



GOVERNANCE COMMITTEE MEETING

February 7, 2023

Time: 12:00 p.m.

CityPlace Building, 50 West Main Street

1. Call meeting to order
2. Approval of Minutes of January 17, 2023
3. Local Labor Policy Discussion
 - a. Specificity of documents required for warranty and specialized local labor waiver exemptions.
4. Other Business
5. Adjournment



GOVERNANCE COMMITTEE MEETING MINUTES
January 17, 2023

Time & Place: 11:00 a.m. 50 West Main Street, Rochester, NY 14614

Board Present: J. Popli, A. Burr;

Board Absent: J. Alloco

Also Present: R. King, R. Baranello, Esq., R. Finnerty, A. Clark, T. Milne, A. Liss

Chair Popli called the meeting to order at 11:02 a.m.

The draft minutes of the November 15, 2022 meeting were presented. On motion by A. Burr, second by J. Popli, all aye, the minutes were unanimously approved.

Chari Popli presented the consideration for the renewal of the following contracts: Auditor – Mengel Metzger Bar as certified financial auditor to perform the 2022 financial audit per the proposal that was previously submitted; Accounting and Chief Financial Officer – Bonadio Group to provide accounting and chief financial services for fiscal year 2023; Local Labor Monitoring – Loewke Brill Consulting to provide local labor monitoring services for fiscal year 2023; Local Labor Exemption Processing – The Bonadio Group to process local labor exemptions for fiscal year 2023; Legal Services – Harris Beach PLLC to provide legal services for fiscal year 2023.

On motion by A. Burr, second J. Popli, all aye, motion was approved to recommend to the full board the renewal of all contracts listed above for fiscal year 2023.

The committee reviewed the local labor policy with discussion focused on the specialty construction and warranty exemptions. No action was taken.

The committee will meet again in January/February to further discuss the Local Labor Policy.

There being no further business to discuss, on motion by A. Burr, second by J. Popli, all aye, the meeting of the Governance Committee was adjourned at 11:58 a.m.

LABOR POLICY

COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

100% Local Labor

Applicants receiving IDA benefits *must* ensure that it and/or its contractor/developer hire *100% of its construction workers from the local labor market*.

Local Labor Market

For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

Bid Processing

Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

Monitoring

A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

Signage

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

Exemption Process

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is

deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).

- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

Amended: 9/21/21, Effective 1/1/22
Approved & adopted March 29, 2022