

LEGISLATIVE DIGEST

[Administrative Code - Prevailing Wages for Commercial Vehicle Loading and Unloading on Park Property]

Ordinance amending the Administrative Code to require that prevailing wages be paid for work loading or unloading materials, goods, or products for special events on City park property, and the driving of commercial vehicles for that purpose.

Existing Law

In addition to prevailing wage requirements governing public works projects, several City ordinances require the payment of prevailing wages for certain types of work connected with City property, including, among others, janitorial services, parking garage attendant services, theatrical workers services, moving services, trade show work, and broadcast services. See Admin. Code §§ 21C.1-21C.9. There is no prevailing wage ordinance governing work loading, unloading, or driving commercial vehicles for special events on City property.

Amendments to Current Law

The ordinance would require that permits for special events on City property under the jurisdiction of the Recreation and Park Commission include a requirement that prevailing wage be paid to (1) any individual performing work loading or unloading on City property materials, goods, or products into or from a Commercial Vehicle for the special event, and (2) any individual driving a Commercial Vehicle from which materials, goods, or products are loaded or unloaded for such special event. The ordinance would apply to temporary events on park property with an anticipated attendance of 150 or more persons.

The ordinance defines “Commercial Vehicle” as a vehicle that (1) is used primarily for the transportation of materials, goods, or products, (2) has six wheels or more, and (3) is required to be registered as a commercial vehicle with the California Department of Motor Vehicles. Commercial Vehicle does not include a vehicle being used exclusively for food catering purposes.

The ordinance exempts the following types of events or activities from the prevailing wage requirement for loading, unloading or driving of Commercial Vehicles on City property:

1. Weddings
2. Film production pursuant to Chapter 57 of this Code
3. Work for which the payment of prevailing wage rates applicable to public works projects is required

4. A street fair, block party, parade, festival, or any celebration directly associated with such street fair, block party, parade, festival, or any other expressive activity such as a protest, demonstration, or similar public assembly, that is free and open to the public and does not advertise or promote a commercial product or service
5. Events for which the permit fee to be paid to the City is \$1,000 or less
6. A concert in a public park to which the public has free access
7. A special event that is sponsored by a non-profit entity where the primary purpose of the event is fundraising for that non-profit entity and/or other non-profit entities; or
8. A special event that is sponsored by a primary or secondary educational institution or by a youth athletic league
9. Loading or unloading of portable toilets, temporary fencing, and/or temporary barricades, or driving a Commercial Vehicle from which goods are loaded or unloaded
10. Work performed by individual vendors at a flea market or farmers market on City property, unless such work is performed by the operator or management of the flea market or farmers market
11. Work that is covered under a collective bargaining agreement
12. Work that is performed by a City employee

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