

**CITY OF SAN MATEO
ORDINANCE NO. 2014-5**

**ADDING CHAPTER 3.61, "PREVAILING WAGES," TO THE
SAN MATEO MUNICIPAL CODE**

WHEREAS, newly enacted Labor Code section 1782 provides that charter cities may not receive state funding or financial assistance unless the city has a local prevailing wage ordinance, applicable to specified public works contracts, that includes requirements that are equal to or greater than the state's prevailing wage requirements; and

WHEREAS, Labor Code section 1782 excludes contracts for projects of \$25,000 or less for construction work, or projects of \$15,000 or less for alteration, demolition, repair, or maintenance work; and

WHEREAS, Labor Code section 1782 does not apply to state funding that was awarded or bids advertised or awarded prior to January 1, 2015; and

WHEREAS, in accordance with Labor Code section 1782, the City of San Mateo wishes to adopt an ordinance requiring the payment of prevailing wages on specified public works projects;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY ORDAINS that:

Section 1. A new Chapter 3.61, "Prevailing Wages," is added to Title 3, "Taxation and Finance," of the San Mateo Municipal code to read as follows:

Chapter 3.61

PREVAILING WAGES

3.61.010 Payment of Prevailing Wages for Public Works Projects.
3.61.020 Exceptions.

3.61.010 PAYMENT OF PREVAILING WAGES FOR PUBLIC WORKS PROJECTS.
Except as provided in section 3.61.020, the city shall require the payment of prevailing wages for all of its public works projects to the same extent and in the same manner such wages would be required to be paid, if the city was subject to the requirements imposed upon contracts entered into by general law cities pursuant to the provisions of Article 2, Chapter 1, Part 7, Division 2 of the California Labor Code, as those provisions may be amended from time to time. Any notice inviting bids for such public works projects shall include notification of the provisions of this section.

3.61.020 EXCEPTIONS. In accordance with Labor Code section 1782, the city's prevailing wage requirement does not apply to the following:

- A. A contract of \$25,000 or less when the contract is for construction work;
- B. A contract of \$15,000 or less when the contract is for alteration, demolition, repair, or maintenance work; or
- C. A public works contract that was advertised or awarded prior to January 1, 2015.

Section 2. ENVIRONMENTAL DETERMINATION. In accordance with Public Resources Code section 21065, adoption of this ordinance is not a project subject to California Environmental Quality Act, because adopting a prevailing wage requirement will not cause a change in the physical environment.

Section 3. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 4. EFFECTIVE DATE. This Ordinance is effective 30 days after its adoption, but will not apply to public works projects advertised or awarded prior to January 1, 2015.

Section 5. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

The foregoing ordinance was introduced on October 6, 2014, and adopted by the City Council of the City of San Mateo, State of California on the 20th day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS ROSS, FRESCHET, GOETHALS, LIM and MATTHEWS

NOES: NONE

ABSENT: NONE

ATTEST:



Patrice M. Olds, City Clerk



Robert Ross, Mayor