

RESOLUTION NO. 23-028

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA 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 PUBLIC CONTRACT CODE FOR ORPHAN AND IDLE WELL PLUGGING AND ABANDONMENT PROJECTS

WHEREAS, the Board of Supervisors recognizes the importance of requiring the use of apprentices and graduates of apprenticeship as a means to ensure that a qualified workforce is employed on orphan and idle oil and gas plugging and abandonment projects;

WHEREAS, the skilled and trained standard is used to help ensure quality work and protect against accidents;

WHEREAS, use of a local state certified apprenticeship program or a skilled and trained workforce with a local hire component can help demonstrate emission reductions; and

WHEREAS, the Board of Supervisors desires to adopt a policy encouraging contractors to hire locally and use a skilled and trained workforce, as defined below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Ventura hereby adopts this Policy Statement:

SECTION 1: The County shall adopt a Policy Statement to encourage contractors to “Hire Locally” and use a “Skilled and Trained Workforce” for any “Construction Activities” related to an “Apprenticeable Occupation” for “Orphan Well Plugging and Abandonment Projects” and “Idle well Plugging and Abandonment Projects.”

SECTION 2: The definition of “Orphan Well Plugging and Abandonment Projects” for purposes of this Policy Statement means plugging and abandoning Hazardous or Idle-deserted Wells, decommissioning Hazardous or Deserted facilities, or otherwise remediating well sites of Hazardous or Idle-deserted Wells.

SECTION 3: The definition of “Hazardous Well” for purposes of this Policy Statement means an oil and gas well as determined by the State Oil and Gas Supervisor within the California Geologic Energy Management Division in the Department of Conservation (CalGEM Supervisor) to be a potential danger to life, health, or natural resources and for which there is no operator determined by the CalGEM Supervisor for its plugging and abandonment.

SECTION 4: The definition of “Idle-deserted Well” for purposes of this Policy Statement means an oil and gas well as determined by the CalGEM Supervisor to be deserted and for

which there is no operator determined by the Supervisor for its plugging and abandonment.

SECTION 5: The definition of “Idle Well Plugging and Abandonment Projects” for purposes of this Policy Statement means plugging and abandoning Idle Wells, decommissioning attendant production facilities of the well, or otherwise remediating well sites of Idle Wells.

SECTION 6: The definition of “Idle Well” for purposes of this Policy Statement means any well that for a period of 24 consecutive months has not either produced oil or natural gas, produced water to be used in production stimulation, or been used for enhanced oil recovery, reservoir pressure management, or injection.

SECTION 7: The definition of “Hire Locally” for purposes of this Policy Statement means at least 30 percent of the construction workforce for “construction activities” for orphan well plugging and abandonment projects and idle well plugging and abandonment projects should reside in the County.

SECTION 8: The definition of “Skilled and Trained Workforce” for purposes of this Policy Statement is defined below and in conformance with Section 2601(d) of Public Contract Code.

SECTION 9: The definition of “Construction Activities” for purposes of this Policy Statement means the performance of construction, alteration, demolition, installation, repair or work, including the plugging and abandonment of wells, decommissioning of attendant production facilities, or otherwise remediating well sites.

SECTION 10: The definition of “Apprenticeable Occupation” for purposes of this Policy Statement is defined below and in conformance with Section 2601(a) of the Public Contract Code.

SECTION 11: As used in Section 1, the term “encourage” means:

- (a) To make the Resolution, if ultimately adopted, available through the County’s website (ventura.org), and to provide a copy to (1) the CalGEM Supervisor and (2) operators of Idle Wells within the County identified on CalGEM’s 2022 Idle Well Management Plan Inventory. The County shall meet these obligations within thirty (30) days of the adoption of the Resolution.
- (b) To request during the issuance of any County-issued permit for an “Orphan Well Plugging and Abandonment Projects” or an “Idle Well Plugging and Abandonment Projects” as defined in this Policy Statement, that the contractor performing work on the project notify the County in writing prior to commencing work on such projects as to whether the contractor will comply with the terms of the Policy Statement.

SECTION 12: The obligations identified in Section 11 are the only obligations that the County has under this Resolution. The County has no obligation to qualify, monitor or report on the labor forces hired for local projects. If the County should fail to provide a copy of the Resolution pursuant to this Section, the County shall have thirty (30) days after receiving written notice from California Works Labor-Management Cooperation Trust of said failure upon which to cure ("Cure Period").

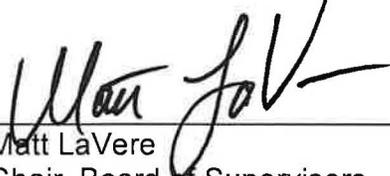
SECTION 13: For application of this Policy Statement, the following definitions pursuant to Section 2601 of the Public Contract Code applies:

- (a) "Apprenticeable Occupation" means an occupation for which the Chief of the Division of Apprenticeship Standards of the Department of Industrial Relations had approved an apprenticeship program pursuant to Section 3075 of the Labor Code before January 1, 2014.
- (b) "Chief" means the Chief of the Division of Apprenticeship Standards of the Department of Industrial Relations.
- (c) "Construction," "alteration," "demolition," "installation," "repair," and "maintenance" have the same meaning as in Sections 1720 and 1771 of the Labor Code.
- (d) "Graduate of an Apprenticeship Program" means either of the following:
 - (1) An individual that has been issued a certificate of completion under the authority of the California Apprenticeship Council or the chief for completing an apprenticeship program approved by the chief pursuant to Section 3075 of the Labor Code.
 - (2) An individual that has completed an apprenticeship program located outside California and approved for federal purposes pursuant to the apprenticeship regulations adopted by the federal Secretary of Labor.
- (e) "Skilled and Trained Workforce" means a workforce that meets all of the following conditions:
 - (1) All the workers performing work in an Apprenticeable Occupation in the building and construction trades are either Skilled Journeypersons or apprentices registered in an apprenticeship program approved by the chief.
 - (2) At least 60 percent of the Skilled Journeypersons employed to perform work on the contract or project by every contractor and each of its subcontractors at every tier are graduates of an apprenticeship program for the applicable occupation.

- (3) For an Apprenticeable Occupation in which no apprenticeship program had been approved by the chief before January 1, 1995, up to one-half of the graduation percentage requirements of paragraph (2) may be satisfied by Skilled Journeypersons who commenced working in the Apprenticeable Occupation before the chief's approval of an apprenticeship program for that occupation in the County.
- (4) The apprenticeship graduation percentage requirements of paragraph (2) are satisfied if, in a particular calendar month, either of the following is true:
 - i. At least the required percentage of the Skilled Journeypersons employed by the contractor or subcontractor to perform work on the contract or project meet the graduation percentage requirement.
 - ii. For the hours of work performed by Skilled Journeypersons employed by the contractor or subcontractor on the contract or project, the percentage of hours performed by Skilled Journeypersons who met the graduation requirement is at least equal to the required graduation percentage.
- (5) The contractor or subcontractor need not meet the apprenticeship graduation requirements specified in this Policy Statement if both the following requirements are met:
 - i. The subcontractor was not a listed subcontractor under Section 4101 of the Labor Code or a substitute for a listed subcontractor.
 - ii. The subcontractor does not exceed one-half of 1 percent of the price of the prime contract.
- (f) "Skilled Journeyperson" means a worker who meets all of the following criteria:
 - (1) Graduate from an apprenticeship program of the applicable occupation that was approved by the chief or located outside California and approved for federal purposes pursuant to apprenticeship regulations adopted by the federal Secretary of Labor.
 - (2) Has at least as many hours of on-the-job experience in the applicable occupation as would be required to graduate from an apprenticeship program for the applicable occupation that is approved by the chief.

SECTION 14: The County has no obligation to qualify, monitor or report on the labor forces hired for local projects. As set forth in Section 11, the use of Section 2601 of the Public Contract Code is solely used for the purposes of defining terms under Section 13 of this Resolution, and does not require the County to substantiate or verify whether projects have complied with these provisions.

SECTION 15: This Resolution shall take effect immediately upon its passage and adoption.



Matt LaVere
Chair, Board of Supervisors
County of Ventura

ATTEST:

Dr. Sevet Johnson
Clerk of the Board of Supervisors
County of Ventura, State of California.

By: 

Deputy Clerk of the Board

