

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SUBSECTION (b) AND ADDING
SUBSECTION (c) TO SECTION 4-113 OF THE FRESNO
MUNICIPAL CODE, RELATING TO UTILIZATION OF
APPRENTICES.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (b) of Section 4-113 of the Fresno Municipal Code is amended to read:

(b) Unless such a requirement would conflict with a state or federal law or regulation applicable to the particular contract for a public work of improvement, the city shall insert all of the following requirements in each of its contracts with the prime contractor for any public work of improvement with an estimated value of [~~five hundred thousand dollars (\$500,000.00)~~] [\$200,000] or more:

(1) Contractor shall utilize apprentices for work under the contract in accordance with, and shall comply and be responsible for complying with, the requirements of California Labor Code Section 1777.5, as it may be amended from time to time, and Article 10, Subchapter 1, Chapter 2, Title 8 of the California Code of Regulations for all apprenticeable occupations applicable to the work as defined in such laws and regulations.

Date Adopted:

1 of 5

Date Approved

Effective Date:

City Attorney Approval:

BC

Ordinance No.

(2) Contractor shall provide under the contract documentation demonstrating compliance with the above requirement by providing copies of each of the following:

(i) All contract award information (e.g., completed form DAS 140) sent by contractor to the State Division of Apprenticeship Standards and each applicable apprenticeship program in accordance with California Labor Code Section 1777.5, as may be amended from time to time, including identification of addressee.

(ii) All requests by contractor for approval, and all responses and certificates from any applicable apprenticeship program disapproving or approving contractor, to train apprentices; if any.

(iii) All requests by contractor for dispatch of apprentices from any applicable apprenticeship program (e.g., completed form DAS 142); and all responses thereto, if any.

(iv) All certifications, if any, of contractor as an individual employer apprenticeship program by the State Division of Apprenticeship Standards or the California Apprenticeship Council.

(v) All apprenticeship agreements of apprentices employed by contractor and performing work under the contract.

(vi) A verified statement by the contractor, within sixty days after concluding the work, of the respective journey person and apprentice hours performed on the contract.

(vii) All certificates of any exemption by the State Division of Apprenticeship Standards, California Apprenticeship Council or any apprenticeship program of contractor from any requirements of California Labor Code Section 1777.5, as may be amended from time to time.

(viii) Other documentation as may be requested by city as a party to the contract.

(3) Contractor shall include in its subcontracts the obligation for subcontractors performing work under the contract to comply with this and the foregoing requirements under Subdivisions (1) and (2) above, and contractor shall be responsible for providing the required documentation from subcontractors to the city.

SECTION 2. Section 4-113 of the Fresno Municipal Code is amended by adding subsection (c) thereto to read:

[(c) Unless such a requirement would conflict with a state of federal law or regulation applicable to the particular contract for a public

work of improvement, the City shall require all federal and state funded Contracts, for any public work of improvement with an estimated value in excess of \$200,000, to include provisions that obligate Contractor to use its best efforts to recruit 30% of Apprentice labor from a Viable Apprenticeship Programs. Contractor shall use its best efforts to ensure that 10% of apprentices recruited from the Viable Apprenticeship Program have participated in a Pre-Apprenticeship Program.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Brandon M. Collet Date
Deputy

BMC:prn [70795prn/bmc] 03-11-16