

RESOLUTION NO. 2014-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS,
CALIFORNIA AUTHORIZING ADDITIONAL FUNDING IN SUPPORT OF
THE CHALLENGE TO SENATE BILL 7

WHEREAS, in 2013 the State of California passed legislation in the form of Senate Bill 7 (“SB 7”) which severely limits the Constitutional rights of Charter Cities to govern their own affairs; and

WHEREAS, SB 7 requires that all contracts for public works issued by Charter Cities include the requirement to pay prevailing wages from and after December 31, 2014, even if such public works contracts use purely local funds and no state funds, or lose their ability to secure any state funds or grants whatsoever on any contracts; and

WHEREAS, SB 7, which mandates the payment of higher rates and enacted limitations on the manner in which Charter Cities establish contractual relationships with private contractors to build facilities for the benefit of their communities, will require Charter Cities to pay more money from local tax dollars to meet state-imposed goals that are not legally matters of statewide concern, as determined in 2012 by the California Supreme Court in the *State Building and Construction Trades Councils of California, AFL-CIO v. City of Vista* case; and

WHEREAS, the City of San Marcos (“City”), a charter city since 1994, is desirous of maintaining its ability to determine how local funds are to be expended with respect to public works contracts; and

WHEREAS, the City Council previously authorized City’s participation in funding litigation brought by the Charter Cities of Carlsbad, El Cajon, El Centro, Fresno, Oceanside and Vista to challenge the enactment of SB7 (“the Home Rule Litigation”) in the amount of \$5,000 as an associate Charter City, which Home Rule Litigation is also funded by the participating

plaintiffs, the League of California Cities and approximately nine (9) other associate Charter Cities; and

WHEREAS, the trial court has recently issued a determination in the Home Rule Litigation adverse to the plaintiff Charter Cities, and such Charter Cities have authorized appeal of the adverse ruling; and

WHEREAS, pursuit of such appeal of the determination in the Home Rule Litigation through the Court of Appeal and thereafter the California Supreme Court will require additional funding, and the City Council has determined that its interests are served in participating in such appeal efforts.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Marcos does hereby find and approve as follows:

1. The foregoing recitals are true and correct.
2. The City Council hereby approves additional funding to the SB 7 challenge effort in the amount of \$5,000 per appeal step, for a maximum potential additional contribution of \$10,000.
3. The City Council also authorizes the City Manager to execute an amendment of the existing Joint Defense and Common Interest Agreement to reflect such additional participation if necessary.
4. The City Council further authorizes the League of California Cities to apply any amount remaining of its initial \$5,000 contribution amount for the SB 7 trial court effort toward the appeal effort.

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PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos at a meeting thereof, this 10th day of November 2014, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos