and City Council.
- d) The appointments to the Committee are subject to approval by the Office of the Mayor and City Council.
- e) The Committee may meet once every two months or as needed, to be determined by the Committee based on the information received by the Committee pursuant to Section 378.03(a).
- f) The Committee may develop rules of procedures, bylaws, and similar guidelines for meetings.
- g) The Committee shall provide an annual report to City Council detailing the number of projects reviewed, the number of CBAs recommended, the rationale for the CBA recommendations made, and any other information the Committee wishes to share pertaining to their work in the twelve months prior.
- h) The Committee shall review the policies, procedures, and scope of its work and make recommendations for changes to the structure and purposes of the Committee every five years, beginning in 2027. Such recommendations shall be reviewed by the Office of the Mayor and City Council, with subsequent changes being made subject to the approval of the Office of the Mayor and City Council.

SECTION 2. That, in order to allow the Office of the Mayor, the Department of Finance and Management, the Department of Development, the Office of Diversity and Inclusion, and City Council sufficient time to purchase the necessary supplies to comply with these provisions, Section 378.03 shall take effect and be in full force from and after January 1, 2023.

SECTION 3. That the Community Benefits Agreement Advisory Committee, once appointed, shall review eligible projects that are not yet in the procurement or implementation process as of January 1, 2023.

SECTION 4. That the remainder of the provisions of Chapter 378 shall take effect and be in force from and after the earliest period allowed by law.