

ORDINANCE NO. 2014-22

**AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF
VISTA, CALIFORNIA, AMENDING CHAPTER 3.08 OF THE VISTA
MUNICIPAL CODE REGARDING CITY LABOR CODE COMPLIANCE**

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares that:

A. This ordinance is enacted pursuant to the Charter of the City of Vista under the authority of Article 11, Section 7 of the California Constitution.

B. Section 3.08.160 of the Vista Municipal Code authorizes a contractor not to comply with the provisions of the prevailing wage laws under certain circumstances, the validity of which was affirmed by the decision of the California Supreme Court in *State Building and Construction Trades Council v. City of Vista* (2012) 54 Cal.4th 547.

C. Subsequent to the Supreme Court's decision in that case, the State of California enacted Labor Code Section 1782 which provides that a charter city shall not receive or use state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with the provisions of the prevailing wage laws.

D. The City and other charter cities are litigating the validity of Section 1782 in the pending case of *El Centro et al. v. David Lanier, et al.* (Case 37-2014-00003824-CU-WM-CTL). The plaintiffs in that litigation sought a stay order from the Court of Appeal (Case No. D066755) to prevent Section 1782 from becoming effective on January 1, 2015, but that petition was denied on November 6, 2014.

E. In order to prevent potentially substantial economic harm to the City before the validity of Section 1782 can be finally determined, the City has chosen to amend Municipal Code Section 3.08.160 as of January 1, 2015.

2. Code Amendment.

A. Section 3.08.160 (City Labor Code Compliance) of Chapter 3.08 (Purchasing System) of the Vista Municipal Code is amended to read as follows:

“Section 3.08.160 City Labor Code Compliance.

“A. Repealed.

B. California Labor Code Compliance. The City shall comply with the provisions of Article 2, Chapter 1, Part 7, Division 2 of the California Labor Code, in compliance with Labor Code Section 1782.”

C. Repealed.”

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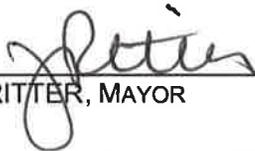
3. Effective Date. This Ordinance shall be effective as of January 1, 2015. The City Clerk is authorized and directed to publish a copy in the manner provided by law.

4. Adoption. INTRODUCED at a meeting of the City Council held on November 18, 2014, and ADOPTED at a meeting held on August 23, 2016, by the following vote:

AYES: Mayor Ritter, Campbell, Franklin

NOES: Aguilera, Rigby

ABSTAIN: None

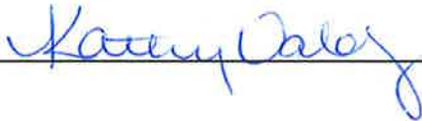


JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

ATTEST:
KATHY VALDEZ, CITY CLERK

By: 

By: 

APPROVED
Darold Pieper
20160816080744

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2014-22 to be posted on August 24, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk