



City of San Leandro

Meeting Date: November 3, 2014

Ordinance

File Number: 14-437

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.B.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Rich Pio Roda
City Attorney

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Amending Section 1-5-400 to Eliminate Provisions Exempting Certain Public Works Contracts from Payment of Prevailing Wage Rates and to Add a Provision Requiring Compliance with California Labor Code Section 1782 (provides for eligibility to use state funding or financial assistance for City construction projects)

WHEREAS, in 2013, Governor Brown signed Senate Bill 7 into law, adding Section 1782 to the California Labor Code; and

WHEREAS, California Labor Code Section 1782 prohibits charter cities from receiving or using state funding or state financial assistance for a construction project unless the city requires public works contractors to comply with state prevailing wage requirements; and

WHEREAS, California Labor Code Section 1782 permits charter cities to continue receiving and using state funding and financial assistance for its construction projects if the charter city's local prevailing wage ordinance includes requirements that are equal to or greater than the requirements under state law; and

WHEREAS, San Leandro Municipal Code Section 1-5-400 currently provides that certain public works contracts do not require payment of prevailing wages; and

WHEREAS, the City Council of the City of San Leandro desires to comply with California Labor Code Section 1782 by eliminating the exemptions from the prevailing wage requirements for certain public works contracts and explicitly requiring that the City comply with California Labor Code Section 1782.

NOW, THEREFORE, the City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION I: Section 1-5-400 shall be amended to read as follows:

The provisions of this Article shall apply to the following contracts:

- (a) City contracts for performance of public works valued in excess of Five Thousand Dollars (\$5,000); and
- (b) Contracts between private persons for the performance of construction work under either of the following circumstances:
 - (1) The property subject to the construction work is privately owned, but upon completion of construction more than fifty percent (50%) of the gross leasable area is leased to the City for its use and such construction work is performed according to the plans and specifications of the City; or
 - (2) The property subject to the construction work is owned in fee by the City and is leased for private use or development.

Notwithstanding the other provisions of this section, the City shall comply with the provisions of Section 1782 of the California Labor Code and amendments to that section when awarding all City contracts for the performance of public works.

SECTION II: SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION III: EFFECTIVE DATE AND PUBLICATION. This Ordinance shall take effect thirty (30) days after adoption. The title thereof shall be published once and a complete copy thereof shall be posted on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Cutter on this 20th day of October, 2014, and passed to print by the following called vote:

Members of the Council:

- AYES: Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy (7)
- NOES: None (0)
- ABSENT: None (0)

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