

**ORDINANCE NO. 2454**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO  
AMENDING SECTION 3.08.100 OF CHAPTER 3.08, PURCHASE AND  
SALE OF SUPPLIES, OF TITLE 3, REVENUE AND FINANCE, OF THE  
CHICO MUNICIPAL CODE**

**WHEREAS**, California 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**, on October 13, 2013, Senate Bill 7 (“SB 7”) was signed into law, which enacted California Labor Code Section 1782 (“Section 1782”);

**WHEREAS**, Section 1782 prohibits a charter city from receiving or using state funding or financial assistance for a public works project unless the charter city requires contractors to comply with California's state prevailing wage law on those projects;

**WHEREAS**, Section 1782 further provides that a charter city is eligible to receive state funding or financial assistance if the city has a local prevailing wage ordinance for all its public works contracts that includes requirements that are equal to, or greater than, the state's prevailing wage requirements;

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

**WHEREAS**, the City of Chico (“City”) is a charter city duly organized and validly existing under the laws of the state of California;

**WHEREAS**, as a charter city, the City may exempt locally funded public works projects from the California state prevailing wage law;

**WHEREAS**, the Chico Municipal Code Section 3.08.100 currently exempts locally-funded public works projects from prevailing wage requirements;

**WHEREAS**, notwithstanding the City’s constitutional right to exempt locally funded projects from the state’s prevailing wage requirements, the City desires to amend its prevailing wage ordinance to ensure the City’s continued eligibility for state funding or financial assistance for public works projects.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHICO DOES  
ORDAIN AS FOLLOWS:**

**Section 1.** That Section 3.08.100 of Chapter 3.08, Purchase and Sale of Supplies, of the Chico Municipal Code is hereby amended in its entirety to read as follows:

**3.08.100 Payment of prevailing wages.**

Where the city enters into a contract which provides for the purchase of supplies, equipment, or services, where such supplies, equipment, or services are being purchased in connection with a "public works project," as defined in Section 1720 and Section 1782(d)(1), of the California Labor Code, such contract shall provide for the payment of prevailing wages required by Section 1771 of the California Labor Code.

**Section 2.** The City Council finds the introduction and adoption of this ordinance 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.

**Section 3.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 4.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) calendar days after its adoption.

**THE FOREGOING ORDINANCE** was adopted by the City Council of the City of Chico at its meeting held on December 2, 2014, by the following vote.

AYES: Goloff, Morgan, Ritter. Schwab, Stone, Sorensen, Gruendl

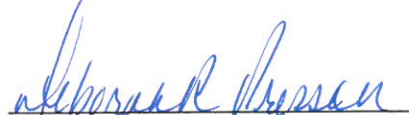
NOES: None

ABSENT: None

ABSTAINED: None

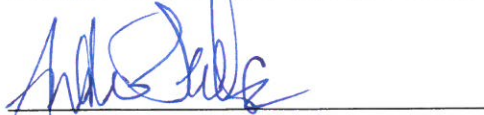
DISQUALIFIED: None

ATTEST:



Deborah R. Presson  
City Clerk

APPROVED AS TO CONTENT AND FORM:



Vincent C. Ewing  
City Attorney