California Invites Itself into Pure Water Litigation...AGC Accepts
Eddie Sprecco, CEO

With yet another late Friday maneuver - California entered the fray of local “Pure Water” Litigation with the signature of Governor Newsom on Assembly Bill 1290. For a full recap on the “Pure Water” saga, read the September 16th Edition of MMQB.

After months of losing in Court, the pro-Project Labor Agreement crowd at City Hall, called for a "Hail Mary" from Sacramento. Local legislators, Assemblymember Todd Gloria and Senator Toni Atkins, answered the call and rammed through AB 1290 that would mandate Project Labor Agreements on Pure Water in an attempt undercut voter-passed Proposition A, banning discriminatory Project Labor Agreements.

On Friday, October 11, Governor Gavin Newsom signed AB 1290, counter to rumors that he would veto the bill having been advised by staff of its constitutional uncertainty. Instead, with Newsom’s signature, California opted to jump into what was previously a local legal matter - and put Pure Water funding at risk for the first time.

Assemblyman Gloria’s press release laid out the intention of bringing California into the legal fight quite clearly: “AB 1290 would require, as a condition of state financing, a project labor agreement (PLA) for the Pure Water project so it can advance despite frivolous litigation that has brought the project to a near complete halt.” There is quite a lot to unpack in that sentence, but here we go:

"as a Condition of State Funding" - for the first time, funding for Pure Water has been put at risk by state law, by a legislator who wants to be the Mayor of the same City being held hostage.
"so it can advance" - under the current Superior Court Injunction, "Pure Water" can advance, anytime, after removing the union-only language that was found to be illegal under Proposition A. The also illegal AB 1290, even by its own terms, is not retroactive and does not go into effect until January 1, 2020. This means the City is holding up its own projects for months, including those already with an apparent low bidder, solely to add PLAs designed to fill the coffers of a few prominent political donors.

"despite frivolous litigation" - again, Superior Court Injunction, followed by the City being rejected by an appeals court based on AGC's "likelihood to prevail" does not add up to "frivolous."

"had brought the project to a near complete halt" - the City, or more precisely - a few bad actors at the City - are the ones responsible for slowing down the projects. They rammed through union-only language explicitly counter to Proposition A, lost in court, refused easy opportunities to settle, and dragged their feet to find a legislative life line.

Unfortunately, for the people of San Diego, the legislative "life line" only cuts off money to the City unless labor union demands are met, but does not solve all of the legal woes. Fortunately for the City residents and voters, AB 1290 is Constitutionally suspect, among other legal infirmities, and will not stand scrutiny by the courts.

Last week, AGC filed a lawsuit against the State to challenge AB 1290, making official what Governor Newsom signature had already made a reality - California has jumped feet first into the "Pure Water" legal fight. While stakeholders from up and down the state will be joining this lawsuit, one invite has gone unanswered: The City of San Diego.

The Mayor, the City Attorney, and City Council have a duty to protect the will of the voters - Proposition A - and protect local control as enshrined in the City Charter and State constitution. Any elected official in San Diego not arguing to join the lawsuit against AB 1290, proclaims their status as a "bad actor" by favoring political donors over the people of San Diego.
AGC East County Headquarters & Apprenticeship Training Center - Groundbreaking Ceremony

Join the AGC San Diego Board of Directors and staff as we break ground on the new AGC East County Headquarters & Apprenticeship Training Center on November 14, 2019, at 3:00 p.m.

All welcome to attend - please RSVP.

Groundbreaking Ceremony at 3:00 p.m.
Reception to follow sponsored by Marathon Construction Corporation, RDO Equipment Company and AGC San Diego

First Legislative Session Concludes, Governor Takes Final Actions

Brad Barnum, Executive Vice President

With the adjournment of the first year of the 2019-20 legislative session upon us, it's time to look at the actions taken by Governor Newsom. He was sent 1,042 bills by the Legislature, and he signed 870 and vetoed 172. A veto rate of 16.5% was the same veto rate as Governor Brown's all-time high in 2018.

We could have used one particular veto on AB 1290, which was highlighted in a previous article. Unfortunately, the Governor signed the bill, even though AGC sent a veto request letter to the Governor detailing the legal concerns of the bill. Over 150+ AGC San Diego also expressed that sentiment via emails directly to the Governor.

Putting AB 1290 aside, we also should look at some of the other bills closely followed by AGC’s Legislative Advocates. It was a defensive year, but we were able to secure amendments to achieve a neutral position on several otherwise very bad bills. Click here for a summary. In December, we will provide a specific list of the signed bills, including links to the actual bills and analyses.

AGC Build San Diego Awards Luncheon...
Tuesday, November 5
Subcontractors and Affiliates...are you registered to attend?
Every two years, Build San Diego honors and recognizes AGC members who’ve submitted entries for the region’s most impressive construction projects. So, after a two year wait, everyone wants to know, "which projects won?" **Was it a project your firm was involved in?** Well, the winners, along with the names of our distinguished judges, will remain under lock and key until the November 5 luncheon - so, you'll just have to attend....

**November 5, 2019**

**Build San Diego Awards Luncheon - 11:00 a.m.**

Poway Mayor Steve Vaus to be the guest speaker.

Mayor Vaus is in his second term as Mayor, and he is the Chair of the San Diego Association of Governments (SANDAG).

**Hilton San Diego, Bayfront**

As the premiere construction awards program in San Diego, we expect over 300 to attend this event, including key public officials and owners, who will grace the red carpet as guests of the AGC.

AGC subcontractors and affiliate members are encouraged to attend and support this awards ceremony, which reflects the industry's pride in building San Diego.

There is still time to register for the 14th Annual Boy Scouts Construction and Building Industry Lunch-O-Ree, Wednesday, October 30, 2019, Paradise Point Resort

Larry McMahon, Alliant Insurance, has been named the 2019 "Good Scout of the Year" by the San Diego Imperial Council of the Boy Scouts of America.
A luncheon honoring Larry will be held on Wednesday, October 30, beginning at 11:30 A.M. at the Paradise Point Resort in San Diego.

**CLICK HERE FOR BROCHURE/REGISTRATION**

The AGC Board of Directors and the Lunch-O-Ree Committee encourage the industry to attend the event. A registration form and sponsorship opportunities are available by clicking on this [link](#).

Questions, contact AGC Staff Rae Krushensky (858) 731-8157.

Committee Corner - Technology Committee's "Tech Tips"

**Do Your Employees Have Any of These Six Hackable Habits?**

Rob Slaughter, Data Net Solutions Group

Habits are hard to break - but there are some habits that simply have to be broken if your business is going to be secure. Many of these habits may have been developed by your employees, which means that it is important that you recognize them.

If any of your employees are stuck in the following habits, you have a problem on your hands:

1. **Using Weak Passwords**
   
   This is the cardinal sin of anyone who uses a computer. In addition to only using one password for all of their accounts (another big security issue), this one password isn't sufficiently secure. Too many users will take the easy route, using a pet's name or some other easily dug-up detail as a password, assuming they don't make it really easy for a hacker and just use "password" or "12345."

   You need to make sure that your business' users do better. Set certain standards that passwords need to live up to, and suggest that your employees try alternatives, like passphrases or a password manager, if remembering multiple complex passwords is a concern.

2. **Sharing Those Weak Passwords**

   Exacerbating the weak password problem, there can be the temptation among your users to simply share their credentials with their coworkers to simplify workflows. This is far from the
ideal situation, as it opens up your business to an increased risk of a data breach.

In fairness, some shared credentials are okay, like those for company social media accounts and other shared, impersonal resources. However, these are the exception to the rule, as they will be managed by the company.

Everyone working in your company needs to understand how their actions could potentially put the company (and, as a result, their jobs) in jeopardy, and that the safeguards you have in place (including password protection) are there to protect the company.

3 - Using Personal Storage For Company Files

As cloud computing has grown in popularity, it has brought a slew of issues along with its many considerable benefits. One such issue is the tendency for employees to introduce company files to their personal cloud solutions.

Granted, a lot of the time, their intentions are good. It isn't unheard of that an employee wants to put a little bit of extra time to a project they are working on after hours, so they "take work home with them" in the best way they know how. Unfortunately, this means that they are also taking your data out from behind the protections you have in your business. While it is commendable that they want to accomplish more, they just can't be allowed to do so without the right solution in place to keep your business' data secure.

4 - Two Words: Shadow IT

Your business’ solutions are likely equipped with exactly the software you want your employees using as they go about their daily responsibilities. However, this may not be the software that your employees are comfortable using - they may not be familiar with it, after all. There’s still a job to be done, though.

This often leads to employees seeking out an alternative solution online and downloading it to their workstation, without first consulting with IT. This program is what is known as shadow IT, a piece of software or hardware that has not been vetted and is still introduced to a system by one of its users.

Shadow IT can cause significant problems, so it is important that your users know that any new software or hardware they would like to use needs to be run past IT first, to ensure there are no issues as a result.

5 - Email Carelessness

Email is a considerably powerful tool for businesses to leverage, making communication far easier and faster than it once was. This doesn't come without some trade-offs, of course. If an employee isn't paying attention, they could easily
share information with the wrong person - and the same can also be said of file sharing services

Everyone in your organization - including you, of course - needs to respect the power of the solutions at your fingertips. While working collaboratively has become far easier, it is now much easier to let something leak as well. There needs to be an environment of awareness fostered within your business if you are to protect your investments.

6 - Lack Of Training
Speaking of fostering environments, you also need to make sure your employees are properly trained. After all, an employee who has limited-to-no experience with modern cyber threats is going to be a much easier target than one who knows what to keep an eye out for.

As such, security needs to be a focus at every stage of employment - integral to on-boarding and stressed every day. Team discussions about security measures, phishing tests, and other preventative evaluations can help you identify where more training is needed to properly prepare your team for the real deal.

Help us
give thanks
to our military families

Join AGC San Diego's Build & Serve Charitable Alliance in supporting the organization STEP (Support the Enlisted Project); a charity that supports active military, veterans, and their families.

Each year, STEP donates supplies to make a turkey dinner with all of the fixings to local military families in need. To help with this effort, AGC's Build & Serve Charitable Alliance is collecting non-perishable items to donate for STEP's Thanksgiving Dinner Program.

We are asking for your help in collecting the "fixings" for Thanksgiving dinner items.

EXAMPLES OF NEEDED ITEMS
- Canned vegetables
- Canned pumpkin
- Instant mashed potatoes
Boxed stuffing mix  
Canned yams  
Pie filling  
Gravy or gravy mix  
Your non-perishable Thanksgiving favorite!

Please bring items to your office and designate someone in your office to deliver to the AGC office (6212 Ferris Square) by Friday, November 8.

If you are planning on attending an education class or committee meeting from now until Nov. 8, please bring a canned good or item to donate for the drive! There is a collection box in the lobby 2nd floor.

Thank you for supporting our Southern California military families!

Contact Info: Marcy Knopman  
(858) 731-8162

Are you a feline loving handy-person? We are looking for a few volunteers to assist with a purr-fect project!

The AGC Build & Serve Committee has committed to helping Friends of Cats with a build project in preparation of the winter kitten season. AGC member Total Package Professional Services is spearheading this project, but they cannot do it without some volunteer help.

This project involves repurposing a storage unit into a "Kitten Cottage." This very cool space allows kittens freedom to roam inside and out securely. Having access to fresh air, by way of the cottage’s patios, helps to minimize the respiratory problems that often develop with kittens in a shelter environment.

Call for Volunteers
1. Remove existing vinyl flooring and Fiberglass Reinforced Plastic (FRP) from walls: NEED 2-4 volunteers Mon 11/11

2. Install new FRP on walls: NEED volunteers experienced with FRP installation 11/14 - Fri 11/15

3. Replace light fixtures - NEED 1 electrician: Friday 11/15 (afternoon) or Saturday 11/16

Can't donate time? Consider a financial sponsor to cover the cost of the FRP and light fixtures, or to donate the actual materials.

Friends of Cats is a no-kill shelter for cats located in El Cajon, California, and is incorporated as a tax exempt, non-profit organization under IRS rule 501(c)(3) (Tax ID 95-6111755). They are dedicated to providing shelter and medical care to abandoned cats and those whose owners are unable to care for them. Once their health is assured, they work to find them good homes. They do not euthanize, except as a matter of compassion if a cat is terminally ill or suffering. Learn more about them here.

Please contact Nancy Erickson at 619-300-1194 or Nancy@totalpackageps.com to volunteer, or AGC staff Marcy Knopman.

AGC 2019 Holiday Dinner Dance

Holiday Dinner Dance at Hotel Del Coronado - Room Block/Invitation
Deadline for Room Reservations is November 15

We invite members to make plans early to attend the AGC Holiday Dinner Dance this year, and to book your room reservations with the Hotel Del Coronado. When making your room reservations below, please know that this does not register you for the AGC event. You will also need to complete the registration information on the invitation.

You may use the phone number or our personal reservation link below to reserve your rooms: 1-619-435-6611 https://book.passkey.com/e/49840029

Rates are as follows:
• Resort Room - $280

Add 11.56% Occupancy Tax & Tourism Fee.
Rooms are available on a first-come, first-served basis.
The following additional room type upgrades are based on availability at the time of booking:
• Coastal View Guestroom - $340
• Ocean View Guestroom - $452
• Junior Suite (non-view) - $360
• Junior Suite (ocean-view) - $554
• Resort Suite with ocean view - $900
• Ocean Front Cottage Jr. Suite - $1,189
• Ocean Front Cottage Suite - $1,599

In addition, daily valet parking rates are discounted at $20, and $30 for overnight valet parking. The normal resort fee of $35 has also been waived for our group.

In the event that the room block becomes full, members can also book rooms at the Glorietta Bay Inn, directly across the street from the Del, or at the Loews Coronado Resort. Note that there are no room blocks at these locations.

Please contact Rae Krushensky at the AGC with any questions at raek@agcsd.org.

CLASSES

October Classes

Oct. 30       CPR, First Aid & AED Training
Oct. 30       Silica Standard

NOVEMBER CLASSES
Nov 4  Construction Law: Caltrans Jobs
Nov 5  Beginning Microsoft Excel 2016
Nov 5  Prevailing Wage Certified Payroll & Compliance Training
Nov 6  Stormwater Monthly Breakfast Forum
Nov 6  Effective Project Engineer
Nov 7  Intermediate Microsoft Excel 2016
Nov 7  Advanced Microsoft Excel 2016
Nov 13-14 Fall Protection 8-Hour Competent Person Training
Nov 13  CQM
Nov 14  Effective Project Engineer
Nov 14  Construction Law: Public Bid Law 101
Nov 18  Traffic Control Technician
Nov 18-20 Beginning Microsoft Workshop
Nov 19  Fall Protection 24-Hour Competent Person Training
Nov 19  Advanced Microsoft Workshop
Nov 20  How to Prepare an Effective SWPPP
Nov 20  CPR, First Aid & AED Training
Nov 21  Effective Project Engineer
Nov 21  Trenching & Excavating
Nov 25  Trenching & Excavating
Fall Protection 8-Hour Refresher

For more information on classes, contact: Becca Schaffer at (858) 731-8155.

July - Dec 2019  Register Online

**COMMITTEE MEETINGS**

Meetings are held at the AGC office (6212 Ferris Square, San Diego, CA 92121) unless otherwise noted in red.

**November Meetings**

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<td>Education Committee</td>
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<td>Nov. 21</td>
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About Monday Morning Quarterback

AGC San Diego Chapter's Monday Morning Quarterback is a "hot off the press" and to the point Monday morning briefing on the important issues facing San Diego's construction industry. It is prepared by AGC Chief Executive Officer, Eddie Sprecco, and Executive Vice President, Brad Barnum.

Please contact Eddie Sprecco or Brad Barnum with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

ARCHIVE

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