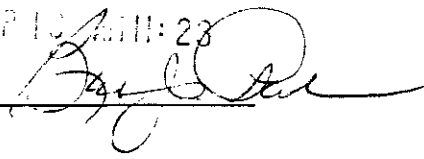


OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

03 SEP 10 AM 11:23

INTRODUCED BY COUNCILMEMBER Jane Brunner



RESOLUTION ENDORSING THE CALIFORNIA STATE LEGISLATURE'S CONCLUSION (SENATE CONCURRENT RESOLUTION NO. 49) THAT THE PREVAILING WAGE LAW ADDRESSES STATEWIDE CONCERNS

WHEREAS, California adopted a prevailing wage law in 1931 to require contractors and subcontractors on public projects to pay construction workers wages at least equal to the wages prevailing in local labor markets;

WHEREAS, the prevailing wage law was later amended to require contractors and subcontractors on public projects to hire apprentices registered in state-approved apprenticeship programs, thereby providing training opportunities for the next generation of skilled workers;

WHEREAS, the prevailing wage law serves important public purposes including protecting workers from exploitation, allowing union contractors and non-union contractors to bid for public work on a level playing field, protecting the wage base in local labor markets, providing opportunities for training skilled workers, attracting the most skilled workers to public projects and avoiding the strain on public resources that occurs when workers are not provided health and pension benefits;

WHEREAS, the California Legislature has declared that the prevailing wage law is "a matter of statewide concern." (Stats 2002, chapter 892, section 1; Stats 2002, chapter 868, section 1).

WHEREAS, the California Court of Appeal recently ruled in *Department of Industrial Relations, et al, v. City of Long Beach*, 2d Civil No. B159333, that the prevailing wage law addresses statewide concerns, and therefore applies to construction projects subsidized by chartered cities, just as it does to projects subsidized by State and local public agencies and political subdivisions.

WHEREAS, the City of Oakland supports the goals of the State prevailing wage law; now therefore be it

RESOLVED that the Oakland City Council endorses the California Legislature's conclusion that the prevailing wage law addresses statewide concerns and will not participate in efforts to overturn or depublish the *City of Long Beach* decision.

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IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19_____

ORA/COUNCIL

SEP 3 0 2003

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
Of the City of Oakland, California

BILL NUMBER: SCR 49 ENROLLED
BILL TEXT

PASSED THE ASSEMBLY SEPTEMBER 11, 2003
PASSED THE SENATE SEPTEMBER 2, 2003

INTRODUCED BY Senator Burton

AUGUST 27, 2003

Senate Concurrent Resolution No. 49--Relative to prevailing wage rates.

LEGISLATIVE COUNSEL'S DIGEST

SCR 49, Burton. Prevailing wage rates: chartered cities.

Existing law generally requires the payment of not less than the prevailing rate of per diem wages and not less than the prevailing rate for holiday and overtime work to persons employed on public works projects that cost more than \$1,000. Existing law requires the Director of Industrial Relations to determine these wage rates and to provide these wage rates to an awarding body, as defined, that requests them.

This measure would reaffirm the intent of the Legislature for the prevailing wage law to apply to all projects subsidized with public funds, including the projects of chartered cities.

WHEREAS, The Legislature has declared that the payment of prevailing wages on public projects is a matter of statewide concern; and

WHEREAS, Payment of the prevailing rate of per diem wages to workers employed on public projects is necessary to attract the most skilled workers for the project and to ensure that work of the highest quality is performed on these projects; and

WHEREAS, Public works projects should never undermine the wage base in a community and the requirement that workers on public works projects be paid the prevailing rate of per diem wages ensures that the local wage base is not lowered (Sec. 1, Ch. 892, Stats. 2002; Sec. 1, Ch. 868, Stats. 2002); and

WHEREAS, The Court of Appeal held in *City of Long Beach v. Department of Industrial Relations* (1 Cal.Rptr.3d 837 (2003 Cal.App. Lexis 1050)), that the state's prevailing wage law addresses matters of statewide concern and therefore applies to projects subsidized by all public agencies, including chartered cities; and

WHEREAS, The state's system for promoting quality apprenticeship training in the construction trades depends upon the incentives provided by the prevailing wage law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature reaffirms its intent for the state prevailing wage law to apply broadly to all projects subsidized with public funds, including the projects of chartered cities, as the law addresses important statewide concerns; and be it further

Resolved, That the Secretary of the Senate transmit copies of this

resolution to the author for appropriate distribution.

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ORA/COUNCIL
SEP 30 2003