

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA EXPRESSING INTENT TO COMPLY WITH CALIFORNIA SENATE BILL NO. 7 RELATING TO PREVAILING WAGE LAW FOR LOCALLY-FUNDED PUBLIC WORKS PROJECTS**

**WHEREAS**, the State prevailing wage law requires contractors on public works projects to be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed;

**WHEREAS**, under California Constitution, Article XI, Section 5, the laws of charter cities supersede State law with respect to municipal affairs of the city;

**WHEREAS**, the City of Pasadena ("City") is a charter city duly organized and validly existing under the laws of the State of California, and thus the City may exempt itself from prevailing wage requirements;

**WHEREAS**, in 2013, the California Legislature adopted and the Governor signed Senate Bill 7 ("SB 7"), adding Section 1782 to the California Labor Code, to prohibit a charter city from receiving state funding for any construction project if that city has awarded within the two prior years a public works contract without requiring the contractor to pay prevailing wages;

**WHEREAS**, several charter cities are engaged in a legal action to challenge SB 7's applicability to charter cities; and

**WHEREAS**, notwithstanding the City's Constitutional right to exempt locally-funded projects from prevailing wage, the City finds its financial interests are best served, for now, by compliance with California's prevailing wage law as delineated in SB 7.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASADENA:**

**Section 1:** All departments and operating companies of the City will comply with California's prevailing wage law to assure that the City can continue to receive State funding for construction projects pursuant to SB 7.

**Section 2:** The provisions of this Resolution do not restrict the City from receiving or using State funding or financial assistance awarded prior to January 1, 2015, or from receiving or using State funding or financial assistance to complete a contract awarded prior to January 1, 2015. Further, this Resolution does not disqualify or amend any contracts awarded prior to January 1, 2015.

**Section 3:** If SB 7 is, for any reason, held to be invalid or inapplicable to charter cities by any court of competent jurisdiction or is otherwise repealed, this Resolution shall be of no further force or effect immediately thereafter.

**Section 4:** The recitals provided in this Resolution are true and correct and are incorporated into the substantive portion of this Resolution.

**Section 5:** The City Council finds the adoption of this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Adopted at the \_\_\_\_\_ meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
MARK JOMSKY, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Javan Rad

Chief Assistant City Attorney