

ORDINANCE NO. _____

ORDINANCE REQUIRING PROJECT LABOR AGREEMENTS
FOR LAKE COUNTY GOVERNMENT CONSTRUCTION
PROJECTS AND ALL PROJECTS RECEIVING AN ECONOMIC INCENTIVE
AND RESCINDING AND REPEALING ORDINANCE NOS. 1135F, 1342A,
1468B and 1468C

WHEREAS, Project Labor Agreements have proven to be of economic benefit to property owners, including states and their subdivisions, for their construction, alteration or repair projects (including any closely interrelated series of projects);

WHEREAS, Lake County, Indiana, is required by law to award capital improvement contracts to the "lowest responsive and responsible" bidder;

WHEREAS, applicable state law requires that bidders meet certain minimum requirements in order to be a responsive and responsible bidder;

WHEREAS, Lake County, based upon its experience, passed Ordinance Numbers 1135F, 1342A, 1468B and 1468C having determined that quality workmanship, efficient operation, safety, and timely completion of projects require all bidders meet certain minimum requirements in order to be a responsive and responsible bidder;

WHEREAS, the foregoing Ordinances are no longer adequately comprehensive and reflective of Indiana law and must be amended to conform therewith;

WHEREAS, Lake County continues to seek to enhance its ability to identify responsive and responsible bidders on all Lake County public works construction projects;

WHEREAS, Project Labor Agreements facilitate the timely and efficient completion of projects by (a) making available a ready and adequate supply of highly trained and skilled craft workers, (b) permitting public and private owners and contractors and subcontractors to accurately determine project labor costs at the outset and to establish working conditions for all construction crafts for the duration of such Projects, (c) allowing for the negotiation of specialized terms and conditions which, because of the particular circumstances relating to a specific project, may be required for the effective construction of the project, and (d) providing a negotiated commitment which is a legally enforceable means of assuring labor stability and labor peace over the life of such Projects; and

WHEREAS, the Government of Lake County, Indiana is dedicated to obtaining an economic benefit to its community and its citizens, while at the

same time ensuring that its projects have a ready and adequate supply of highly trained and skilled craft workers, understands the need to accurately determine Project labor costs at the outset and to insure that decent working conditions exist for the working people who supply their labor on its Projects and desires to assure labor stability and labor peace on its Projects; and

WHEREAS, there are economic and quality of life benefits to be gained from and protected by Project Labor Agreements by our citizens and our community; and

WHEREAS, the Indiana Public Construction Act, IC. 36-1-12, *et. seq.*, allows the use of Project Labor Agreements by political subdivisions of the State of Indiana when the political subdivision is the owner of property upon which a construction project will take place; and

WHEREAS, Lake County is authorized to grant or approve various economic incentives, including but not limited to: tax increment financing, tax credit, tax deduction, tax exemption, property tax abatement, a grant, loan, loan guarantee, and all other financial and/or economic development assistance and abatements, whether for taxes, development, equipment, building or contracting services, whether considered specialized or not (hereinafter collectively referred to as “economic incentive(s)”) to Contractors and Developers in order to support and encourage economic development projects in Lake County;

WHEREAS, Lake County has determined that establishing criteria to enhance its ability to identify responsible businesses applying for “economic incentives” shall promote Lake County 's economic health and welfare, shall promote public safety and workforce development, and is in the public interest;

WHEREAS, this new Ordinance shall preserve administrative resources and ensure responsible stewardship of taxpayer dollars by insuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects and for projects which receive “economic incentives” from Lake County;

WHEREAS, this Ordinance shall ensure that no contractor awarded work under this Ordinance or any subcontractor at any tier working on a project awarded pursuant to this Ordinance, and who received an “economic incentive” from Lake County, Indiana, engages in payroll fraud, including the misclassification of employees as independent contractors to avoid paying state, federal or local payroll taxes, workers compensation insurance, unemployment insurance premiums and failing to pay overtime and wages as required by law;

WHEREAS, the Lake County Board of Commissioners is the executive

body for Lake County and executes all contracts, except as otherwise provided by law, where Lake County, Indiana, or any of its agencies, departments, boards, commissions, or any other County entity with a property interest is the owner or lessee of the property upon which the construction projects takes place; and the Lake County Council is the fiscal and legislative body of Lake County, Indiana and is responsible for funding county construction projects, and;

WHEREAS, the Lake County Board of Commissioners and the Lake County Council desire that Project Labor Agreements be used in all county owned public works construction projects in Lake County, Indiana, and any of its agencies, departments, boards, commissions, or any other County entity and for any projects in which Lake County, Indiana, provides a Contractor or Developer with an “economic incentive,” and that all Project Labor Agreements covering Lake County, Indiana, be negotiated by and through the local labors unions representing experienced and skilled construction workers.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. The foregoing “**WHEREAS**” statements, definitions and meanings are fully incorporated herein and made a part of this Ordinance, which is hereby enacted and shall read as follows:

LAKE COUNTY, INDIANA, PUBLIC WORKS PROJECTS

2. It is the policy, as expressed herein, of the Lake County Council and Board of Commissioners of Lake County, Indiana, to provide for the negotiation of mutually acceptable Project Labor Agreements with local labor unions representing experienced and skilled construction workers covering construction, alteration or repair work (hereinafter referred to collectively as “Projects”), where Lake County, Indiana, or any of its agencies, departments, boards, commissions, or any other County entity with a property interest is the owner or lessee of the property upon which the construction takes place (or lessee or the beneficiary or a separate corporation which is created to perform construction, alteration or repair work for their benefit).

3. All solicitation for bids issued by the Board of Commissioners of Lake County, Indiana, or any of its agencies, departments, boards, commissions, or any other County entity with a property interest (or a corporation created to benefit Lake County) for Projects shall, except as otherwise provided herein, including the following language:

“Each successful bidder and all levels of subcontractors, regardless of tier, as a condition of being awarded a contract or subcontract, shall agree to abide by the provisions of the (_____) Project Labor Agreement as executed and effective _____,

_____, by and between the Project Manager and/or Construction Manager authorized to negotiate and enter into such a Project Labor Agreement and the local labor unions representing experienced and skilled construction workers and will be bound by the provisions of that Project Labor Agreement in the same manner as any other provision of the contract.”

4. Any “Instructions to Bidders” or like document for Projects shall, except as otherwise provided herein, include the following language:

“The general contract (and all independent subcontracts, i.e., subcontracts not included within a general contract and regardless of tier) will be awarded to the lowest responsible and responsive bidder complying with the conditions and requirements provided in the Instructions, bids forms, and other bid documents. A responsible and responsive bidder is a bidder demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by the contract, based upon a determination of competent workmanship and financial soundness in accordance with Indiana Code 36-1-9-3, *et. seq.* or any successor statute. An eligible bidder is a bidder who is not debarred from bidding under any applicable law, and which shall certify that it is able to furnish labor that can work in harmony with all other elements of labor employed on the project. In the interests of such harmony, the long-term supply of skilled labor, and to provide a legally enforceable means of assuring labor stability and labor peace over the life of the project, each successful bidder and any and all levels of subcontractors, regardless of tier, as a condition of being awarded a contract or subcontract, shall be required to enter into a Project Labor Agreement for the (_____) with local labor unions representing experienced and skilled construction workers for the development and construction of the project, and will be bound by the provisions of that Project Labor Agreement in the same manner as any other provision of the contract.”

5. The Lake County Council and Board of Commissioners of Lake County, Indiana, and their agencies, departments, boards, commissions, or any other County entity with a property interest, retains their inherent authority to adopt means to enforce compliance by any contractor or subcontractor, regardless of tier, with the provisions of any Project Labor Agreement entered into on its behalf.

6. The Project Labor Agreements shall contain provisions indicating that there shall be no strikes, picketing, work stoppages, slow downs or other disruptive activity for any reason by the Union,

its Affiliated Local Union(s) or by any employee and there shall be no lockout by any Contractor or the Owner and all parties to the Agreement, including all Unions, Affiliated Unions, Employees, Contractors, Developers and Owners shall be bound by these prohibitions.

PROJECTS RECEIVING ECONOMIC INCENTIVES

7. It is the policy of Lake County, Indiana, as expressed herein, to provide for the negotiation of mutually acceptable Project Labor Agreements with Contractors and/or Developers and/or Owners who receive an “economic incentive” from Lake County, Indiana, with local labor unions representing experienced and skilled construction workers covering construction, alteration or repair work.

8. All projects within Lake County, Indiana, in which Contractors and/or Developers and/or Owners receive an “economic incentive” from Lake County, Indiana, for construction, alteration or repair shall, shall require and include the following language:

“All contractors and all levels of subcontractors, regardless of tier, as a condition of being awarded an economic incentive, as defined in Indiana Statute or Lake County, Indiana Ordinance, from Lake County, Indiana, shall agree to abide by the provisions of a Project Labor Agreement as executed and effective by and between the Project Manager and/or Construction Manager authorized to negotiate and enter into such a Project Labor Agreement and the local labor unions representing experienced and skilled construction workers and will be bound by the provisions of that Project Labor Agreement in the same manner as any other provision of the contract.”

9. Any “Instructions” or like document given to Contractors and/or Developers who receive an “economic incentive” from Lake County, Indiana, shall include the following language:

“The general contractor (and all independent subcontractors, regardless of tier) shall certify that it is able to furnish labor that can work in harmony with all other elements of labor employed on the project. In the interests of such harmony, the long-term supply of skilled labor, and to provide a legally enforceable means of assuring labor stability and labor peace over the life of the project, each such general contractor (and all independent subcontractors, regardless of tier), as a condition of being awarded an economic incentive, as defined in Indiana Statute or Lake County Ordinance, shall be required to enter into a Project Labor Agreement with local labor unions representing experienced and skilled construction workers

for the development and construction of the Project, and will be bound by the provisions of that Project Labor Agreement in the same manner as any other provision of the contract."

10. The County Council and Board of Commissioners of Lake County, Indiana, and their agencies, departments, boards, commissions, or any other County entity granting an "economic incentive", retains their inherent authority to adopt means to enforce compliance by any contractor or subcontractor, regardless of tier, with the provisions of any Project Labor Agreement entered into on its behalf. The same provisions with respect to strikes, work stoppages, slow downs or other disruptive activity for any reason by the Union, its Affiliated Local Unions or by any employee and the prohibition from any lockouts by the Contractor, Owner or Developer as set forth in Paragraph 6 above shall apply to economically incentivized projects.

11. This Ordinance rescinds and replaces Ordinance Numbers 1135F, 1342A, 1468B and 1468C in their entirety.

ADOPTED THIS ____ DAY OF _____, 2026.

SIGNATURES:

MEMBERS OF THE LAKE COUNTY, INDIANA, COUNCIL:

CHRISTINE CID, President

TED F. BILSKI

CHARLIE BROWN

RANDELL C. NIEMEYER

RONALD G. BREWER, Sr.

PETE LINDEMULDER

DAVID HAMM