



## COUNTY OF SAN MATEO

### Inter-Departmental Correspondence

#### COUNTY COUNSEL

**DATE:** July 8, 2002

**BOARD MEETING DATE:** July 30, 2002

**TO:** Honorable Board of Supervisors

**FROM:** County Counsel

**SUBJECT:** Resolution Confirming Commitment to Payment of Prevailing Wages

#### **Recommendation**

Adopt a resolution confirming that it is the practice and policy of this Board to comply with all applicable prevailing wage laws.

#### **Background**

The California Prevailing Wage Law (Labor Code §1720 - 1781) requires that workers on "public works" be paid not less than prevailing wages. Several years ago, federal and state Court decisions forced the County to abandon an ordinance requiring prevailing wages for private construction as well as public works. Senate Bill No. 975, effective January 1, 2002, amends Labor Code Section 1720 and redefines "public works" to include works not previously subject to the prevailing wage laws. This action is intended to reaffirm the County's commitment regarding the payment of prevailing wages.

#### **Discussion**

California Prevailing Wage Law provides that except for works of \$1000 or less, workers employed on "public works" are not to be paid less than prevailing wages. Applicable statutes and case law establish which workers are covered and how prevailing wages are

determined. San Mateo County has consistently and aggressively applied these prevailing wages provisions to all of its public works, as applicable.

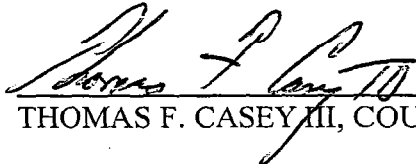
Prior to the recent amendment, the law generally defined "public works" to include construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds. The amended statute redefines "public works" to include installation work, and provides that "paid for in whole or in part with public funds" means certain payments, transfers, credits, reductions, waivers, and performances of work, but does not include the construction or rehabilitation of affordable housing units for low- or moderate-income persons, as specified. The statute provides that certain private residential housing projects and development projects built on private property are not subject to the prevailing wage laws.

#### **Vision Alignment**

The confirmation of existing policy and practice regarding the payment of prevailing wages, keeps the commitment to responsive, effective and collaborative government and goal number 22: effective communication.

#### **Fiscal Impact**

There is no fiscal impact in connection with the confirmation of existing Board practice and policy.

  
THOMAS F. CASEY III, COUNTY COUNSEL

cc: John L. Maltbie, County Manager  
Neil Cullen, Director of Public Works