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ORDINANCE NO.: 15-05

AN ORDINANCE OF THE CITY OF INGLEWOOD,  
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; and

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

WHEREAS, the City of Inglewood ("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; and

WHEREAS, California Senate Bill No.: 7 ("SB 7"), approved October 13, 2013, provides that the State has limited financial resources and resolves only to extend financial assistance to construction projects of those charter cities that require compliance with the prevailing wage law on all of their municipal construction projects; 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, THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

1 **SECTION 2.** The City will comply with California's prevailing wage law to  
2 continue to receive State funding for construction projects pursuant to SB 7.

3 **SECTION 3.** The provisions of this ordinance do not restrict the City from  
4 receiving or using State funding or financial assistance awarded prior to January  
5 1, 2015, or from receiving or using State funding or financial assistance to  
6 complete a contract awarded prior to January 1, 2015. Further, this ordinance  
7 does not disqualify or amend any contracts awarded prior to January 1, 2015.

8 **SECTION 4.** If SB 7 is, for any reason, held to be invalid or inapplicable to  
9 charter cities by any court of competent jurisdiction or is otherwise repealed, this  
10 ordinance shall automatically sunset and be of no further effect and immediately  
11 thereafter, the City shall be exempt from paying prevailing wages, unless:

12 1. Prevailing wage is compelled by the terms of a federal or state grant  
13 or is otherwise funded from a source that requires prevailing wage;

14 2. The public works is a matter of statewide concern; or

15 3. The payment of prevailing wage is separately authorized by the City  
16 Council, because the project is of a nature that the public interest would be served  
17 by requiring prevailing wage.

18 **SECTION 5.** The City Council hereby declares that the provisions of this  
19 Ordinance are severable, and if for any reason a court of competent jurisdiction  
20 shall hold any sentence, paragraph or section of this ordinance to be invalid, or if  
21 any provision of this ordinance be invalidated by the enactment of a state or  
22 federal statute, such judicial decision or statute enactment shall not affect the  
23 validity of the remaining parts of this ordinance.

24 **SECTION 6.** The City Council finds that the introduction and adoption of  
25 this ordinance is not subject to the California Environmental Quality act ("CEQA")  
26 pursuant to Sections 15060(c)(2) (the activity will not result in a direct or  
27 reasonably foreseeable indirect physical change in the environment) and  
28 15060(c)(3) (the activity is not a project as defined in section 15378) of the CEQA

1 Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no  
2 potential to have a significant effect on the environment.

3 **SECTION 7.** The City Clerk shall certify to the approval, passage, and  
4 adoption of this ordinance by the City Council and shall cause the same to be  
5 published in accordance with the City Charter, and thirty days from the final  
6 passage and adoption, this ordinance shall be in full force and effect.

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8 Passed, approved and adopted this 25th day of November, 2014.

9

10 JAMES T. BUTTS, JR.

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12 James T. Butts, Jr.,  
13 Mayor

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14 ATTEST:

15 YVONNE HORTON

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17 Yvonne Horton  
18 City Clerk

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19 N JALEWIS Ordinances SB 7 Prevailing Wage Ordinance 10 14 doc

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