

Proposed Working Families Ordinance - Lessee Virtual Roundtable Meeting

Chat Transcription

August 23, 2021, 6 p.m. – 8 p.m.

Please note: Individual e-mail addresses shared by meeting participants in the chat for the purpose of being added to a distribution list have been redacted from this transcript.

18:02:11 From Carrie Hoff to Everyone:

Thank you for joining us this evening. We are going to wait a few minutes before we get started to allow people to join the meeting.

18:03:21 From Carolina- Spanish Interpreter to Everyone:

Gracias por acompañarnos esta tarde. Vamos a esperar unos minutos antes de empezar para permitir que la gente se una a la reunión.

18:04:39 From Ms Lucy - Spanish Interpreter to Everyone:

Gracias por hacernos compañía esta noche. Esperaremos unos minutos antes de comenzar para permitir que las personas unan a la reunión.

18:06:41 From Ms Lucy - Spanish Interpreter to Everyone:

To everyone please be mindful of the speed of the speech for the interpreters. Thank you in advance !

18:10:07 From Ronald Lelakes to Everyone:

Can I please be added to the email chain; Ron Lelakes XXXXXXXXXXXX thank you

18:10:23 From Carrie Hoff to Everyone:

Yes. We will add your e-mail to the distribution list.

18:10:41 From Thu Tom to Everyone:

For those just joining, please ensure you select English or Spanish as your language through the interpretation icon.

18:10:47 From Norma Martinez to Everyone:

can you add me on the email list please

18:10:58 From Norma Martinez to Everyone:

XXXXXXXXXXXXXXXXX thanks

18:12:15 From Denny Breslin - GPA to Everyone:

Would a “renter” be a viable choice rather than lessee?

18:12:56 From leechesnut to Everyone:

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if possible, please let me know how many people are participating tonight?

18:13:18 From Ms Lucy - Spanish Interpreter to Everyone:

Para aquellos que acaban de unirse, asegurese de seleccionar ingles o espanol como idioma a traves del icono de interpretacion.

18:13:37 From Carrie Hoff to Everyone:

There are about 70 people participating in the meeting tonight.

18:14:01 From leechesnut to Everyone:

thank you

18:15:44 From Gretchen Sizer-Kecskes to Carrie Hoff(Direct Message):

Hi Carrie, here's the link to the e-comment page for the upcoming BOS meetings if you want to share towards the end of the meeting as another way to participate.

<https://www.sandiegocounty.gov/content/sdc/bos/ecomment.html>

18:16:04 From Carrie Hoff to Gretchen Sizer-Kecskes(Direct Message):

Thank you! I will use that!

18:16:38 From John O'Reilly to Everyone:

here as small biz owner, Palomar Airport Advisory Committee (not representing the PAAC. and government affair committee member of two local Chambers. I'm not a lessee of county property.

18:16:38 From Barry to Everyone:

Please add me also. Barry Bardack, XXXXXXXXXXXXX

18:17:57 From leechesnut to Everyone:

how do you know that the ordinance will be effective only when an amendment is requested? that isn't in the draft ordinance

18:20:31 From Craig Gibson to Everyone:

A reference to the ordinance would be included in an amendment

18:23:28 From Barbara Wight to Everyone:

Please provide further understanding for jobs that do not have a prevailing wage. The draft ordinance says that the county can set the rate

18:23:41 From John Osborne to Everyone:

How would Collective Bargaining Agreements exemptions be handled?

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18:24:00 From Keith Miller to Everyone:

I operate a model airplane club on leased property. We have no employees. But I understand that subcontractors I may hire such as for paving may be impacted. Is this true, and how do I manage that?

18:24:59 From Chris Nelson to Everyone:

Are there any situations in which this would not be applied to requested ground lease extensions

18:25:27 From Lessa Ritzma to Everyone:

I have a similar question to Keith. I occasionally hire contractors to complete maintenance on site, and I would now have to ensure they are also following this ordinance?

18:25:52 From Ronald Lelakes to Everyone:

Ron with the YMCA- We have a lease at the McGrath Family YMCA. Building new amenities on current properties, would they be impacted by new ordinance. If so this could drive up cost on community driven programs designed by the county and the YMCA

18:25:53 From scott to Everyone:

What reference do you use to determine prevailing wage?

18:26:03 From Josef Napier to Everyone:

We use the State of California minimum requirement for Sick Leave formula which could be less than 56 hours for part time employees.

18:26:16 From WayneRosenbaum to Everyone:

How will the county address FAA assurances if rents are negatively impacted by the Ordinance

18:26:22 From Rob Tschantz to Everyone:

As an owner and manager of property on county land would all my maintenance vendors i.e. landscaping be required to pay prevailing wages?

18:26:36 From Barbara Wight to Everyone:

Does Paid Time Off qualify as Paid Sick Leave?

18:28:46 From Ronald Lelakes to Everyone:

Thank you

18:30:23 From Ronald Lelakes to Everyone:

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If the YMCA has a long term lease and creates a project that does not change the purpose of the lease but the project is over 1 million would this not qualify for the new ordinance?

18:30:32 From Jess' phone to Everyone:

Without knowing the wage rates, it is hard to know the impact on our nonprofit

18:31:26 From David to Everyone:

Would a new sub-lessee represent a lease modification triggering implementation of these new requirements? what about a change in ownership of the Lease

18:31:57 From WayneRosenbaum to Everyone:

Is it unfair that lessees with longer leases will not be subject to the ordinance while lessees with shorter lessees will be effected earlier even if they are in the same business?

18:32:01 From James Renner to Everyone:

living wage varies if you have children or not or are a couple. How will they determine the living wage?

18:36:02 From Dustin Shepard to Everyone:

can you answer the same for Nurseries/agriculture properties?

18:37:57 From WayneRosenbaum to Everyone:

Which jurisdictions have a "living wage"? What happens when a company has employees in multiple jurisdictions with different living wage ordinances?

18:38:47 From John O'Reilly to Everyone:

very good points by current speaker. indisputable logic

18:39:40 From Leslie Day to Everyone:

I agree with Mike Borden!

18:40:08 From Barbara Wight to Everyone:

I agree with Mike Borden.

18:40:25 From Erik@EWiese.com to Everyone:

I agree with Mike Borden

18:40:29 From Chris Nelson to Everyone:

I agree with Mike

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18:40:42 From Keith Brawley to Everyone:

I agree with Mike Borden

18:40:42 From Craig Gibson to Everyone:

The California Department of Industrial Relations determined prevailing wage

18:41:07 From WayneRosenbaum to Everyone:

To David As I read the ordinance any new sub lease or lease modification would trigger the ordinance.

18:41:21 From Dustin Shepard to Everyone:

sounds like this should I only apply to new and ongoing construction

18:41:41 From David Dudley to Everyone:

Prevailing wage does not apply to offsite activities unless set up for a specific project

18:42:06 From Hugh Rowles to Everyone:

As an owner and manager of property on county land would all my maintenance vendors i.e. landscaping be required to pay prevailing wages? If applicable

18:43:41 From Ms Lucy - Spanish Interpreter to Everyone:

To everyone please be mindful of the speed of the speech for the interpreters. Thank you in advance !

18:44:54 From Craig Gibson to Everyone:

A lease modification requiring a lease amendment would trigger the ordinance as drafted.

18:46:46 From John O'Reilly to Everyone:

thank you Erik!

18:47:15 From Denny Breslin - GPA to Everyone:

Erik - perfect! Absolutely right.

18:48:56 From Denny Breslin - GPA to Everyone:

What has the FAA said about controlling wages on federally supported airports? Are grant assurances breached?

18:49:44 From John O'Reilly to Everyone:

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thanks for speaking up. what a terrible loss for parents. thanks for what you do

18:50:51 From Carrie Hoff to Everyone:

We will get an answer to any questions we have not answered directly in the chat and will post them with the Q&A by Friday, August 27 on the DGS website at https://www.sandiegocounty.gov/content/sdc/general_services/Real_Estate/Proposed_Ordinance.html

18:51:30 From Carolina- Spanish Interpreter to Everyone:

Obtendremos una respuesta a las preguntas que no hayamos contestado directamente en el chat y las publicaremos con las preguntas y respuestas antes del viernes 27 de agosto en el sitio web de la DGS en https://www.sandiegocounty.gov/content/sdc/general_services/Real_Estate/Proposed_Ordinance.html

18:51:39 From John O'Reilly to Everyone:

I can see this morphing into a series of convoluted exceptions leaving winners and losers. a mess.

18:53:51 From Ronald Lelakes to Everyone:

The new ordinance could drastically change how we expand services on county least land. Facility needs are constantly changing with community needs, but prevailing wages would devastate our ability to serve more people in an equal way with in the community!

18:53:53 From WayneRosenbaum to Everyone:

The ordinance likely violates multiple FAA grand assurances. The ordinance will result in lower lease renewals that will then result in an inability for the County to support the airports without the County contributing from the General Fund.

18:55:10 From Leslie Day to Everyone:

You are spot on, Barbara!

18:55:28 From Erik@EWiese.com to Everyone:

Contact Erik Wiese at erik@ewiese.com if you want to get benefit of our HOA attorney's advice. 619-905-9097

18:58:34 From John O'Reilly to Everyone:

wow Barbara Wight. Taylor Guitar. thanks to you and team for being on the meeting. like many on this call, you are our "economic patriots" as you train, hire & employ wonderful people. thanks. we'll fight for you! God bless!

18:59:30 From Rob Tschantz to Everyone:

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It was mentioned that the County will have the discretionary ability to review and grant exemptions to various projects. Does this not expose the County to unlimited discrimination claims?

18:59:43 From Jeremy Ogul to Everyone:

<https://www.jobsoncountyland.com>

19:00:07 From Denny Breslin - GPA to Everyone:

Yes Barbara - good points. The one you didn't make was about the decision you have to consider whether to outsource your "next" guitar to Mexico which is likely if this ordinance passes.

19:01:27 From Barbara Wight to Everyone:

It is true. We have manufacturing here in El Cajon and in Tecate, MX. We work hard to increase our employment at both locations, but, it would be difficult for us to increase our manufacturing here if this passes.

19:02:35 From Susan Guerra to Everyone:

Please join us on the coalition - there is a survey that outlines the economic impact to businesses - there is a link to a petition as well.

19:03:51 From Susan Guerra to Everyone:

www.jobsoncountyland.com

19:04:20 From Barbara Wight to Everyone:

Lee is right. We need this information so that we understand the business risk.

19:06:30 From gela0 to Everyone:

Lee is right. We need this information

19:10:01 From Ari Novy - San Diego Botanic Garden to Everyone:

Can you clarify the difference between the \$500k construction contract exemption and the \$25k project exemption?

19:10:31 From Keith Brawley to Everyone:

I agree. Existing businesses will be placed in jeopardy from this proposal.

At Taylor Guitars, We do business across the country and the globe and have to compete with companies based outside the county that will not be subject to these burdens. Unless the county can demand consumers pay more, which isn't possible, they will doom local businesses to be non-competitive...or move out of the county.

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19:12:43 From John O'Reilly to Everyone:

how will we get the summary info from this meeting? all said . all comments...

19:14:07 From Ari Novy - San Diego Botanic Garden to Everyone:

Do the prevailing wage rates apply only to construction activities, or would they also apply to routine maintenance activities when executed by a lessee's employees?

19:16:18 From WayneRosenbaum to Everyone:

Ari As I read the ordinance it would apply to ALL of your employees!

19:18:13 From Susan Guerra to Everyone:

Will we be able to get the recording as well?

19:18:30 From WayneRosenbaum to Everyone:

If this meeting is being recorded will there be a transcript?

19:18:40 From Lessa Ritzma to Everyone:

I just want to go on record as agreeing with the other comments that it's really difficult to say how we can comply without having accurate figures of what the costs would be.

19:20:04 From gela0 to Everyone:

As a non-profit food pantry paying minimum wage be affected by this?

19:20:28 From Carrie Hoff to Everyone:

The recording of this meeting will be transcribed into writing. The transcription will be posted on the DGS website by Friday, August 27 at https://www.sandiegocounty.gov/content/sdc/general_services/Real_Estate/Proposed_Ordinance.html

19:20:34 From WayneRosenbaum to Everyone:

There do not appear to be any exemptions for NGOs

19:20:50 From John O'Reilly to Everyone:

not seeing a link. add me to your list please john@oreillywa.com

19:21:02 From Lessa Ritzma to Everyone:

I also do think being responsible for the wages of other businesses when on site is a tricky area, hard to enforce, and puts a significant burden on the lessee. Though I agree workers should be paid fairly, I can't think of a contractor who's going to agree to work on my property after I ask them to certify that their employees are paid according to this ordinance.

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19:21:10 From Carolina- Spanish Interpreter to Everyone:

La grabación de esta reunión se transcribirá por escrito. La transcripción se publicará en el sitio web de la DGS antes del viernes 27 de agosto en https://www.sandiegocounty.gov/content/sdc/general_services/Real_Estate/Proposed_Ordinance.html

19:22:34 From Erik@EWiese.com to Everyone:

Wait until one of your employees is fired for just cause and they sue their employer for not paying them a living wage or union wage. A class action lawsuit will destroy your company.

19:22:51 From WayneRosenbaum to Everyone:

As I read the ordinance you will be required to certify that any subcontractor is in compliance with the ordinance.

19:25:23 From leechesnut to Everyone:

Is the county aware of any other county or municipality in the state of california that has an ordinance like this in place or does the county know of any other municipality or county in the state that is in the process of attempting to implement this new kinds of wage ordinance?

19:25:44 From WayneRosenbaum to Everyone:

If the work is performed on county land you will have to pay prevailing wage. The fabrication yard on County owned land will require prevailing wage.

19:25:55 From Rob Tschantz to Everyone:

Good point David!

19:27:07 From James Renner to Everyone:

I have not heard one positive comment for this proposal.

19:27:25 From John O'Reilly to Everyone:

thanks again. a very well run meeting by county staff. we know it is not easy to be on the receiving end of the responses on an ill conceived idea that is very unpopular. you have been patient and professional exactly as you are called to do. great job county team!

19:27:52 From Dustin Shepard to Everyone:

Well said John

19:28:51 From Jeremy Ogul to Everyone:

Re-posting the link I mentioned earlier: <http://www.jobsoncountyland.com>

19:29:53 From Jeff Kauttu to Everyone:

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you just mentioned readily available information that lists other wage requirements in the state. Can you provide the link or links to that information?

19:30:13 From WayneRosenbaum to Everyone:

If you are worried about this ordinance go to <http://www.jobsoncountyland.com>

19:31:17 From leechesnut to Everyone:

would you be able to tell us what you believe the wage rate to be based upon your research and the load

19:31:55 From leechesnut to Everyone:

this is the most important question because it will show us the intent of the board of supervisor

19:33:01 From gela0 to Everyone:

How and when will we find out the Prevailing rates and job discriptions?

19:33:05 From Dustin Shepard to Everyone:

livingwage.mit.edu/counties/06073 has San Diego county living wage information. Maybe that will help some people here

19:33:06 From WayneRosenbaum to Everyone:

Will "will readily available wage requirements" be fully described in the staff report?

19:33:33 From Dustin Shepard to Everyone:

*** livingwage.mit.edu/counties/06073 has San Diego county living wage information. Maybe that will help some people here

19:38:02 From Rob Tschantz to Everyone:

SF minimum wage was increased to \$16.32 in 2020

19:40:01 From Barbara Wight to Everyone:

Thank you Lee. This is exactly the point that we don't understand. It is impossible for us to evaluate the risk to our business.

19:41:23 From Denny Breslin - GPA to Everyone:

Has anyone answered what the FAA input to this ordinance is? Have you reached out to make sure there are no conflicts with grant assurance or other federal rules?

19:42:48 From WayneRosenbaum to Everyone:

Aviation lessee may want to reach out to FAA

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19:42:50 From Carrie Hoff to Everyone:

The County has reached out to the FAA but has not yet had a conversation with the FAA.

19:43:54 From Denny Breslin - GPA to Everyone:

Input from FAA legal counsel would be essential don't you think? What if it passes only to find out — probably though lawsuits, that it violates federal or constitutional law?

19:45:26 From WayneRosenbaum to Everyone:

If you want an analysis on why we believe the ordinance violates FAA Grant Assurances contact me at SWR@Envirolawyer.com

19:46:12 From Susan Guerra to Everyone:

<https://livingwage.mit.edu/counties/06073>

19:46:34 From Denny Breslin - GPA to Everyone:

To your comment - FAA ruling should be mandatory before it is voted on.

19:47:20 From Carrie Hoff to Everyone:

Another way to provide input is via the e-comment page for the October 5, 2021, Board of Supervisor's meeting via this link: <https://www.sandiegocounty.gov/content/sdc/bos/ecomment.html>

19:47:27 From WayneRosenbaum to Everyone:

Agreed. A Part 13 complaint is under consideration.

19:47:48 From leechesnut to Everyone:

thank you for this opportunity to discuss this issue

19:47:53 From John O'Reilly to Everyone:

good night all

19:47:56 From WayneRosenbaum to Everyone:

Thanks

19:47:57 From Carrie Hoff to Everyone:

Thank you!