

Executive Order

Establishing the Gulf Coast Civic Works Council and Authorizing Civic Works Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to further strengthen Federal support for the just, equitable and complete recovery and rebuilding of Gulf Coast region affected by the Hurricanes of 2005 and 2008, it is hereby ordered as follows:

Sec. 1. Establishment of Gulf Coast Civic Works Council.

- (a) I hereby establish within the Office of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region the Gulf Coast Civic Works Council (the "Council"), which shall be responsible for advising and assisting the Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region ("Coordinator") with respect to all aspects of Gulf Coast recovery and rebuilding. The Council shall serve also as the regional coordinating body for planning and administering Gulf Coast Civic Works Projects for the recovery of the Gulf Coast region, and shall have the responsibilities, duties, and powers established herein.
- (b) The Council shall be comprised of at least 10 and no more than 20 Gulf Coast people affected by the Hurricanes of 2005 and 2008 and their advocates. At least two people from each Gulf Coast state (Florida, Alabama, Mississippi, Louisiana and Texas) shall sit on the Council. In addition, each state shall select one State government official to be part of the Council. Not more than half of the members of the Council may be affiliated with any one political party. Each member of the Council must be a resident of the towns or municipalities within the region he or she represents. Each member shall have one vote except the Coordinator, whose function shall be advisory except in the event of a tie vote. The Council shall have gender, age, ethnic and racial diversity reflective of the Gulf Coast communities affected by the storms, and shall have diverse experience and knowledge representative of all the issues related to complete recovery and rebuilding including, but not limited to: housing, construction, economic development, worker and immigrant rights, infrastructure, social services, levee protection and coastal restoration. The heads of other executive departments and agencies and other senior officials shall be invited to attend Council meetings when appropriate.
- (c) The Council shall have an Executive Director, and hire officers as required. The executive director shall be responsible for overall management of the Council's operations. The Council, executive director and other officers shall:
 - (i) coordinate project planning with the relevant federal, state, regional and municipal authorities, laws and planning processes;

- (ii) work with state and municipal governments and community, environmental, faith-based and other non-profit leaders to develop guidelines and regulations for districts of critical planning concern and regional funding priorities
 - (iii) ensure hiring, planning and implementation adequately involve and look to protect the rights and interests of vulnerable populations, including women, low-income people, people of color, immigrants, the disabled, and the elderly;
 - (iv) assist residents and local officials in forming local advisory boards per sub-section (f) of this section
 - (v) assist local advisory boards in developing proposals of priority projects which have not yet been funded by prior federal assistance for the Gulf Coast Civic Works Projects per section 4 of this Order;
 - (vi) evaluate the adequacy of the respective component of each Gulf Coast Civic Works Projects proposal submitted to the Council for review;
 - (vii) monitor and publicly record the progress of each local advisory board ; and
 - (viii) report to the Office on the progress of each local advisory board.
- (d) **Local Advisory Boards.** Not later than 30 days after the date of the adoption of a resolution of invitation for assistance from the Council, any municipality, county or parish in the Gulf Coast region may designate an entity to serve in an advisory capacity to the Council. For any municipality, county or parish that does not designate an advisory entity under clause (i), the Council shall provide for the establishment of a local advisory board, combining multiple municipalities, preferably in contiguous county or parishes, in the Gulf Coast Region in which the Council operates.
- (e) **Limitation.**
- (i) The Council shall have no authority to acquire interests in property by eminent domain.
 - (ii) Notwithstanding any other provision of this title, the Council may take no action in any municipality unless the local government of such municipality, parish or county designated to oversee development of a community or area within the municipality, parish or county, has adopted a resolution of invitation for the Council's assistance.
 - (iii) The Council shall have no authority to carry out projects which are not consistent with local development plans established by state or local government, or local advisory boards.

Sec. 2. **Purpose Statement.** The Council shall carry out Gulf Coast Civic Works Projects (“Civic Works Projects) to provide a minimum of 100,000 job and training opportunities to those whose livelihoods have been affected by the devastation of the Gulf Coast region, particularly women and low income

people, and to further equitable revitalization of all communities impacted by the Gulf Coast hurricanes; realize the rights of people internally displaced by the Gulf Coast hurricanes to return and participate in their communities' recovery; protect Gulf Coast communities from future disasters, including building coastal communities resilience from climate impact; workforce development by coordinating existing resources and programs; access to job-training and apprenticeship opportunities; development of adequate public infrastructure, including but not limited to levees, roads, transportation systems, and water supply; the provision of adequate public facilities, including but not limited to schools, police stations, fire houses, and community centers; coordination of the provision of adequate capital facilities with the achievement of other goals; the development of an adequate supply of fair affordable housing; conservation and preservation of natural undeveloped areas, wildlife, flora and habitats for endangered species; restoration of coastal resources; protection of groundwater, surface water, ocean water quality and fisheries, as well as the other natural resources of the Gulf Coast; promotion of energy conservation and emerging industries with the goal of providing better environmental standards for the construction, rehabilitation, and maintenance of buildings and use of energy; and the preservation of historical, cultural, archaeological, architectural, and recreational values.

Sec. 3. Job-Training and Employment Programs. The Council shall, in conjunction with State and local workforce investment boards, community colleges, and other existing workforce development organizations, support existing job-training resources and establish job-training, apprenticeship and pre-apprenticeship, and community hiring halls where necessary in order to recruit and hire and where necessary train qualified workers for specific vacancies in recovery, rebuilding, and priority industries. The Council shall work in conjunction with local employers to identify trades where a shortage of skilled workers exists.

(a) Hiring Halls, Outreach and Capacity-Building Partnerships.

The Council may work in partnership and provide funding as is necessary to organizations described in subsection (a) of this section and other public and private nonprofit organizations in order to assist such organizations in developing and operating first source hiring halls through which Gulf Coast residents and displaced residents shall have priority in hiring and getting into job-training programs, to provide access to child care for working parents, to conduct outreach to workers eligible for first source hiring, and to work with contractors to identify interested candidates outside of the region who wish to return to work and, if necessary, enter job-training programs,

- (i) The Council shall have as a priority the recruitment of women and disadvantaged workers who reside in the locality where the projects exist.
- (ii) The Council shall ensure that Limited English Proficiency (LEP) communities are present and included

through multilingual meetings, publications and partnerships with organizations servicing LEP communities including in regards to public meetings, outreach and hiring hall.

- (b) **First Source Hiring.** Any contractor receiving Federal funds under this Order shall comply with first source hiring agreements for interviewing, recruitment, and hiring in order to initially provide displaced residents and residents from the disaster area with consideration for employment. The duration of the first-source interviewing requirement shall be 25 days, unless the contractor receives approval from the Council for reasons of business necessity or public interest emergency to hire in a shorter period of time. A contractor may establish its good faith efforts by filling its first available positions with job applicants obtained through the first source hiring procedures.
 - (i) Any contractor receiving Federal funds under this Order shall comply with requirements for providing timely, appropriate notification of available positions to the Council so that the Council may train and refer an adequate pool of residents from the disaster area to participating employers.
 - (ii) Hiring Decisions- Any contractor receiving Federal funds under this Order shall make the final determination of whether a potential employee is qualified for the position.
 - (iii) Exceptions- Upon application by employer, the Council may grant an exception to any or all of the requirements in any situation where it concludes that compliance with this section would not be possible in the timeframe provided.
 - (iv) Subcontracts- Any subcontract entered into by any contractor receiving Federal funds under this Act shall require the subcontractor to comply with the requirements of and shall contain contractual obligations substantially the same as those set forth in this Order.
- (c) **Wages.** Job training or apprenticeship programs established or funded under this Order shall ensure that trainees are paid in an amount of not less than \$10 per hour, and that apprentices are paid not less than \$15.

Sec. 4. Civic Works Project Creation. After identifying areas of the Gulf Coast region that are in need of Civic Works projects, the Council shall coordinate existing resources to ensure that projects are carried out in compliance with local and regional plans. Where no such projects exist, the Council may, subject to available funds, establish and fund such projects. In establishing any project under this section, the Council shall approve all necessary developers and contractors to carry out such projects based on a sealed open bid process for projects including:

- (a) infrastructure and public works development; job-training facilities; environmental restoration;

- (b) civic conservation corps composed of individuals between the age of 17 and 24, focus on wetland restoration, forestation, and urban greenery;
- (c) energy efficiency and conservation;
- (d) workforce housing;
- (e) supplemental services such as childcare and transportation services, as are necessary to ensure that employment, training, and projects under this Order are carried out effectively;
- (f) youth works program, targeting disadvantaged, at risk, and out-of-school youth between the ages of 12-19 years old, to provide summer and after school employment or skills-training opportunities; and
- (g) Arts, Culture, Historical Restoration and Heritage grants for projects that reflect, promote, or maintain the architectural, artistic and cultural heritage of the affected region, including the chronicling of stories surrounding the 2005 and 2008 Hurricanes.

Sec. 5. Public-Private Partnerships.

- (a) **Local Advisory Council Proposals.** The Council may solicit, receive, consider, evaluate, and accept proposals for a Civic Works Project from local advisory boards for consideration utilizing a sealed open-proposal process. Proposals should be selected on their ability to fulfill the mission of this Order and in compliance with the needs and priorities of local residents to be affected by the proposed project.
- (b) **Unsolicited Proposals.** The Council may receive, consider, evaluate, and accept an unsolicited proposal for a public-private initiative if the proposal is independently originated and developed in coordination with resident organizations in the community affected; benefits the public pursuant to the mission of this Order and in compliance with the needs and priorities of local residents to be affected by the proposed project; is prepared without Council supervision; and includes sufficient detail and information for the Council to evaluate the proposal in an objective and timely manner.
- (c) **Public-Private Agreement.** After selecting a proposal for a Civic Works Project, the Council shall enter into an agreement with the selected local advisory board or any configuration of private entities providing for the planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing, or operation of a Civic Works Project designated by this order.
 - (i) After entering in the agreement, the Council may solicit, receive, consider, evaluate, and accept bids to serve as prime contractor for the completion of a Civic Works Project from bidders utilizing a sealed open-bid process.
 - (ii) Proposals should be selected on their ability to fulfill the mission spelled out in this Order and to comply with the needs and priorities of local communities affected by the project or contract.
 - (iii) The financing mechanism included in a contract may include

the imposition and collection of user fees and the development or use of other revenue sources.

- (iv) A agreement between the Council and a local advisory board, public or private entity shall specify at least the following: The responsibility of each party to the contract to comply with or conform to each element of the project or contract and the timing of the assumption of responsibility; the type of property interest, if any, the parties will have in the facility; if and how the parties will share costs of development of the project; if and how the parties will allocate financial responsibility for cost overruns; liability for nonperformance; any incentives for performance; any accounting and auditing standards to be used to evaluate progress on the project; and other terms and conditions.
- (v) The provisions of (c) shall not apply to:
 - (A) A situation for which the Council determines it is beneficial to the public good and the mission of section 2 for the Council, in conjunction with a municipality or State agency to hire employees directly to work on such projects. In establishing any project under this subsection, the Council shall hire all necessary developers, engineers, and employees to carry out such projects.

Sec. 6. Green Building Permits and Approval. All construction projects receiving funding from the Council shall be required to comply with the following regulations for Green Building: The design, construction, operations, maintenance, renovation, and deconstruction of all major facilities that enter into the pre-design phase after the date of enactment of this Order, and the site of all such facilities, shall aim conform to, or exceed, the gold rating of the most recent version of the USGBC LEED-NC Green Building Rating System for a new building and for major renovations OR the most recent version of LEED Green Building Rating System Version LEED-EB for an existing building. All such buildings shall be certified through the LEED certification process

Sec. 7. Environmental Protection. The Council may propose the designation of certain areas which are of critical value to the region as districts of critical planning concern that must be preserved and maintained due to one or more of the following factors; the presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic or recreational resources or values of state-wide, regional or national significance; the presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or the presence or proposed establishment of a major capital public facility or area of public investment.

- (a) The Council may propose standards and criteria specifying the types of projects or developments which are likely to present environmental

issues significant to more than one municipality in the Gulf Coast region.

Sec. 8. **Wages.** The Councils shall ensure that all laborers employed by the Council or by contractors or subcontractors in the performance of programs or projects initiated under this Order or funded by the Council will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

Sec. 9. **Continuing Authorities.** This order does not alter the existing authorities of United States Government departments and agencies. All executive departments and agencies are directed to assist the Council and the Assistant in carrying out the purposes of this order.

Sec. 10. **General Provisions.**

- (a) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.
- (b) References in this order to State and local governments shall be construed to include tribal governments (including those recognized by the United States and the states of Alabama, Louisiana, Mississippi and Texas) and United States territories and other possessions.
- (c) References to the "Gulf Coast region" shall be construed to include the areas impacted by Hurricanes in 2005 and 2008 in the states of Alabama, Louisiana, Mississippi and Texas including FEMA DR-1603, 1604, 1605, 1606, 1607, 1786, 1789, 1791, 1792 and 1794.
- (d) References to "non-profit" shall be construed to include community, economic development, environmental, faith-based, labor, workforce development and other not for profit private entities and collaborations operating in the Gulf Coast region.
- (e) References to the "United States" shall be construed to include United States territories and possessions.

Sec. 11. **Funding Partnerships.** The Council shall make every effort to partner with Federal, State and local governments, nonprofit and private industry in the funding and administration of projects under this Order.

BARACK OBAMA
THE WHITE HOUSE,
February 1, 2009.