



GOVERNANCE COMMITTEE MEETING

April 14, 2023

Time: 12:00 p.m.

CityPlace Building, 50 West Main Street

1. Call meeting to order
2. Approval of Minutes of March 21, 2023
3. Local Labor Policy Discussion
 - a. Specificity of documents required for warranty and specialized local labor waiver exemptions.
4. Other Business
5. Adjournment



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

DRAFT
GOVERNANCE COMMITTEE MEETING MINUTES
March 21, 2022

Time & Place: 12:30 p.m. City Place, 50 West Main Street

Board Present: J. Popli, A. Burr, J. Alloco (via Zoom)

Board Absent: N. Jones

Also Present: T. Milne, L. Bolzner, R. King, R. Baranello, Esq., R. Finnerty, A. Clark, A. Liss, G. Genovese

Chair Popli called the meeting to order at 12:30 p.m.

The draft minutes of the February 7, 2023 meeting were presented. On motion by J. Alloco, second by A. Burr, all aye, the minutes were unanimously approved.

The Mission Statement and 2022 Measurement Report were reviewed. On motion by A. Burr, second by J. Alloco, all aye, the committee recommends that the full board re-adopt the Mission Statement and adopt the Measurement Report.

The Bylaws were reviewed. The committee recommends a few changes to be consistent with the General Municipal Law. On motion by J. Alloco, second by A. Burr, all aye, the committee recommends that the full board approve the Bylaws, with changes as discussed.

The committee reviewed the Governance Committee Charter. On motion by A. Burr, second by J. Alloco all aye, the committee re-adopted the Governance Committee Charter, with no changes.

The committee reviewed its self-evaluation and noted there are no issues.

The committee reviewed the confidential board evaluation summary and noted there were no issues. The evaluation summary will be presented to the board and sent to the ABO.

The committee reviewed all policies and procedures with the following changes noted: (i) the Housing Policy to amend the definition of “Affordable”, (ii) the Investment and Deposit Policy, with revisions to limit deposits in non-interesting bearing accounts; (iii) the Public Participation Policy, with revisions to the time by which an individual would need to sign up to speak and (iv) the Transparency and Accountability Policy with revisions to track changes in Article 18-A of the General Municipal Law. On motion by A. Burr, second by J. Alloco, all aye, the committee recommends that the full board approve and readopt all policies with changes as discussed. The Local Labor policy will continue to be reviewed at the next meeting.

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 1:24 p.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 Local~~ Labor Policy and is subject to IDA Board action, which may result in the suspension, 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:

1. 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. certain products.
 - Required Documentation: A copy of the warranty confirming that the product must be installed by the manufacturer. Where the manufacturer requires installation by an approved third-party installer, the IDA requires information regarding skills, certifications and/or training possessed by the third-party installer.¹ The IDA and its third-party processor (the "Exemption Processor") reserve the right to request additional documentation.
2. Specialized construction ~~is required~~ and no local contractors or local construction workers have the required skills, certifications or training to perform the work ~~(~~
 - Required Documentation: Information regarding the skills, certifications and/or training the construction workers must possess and proof of communication with local contractors, or details of the specialized construction must be provided); The IDA and the Exemption Processor reserve the right to request additional documentation.
3. 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 and~~ 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.~~

¹ The granting of an exemption for the use of non-local labor on warranty related grounds for the use of a third-party installer is expressly conditioned on the hiring of a pre-apprentice(s), an apprentice(s) or local construction laborer(s) to assist in the installation. The installation by the manufacturer does not have this requirement.

- Required Documentation: Copies of all bids/proposals received, including pricing, ~~must be provided~~ to confirm cost differential). The IDA and the Exemption Processor reserve the right to request additional documentation.
4. 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")*~~

- Required Documentation: Proof of solicitation of local bids, an explanation how the bid was advertised/solicited and proof of communication with local contractors. Additionally, if applicable, written confirmation that local labor is not available (i.e., correspondence from union halls or local contractors). The IDA and the Exemption Processor reserve the right to request additional documentation.

~~*The IDA and received by the Exemption Processor*~~ ~~*Process forty five (45) days in advance of work commencing*~~ require at least forty-five (45) days to process a request for a exemption from local labor. The forty-five (45) days shall commence upon submission of the request for exemption, together with complete and accurate required documentation. 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.

Document comparison by Workshare Compare on Tuesday, March 14, 2023
5:16:12 PM

Input:	
Document 1 ID	netdocuments://4876-2342-9965/1
Description	Local Labor Policy (COMIDA 2023)
Document 2 ID	netdocuments://4876-2342-9965/3
Description	Local Labor Policy (COMIDA 2023)
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Deletions	15
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Moved to	1
Style changes	0
Format changes	0
Total changes	41