

ORDINANCE NUMBER O- 20299 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 26 2013

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,
DIVISION 30 OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING NEW SECTION 22.3019 RELATING TO STATE
PREVAILING WAGE LAWS.

WHEREAS, City Council Resolution No. R-298185 provides that except for water or sewer fund projects estimated to cost over \$10 million to construct, the City will only require compliance with state prevailing wage laws on public works projects of state concern or when required by federal or state grants; and

WHEREAS, the City has discretion to require compliance with state prevailing wage laws when to do so is consistent with the competitive bidding requirements in the City Charter; and

WHEREAS, the City Council has heard and considered public testimony that requiring compliance with state prevailing wage laws will benefit municipal affair projects; and

WHEREAS, compliance with state prevailing wage laws on municipal affair projects will provide certain benefits to the projects, including but not limited to higher quality and lower cost through the use of a skilled labor force, a safer jobsite, projects completed on schedule, bidders who have the quality, fitness and capacity to satisfactorily complete the project, allowing all contractors to compete on an even playing field, and that the public benefit from requiring compliance with state prevailing wage laws will outweigh any potential increase in costs; and

WHEREAS, the City Council has reviewed and considered the analysis and recommendations in Report to the City Council Nos. 13-065 and 13-051; and

WHEREAS, the State Legislature is considering Senate Bill 7, which if passed and signed by the Governor in its current form, may cause the State Department of Industrial

Relations to declare that the City is ineligible for state funding or financial assistance for construction projects if the City, after January 1, 2014, awards a public works contract without requiring compliance with state prevailing wage laws; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That City Council Resolution No. R-298185 is hereby rescinded.

Section 2. That the City Council hereby confirms and adopts the findings of significant benefits set forth on pages 5-7 of the Report to the City Council No. 13-065, and finds there are project-specific benefits from requiring compliance with state prevailing wage laws on work performed on municipal water and wastewater facilities, transportation and storm water facilities, buildings, parks, and all other City facilities, at thresholds above \$25,000 for construction and above \$15,000 for maintenance, alteration, repair and demolition work.

Section 3. That Chapter 2, Article 2, Division 30, of the San Diego Municipal Code is amended by adding new Section 22.3019, to read as follows:

Division 30: Contract Definitions and Procedures

§22.3019 Compliance with State Prevailing Wage Laws

- (a) Notwithstanding the definition of *public works contract* in section 22.3003, this section applies to “public works” as defined in California Labor Code sections 1720 - 1743, as may be amended and including the exceptions set forth therein, and to *maintenance* contracts, for work performed on municipal water and wastewater facilities, transportation and storm water facilities, buildings, parks, and all other City facilities.
- (b) For purposes of this section, the “City” includes all boards, agencies, or districts created pursuant to ordinance or resolution of the City Council.

- (c) For contracts and *task orders* awarded, entered into, or extended on or after January 1, 2014, the City shall require compliance with California Labor Code sections 1770 - 1781, as may be amended, for construction work over \$25,000 and for alteration, demolition, repair or *maintenance* work over \$15,000.
- (d) This section shall not apply to contracts that reimburse developers, contractors, or public agencies for work that started before January 1, 2014.
- (e) The City Manager shall provide a written report to the City Council by October 1 annually, evaluating the implementation of this section, recommendations for improvement, the successes and challenges of administering and monitoring contractor compliance, and the fiscal impact of this section.

Section 4. That the Mayor or his designee shall provide a written report to the City Council prior to January 1, 2014, on the steps taken to prepare for implementation of this ordinance.

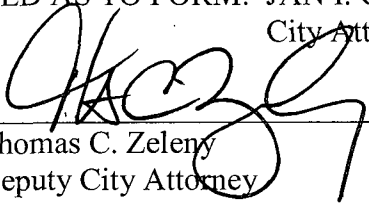
Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED AS TO FORM: JAN I. GOLDSMITH

City Attorney

By



Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
07/22/13
08/01/13 Rev.
09/09/13 Corr.
Or.Dept:Rules
Doc No:630512

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of SEP 10 2013.

ELIZABETH S. MALAND, City Clerk

By  _____
Deputy City Clerk

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

Approved pursuant to Charter Section 265(i)

STRIKEOUT ORDINANCE

NEW LANGUAGE: Double Underline

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TCZ:mb
07/22/13
0/8/01/13 Rev.
Or.Dept:Rules
Doc.No:608530

SEP 10 2013

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 26 2013

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Donnette J. Deats*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 30 2013, and on SEP 10 2013

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Donnette J. Deats*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20299</u>