

AN ORDINANCE 2014-02-10-02

AMENDING ORDINANCE NUMBER 99-001 PROVIDING FOR A MINIMUM PREVAILING WAGE

WHEREAS, the Government Code Chapter 2258 requires that a municipality awarding a contract for a public work within the geographical limits of the municipality determining the general prevailing rate of per diem wages to be paid to workers on the a public work project, and

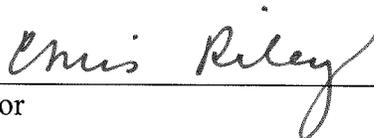
WHEREAS, City Council previously adopted Ordinance #99-001 to adopt a minimum prevailing wage for capital projects; and

WHEREAS, the City Council last reviewed and studied the local prevailing wage in 1999.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

That Ordinance Number 99-001 is hereby amended by repealing the existing Exhibit A and providing for a new Exhibit A as attached hereto.

PASSED and APPROVED this 10th day of February, 2014.



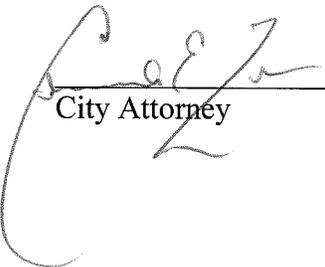
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney



MINIMUM HOURLY WAGE RATE

BUILDING CONSTRUCTION

Air Conditioning Mechanic	\$22.96
Air Conditioning Mechanic Helper	\$ 8.82
Air Conditioning Serviceman	\$21.86
Air Conditioning Serviceman Helper	\$10.10
Bricklayer/Stone Mason	\$18.16
Carpenter, Form	\$12.02
Carpenter, Trim and Finish	\$14.92
Concrete Finisher	\$12.47
Drywall Installer	\$14.38
Electrician	\$18.93
Electronic Technician	\$14.45
Floor Layer, Resilient	\$12.00
Glazier	\$10.88
Ironworker, Reinforcing	\$10.19
Ironworker, Structural	\$12.50
Ironworker, Structural Helper	\$11.06
Laborer, Skilled	\$ 9.94
Laborer, Unskilled	\$ 8.10
Operator, Crane	\$15.90
Operator, Forklift	\$12.50
Painter	\$10.00
Pipefitter	\$23.10
Pipefitter, Helper	\$ 9.45
Plumber	\$23.93
Plumber Helper	\$ 9.65
Roofer	\$ 9.95
Roofer, Helper	\$ 9.01
Sheet Metal Worker, Roofing	\$13.92
Sheet Metal Worker, Roofing Helper	\$ 9.46
Sheet Metal Worker, Ductwork	\$20.87
Sheet Metal Worker, Ductwork Helper	\$ 7.99
Sprinkler System Installer (Fitter)	\$18.70
Tile Installer, Ceramic	\$12.15
Waterproofer Installer	\$10.92
Welder, Certified Pipe	\$24.14
Welder, Structural	\$13.68

SITework, PAVING, AND UTILITY CONSTRUCTION

Carpenter, Rough	\$14.90
Laborer, Common	\$ 9.93
Laborer, Utility	\$ 9.50
Operator, Crane	\$11.50
Operator, Front-end-Loader (<2.5c.y.)	\$11.08
Operator, Motor Grader (Fine)	\$14.63
Pipelayer	\$ 9.30
Steelworker, Structural	\$13.11
Truck Driver, Single Axle, Light	\$10.51
Truck Driver, Tandem Axle or Semi	\$11.78

Any worker employed on this project shall be paid at the rate of one and a half (1-1/2) times the regular rate for every hour worked in excess of forty (40) hours per week.

AN ORDINANCE

ADOPTING A PREVAILING WAGE RATE FOR PUBLIC WORKS CONSTRUCTION IN THE CITY OF LEON VALLEY IN ACCORDANCE WITH CHAPTER 2258 OF THE TEXAS GOVERNMENT CODE AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Chapter 2258 of the Texas Government Code requires that a municipality awarding a contract for a public work within the geographical limits of the municipality determine the general prevailing rate of per diem wages to be paid to workers on the public work, and;

WHEREAS, the City of Leon Valley has public works contracts which require the adoption of a prevailing wage rate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT :

1. The City of Leon Valley hereby adopts as the prevailing wage rate of per diem wages to be paid workers on its public works projects the following prevailing wage rates, terms and conditions:

Section 1

Definitions:

- A. Public Work - A contract for a Public Work located within the geographical limits of the City of Leon Valley awarded by the City for construction of an improvement including a building, highway, road, excavation, and repair work or other project development or improvement, paid for in whole or in part from public funds, without regard to whether the work is done under public supervision or direction.
- B. Worker - includes a laborer or mechanic.
- C. Per Diem - The daily hourly rate wages and benefits paid to a worker.
- D. Legal Holiday - The holidays established by the City of Leon Valley.
- E. Maintenance - Work not involving substantial replacement or reconstruction. Maintenance is intended to extend the life of or protect an asset. The City of Leon Valley solely shall determine if the work performed is maintenance.
- F. Overtime - As defined in the Copeland Act.

Section 2

Applicability to Public Works.

- A. This ordinance applies only to the construction of a public work, including a building, highway, road, excavation, and repair work or other project development or improvement, paid for in whole or part from public funds, without regard to whether the work is done under public supervision or direction.

- B. This ordinance does not apply to work done directly by a public utility company under an order of a public authority or to maintenance.

Section 3

Right to be paid Prevailing Wage Rates

- A. A worker employed on a public work by or on behalf of the City of Leon Valley shall be paid:
 - (1) not less than the general prevailing rate of per diem wages for work of a similar character in the City of Leon Valley in which the work is performed; and
 - (2) not less than the general prevailing rate of per diem wages for legal holiday and overtime work.
- B. Subsection A does not apply to maintenance work.
- C. A worker is employed on a public work for the purpose of this section if the worker is employed by a contractor or subcontractor in the execution of a contract for a public work with the City of Leon Valley.

Section 4

Determination of Prevailing Wage Rates

- A. The City of Leon Valley shall determine the general prevailing rate of per diem wages in the locality in which the public work to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work in accordance with the following:
 - (1) For 100% locally funded City Public Works Construction projects see Attachment A for building construction trades or Attachment B for heavy highway construction.
 - (2) For Public Works projects funded in whole or part with Federal or State funds see Attachment B.
- B. The City of Leon Valley shall specify in the call for bids for the contract and in the contract itself that wage rates determined under this ordinance shall be paid and are contained in the contract documents.
- C. The City of Leon Valley's determination of the general prevailing rate of per diem wages is final.

Section 5

Prevailing Wage Rates to be Paid By Contractor and Subcontractor, Penalty.

- A. The contractor who is awarded a contract by the City of Leon Valley or a subcontractor of the contractor shall pay not less than the rates determined under Section 4 to a worker employed by it in the execution of the contract.

- B. A contractor or subcontractor who violates this section shall pay penalties in accordance with state law.

Section 6
Records.

- A. A contractor and subcontractor shall keep a record showing:
- (1) the name and occupation of each worker employed by the contractor or subcontractor in the construction of the public work; and
 - (2) the actual per diem wages paid to each worker.
- B. The record shall be open at all reasonable hours to inspection by the officers and agents of the City of Leon Valley.

Section 7
Payment greater than Prevailing Rate Not Prohibited.

This ordinance does not prohibit the payment to a worker employed on a public work an amount greater than the general prevailing rate of per diem wage.

Section 8
Reliance on Certificate of Subcontractor.

A contractor is entitled to rely on a certificate by a subcontractor regarding the payment of all sums due those working for the subcontractor until the contrary has been determined.

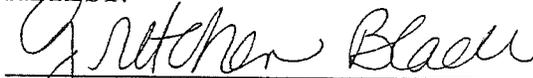
2. Nothing in this ordinance is intended to conflict with any state or federal laws and contractor remains bound by same.
3. This ordinance shall take effect upon passage, approval, and publication as required by law.

PASSED and APPROVED this the 5th day of January, 1999.



Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

**PREVAILING WAGE RATE DETERMINATION
BUILDING CONSTRUCTION TRADES**

COUNTY NAME : BEXAR

Date Printed : April 15, 1997

CLASSIFICATION	Rate	Health	Pension	Vacation	Total Wage
ASBESTOS WORKER	\$10.36	\$0.89	\$0.00	\$0.00	\$11.25
CARPENTER	\$13.28	\$1.17	\$0.70	\$0.38	\$15.54
CARPET LAYER/FLOORING INSTALLER	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
CONCRETE FINISHER	\$9.46	\$0.05	\$0.01	\$0.01	\$9.53
DATA COMMUNICATION/TELECOM INSTALLER	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DRYWALL INSTALLER/CEILING INSTALLER	\$11.16	\$1.18	\$0.03	\$0.02	\$12.39
ELECTRICIAN	\$15.95	\$2.15	\$1.00	\$0.08	\$19.18
ELEVATOR MECHANIC	\$17.20	\$3.85	\$2.19	\$1.50	\$24.74
FIRE PROOFING INSTALLER	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
GLAZIER	\$9.77	\$0.58	\$0.15	\$0.38	\$10.88
HEAVY EQUIPMENT OPERATOR	\$9.06	\$0.05	\$0.00	\$0.00	\$9.12
INSULATOR	\$16.28	\$2.64	\$2.15	\$0.00	\$21.07
IRON WORKER	\$10.90	\$0.66	\$0.60	\$0.33	\$12.50
LABORER/HELPER	\$7.58	\$0.42	\$0.03	\$0.07	\$8.10
LATHER/PLASTERER	\$15.50	\$0.00	\$0.00	\$0.00	\$15.50
LIGHT EQUIPMENT OPERATOR	\$6.96	\$0.05	\$0.00	\$0.00	\$7.02
MASON	\$15.55	\$0.00	\$0.00	\$0.00	\$15.55
METAL BUILDING ASSEMBLER	\$10.42	\$0.00	\$0.00	\$0.00	\$10.42
MILLWRIGHT	\$16.01	\$1.63	\$1.00	\$0.00	\$18.64
PAINTER/WALL COVERING INSTALLER	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
PIPEFITTER	\$17.07	\$1.48	\$1.47	\$0.37	\$20.39
PLUMBER	\$19.31	\$2.17	\$1.90	\$0.76	\$24.14
ROOFER	\$9.05	\$0.00	\$0.00	\$0.00	\$9.05
SHEET METAL WORKER	\$18.54	\$1.62	\$1.56	\$0.24	\$21.96
SPRINKLER FITTER	\$19.75	\$3.40	\$2.20	\$0.00	\$25.35
TERRAZZO WORKER	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TILE SETTER	\$14.77	\$1.77	\$0.00	\$0.00	\$16.54
WATERPROOFER/CAULKER	\$10.92	\$0.00	\$0.00	\$0.00	\$10.92

* \$0.00 in the rate field indicates insufficient data was received to determine a prevailing wage rate for this classification. Government Code Title 10, Section 2258.023, paragraph C states: "A contractor or subcontractor does not violate this section if a public body awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as provided in Section 2258.022."

Worker Classification Definition Sheet

Asbestos Worker	Worker who removes and disposes of asbestos materials.
Carpenter	Worker who builds wood structures, or structures of any material which has replaced wood. Includes rough and finish carpentry, hardware and trim.
Carpet Layer/Flooring Installer	Worker who installs carpet and/or floor coverings - vinyl tile.
Concrete Finisher	Worker who floats, trowels, and finishes concrete.
Data Communication/Telecom Installer	Worker who installs data/telephone and television cable and associated equipment and accessories.
Drywall Installer/Ceiling Installer	Worker who installs metal framed walls and ceilings, drywall coverings, ceiling grids and ceilings.
Electrician	Skilled craftsman who installs or repairs electrical wiring and devices. Includes fire alarm systems, and HVAC electrical controls.
Elevator Mechanic	Craftsman skilled in the installation and maintenance of elevators.
Fire Proofing Installer	Worker who sprays or applies fire proofing materials.
Glazier	Worker who installs glass, glazing and glass framing.
Heavy Equipment Operator	Includes but not limited to all Cat tractors, all derrick-powered, all power operated cranes, back hoe, back filler, power operated shovel, winch truck, all trenching machines.
Insulator	Worker who applies, sprays, or installs insulation.
Iron Worker	Skilled craftsman who erects structural steel framing and installs structural concrete Rebar.
Laborer/Helper	Worker qualified for only unskilled or semi-skilled work. Lifting, carrying materials and tools, hauling, digging, clean-up.
Lather/Plasterer	Worker who installs metal framing and lath. Worker who applies plaster to lathing and installs associated accessories.
Light Equipment Operator	Includes but not limited to air compressors, truck crane driver, flex plane, building elevator, form grader, concrete mixer (less than 14 cf), conveyer.
Mason	Craftsman who works with masonry products, stone, brick, block, or any material substituting for those materials and accessories.
Metal Building Assembler	Worker who assembles pre-made metal buildings.
Millwright	Mechanic specializing in the installation of heavy machinery, conveyance, wrenches, dock levelers, hydraulic lifts and align pumps.
Painter/Wall Covering Installer	Worker who prepares wall surfaces and applies paint and/or wall coverings, tape and bedding.
Pipefitter	Trained worker who installs piping systems, chilled water piping and hot water (boiler) piping, pneumatic tubing controls, chillers, boilers, and associated mechanical equipment.
Plumber	Skilled craftsman who installs domestic hot and cold water piping, waste piping, storm system piping, water closets, sinks, urinals and related work.
Rofer	Worker who installs roofing materials, Bitumen (asphalt and cold tar), felts, flashings, all types roofing membranes and associated products.
Sheet Metal Worker	Worker who installs sheet metal products. Roof metal, flashings, and curbs, ductwork, mechanical equipment, and associated metals.
Sprinkler Fitter	Worker who installs fire sprinkler systems and fire protection equipment.
Terrazzo Worker	Craftsman who places and finishes Terrazzo.
Tile Setter	Worker who prepares wall and/or floor surfaces and applies ceramic tiles to these surfaces.
Waterproofer/Caulker	Worker who applies water proofing material to buildings. Products include sealant, caulk, sheet membrane, liquid membranes, sprayed, rolled, or brushed on.

Attachment A
page 2

General Decision Number TX980043

Superseded General Decision No. TX970043

State: TEXAS

Construction Type:

HEAVY
HIGHWAY

County(ies):

BELL	CORYELL	TRAVIS
BEXAR	GUADALUPE	WILLIAMSON
BRAZOS	HAYS	
COMAL	MCLENNAN	

Heavy (excluding tunnels and dams) and Highway Construction Projects (does not include building structures in residential projects). *NOT TO BE USED FOR WORK ON SEWAGE OR WATER TREATMENT PLANTS OR LIFT/PUMP STATIONS IN BELL, CORYELL, MCLENNAN AND WILLIAMSON COUNTIES.

Modification Number	Publication Date
0	02/13/1998
1	05/22/1998

Attachment B
Page 1

COUNTY(ies):

BELL	CORYELL	TRAVIS
BEKAR	GUADALUPE	WILLIAMSON
BRAZOS	HAYS	
COMAL	MCLENNAN	

* SUTX2042A 03/26/1998

	Rates	Fringes
AIR TOOL OPERATOR	8.58	
ASPHALT HEATER OPERATOR	11.00	
ASPHALT RAKER	8.00	
ASPHALT SHOVELER	7.97	
BATCHING PLANT WEIGHER	11.00	
CARPENTER	10.80	
CONCRETE FINISHER-PAVING	9.57	
CONCRETE FINISHER-STRUCTURES	8.83	
CONCRETE RUBBER	8.52	
ELECTRICIAN	16.25	
FLAGGER	6.86	
FORM BUILDER-STRUCTURES	8.77	
FORM LINER-PAVING & CURB	8.00	
FORM SETTER-PAVING & CURB	8.68	
FORM SETTER-STRUCTURES	8.73	
LABORER-COMMON	7.12	
LABORER-UTILITY	7.99	
MECHANIC	12.15	
OILER	11.40	
SERVICER	8.44	
PAINTER-STRUCTURES	10.00	
PIPE LAYER	8.27	
ASPHALT DISTRIBUTOR OPERATOR	9.70	
ASPHALT PAVING MACHINE	9.26	
BROOM OR SWEEPER OPERATOR	7.12	
BULLDOZER	9.28	
CONCRETE CURING MACHINE	7.79	
CONCRETE FINISHING MACHINE	11.00	
CONCRETE PAVING SAW	9.79	
SLIPFORM MACHINE OPERATOR	11.15	
CRANE, CLAMSHELL, BACKHOE, DERRICK, DRAGLINE, SHOVEL	10.12	
FOUNDATION DRILL OPERATOR TRUCK MOUNTED	15.00	
FRONT END LOADER	8.66	
HOIST - DOUBLE DRUM & LESS	10.81	
MIXER	7.12	
MIXER - CONCRETE PAVING	11.00	
MOTOR GRADER FINE GRADE	12.37	
MOTOR GRADER	11.14	
PAVEMENT MARKING MACHINE	8.31	
PLANER OPERATOR	15.75	
ROLLER, STEEL WHEEL PLANT-MIX PAVEMENTS	7.73	

ROLLER, STEEL WHEEL OTHER	
FLATWHEEL OR TAMPING	7.33
ROLLER, PNEUMATIC, SELF PROPELLED	7.17
SCRAPERS	8.38
TRACTOR-CRAWLER TYPE	9.40
TRAVELING MIXER	7.92
TRENCHING MACHINE, HEAVY	9.92
WAGON-DRILL/BORING MACHINE	8.00
REINFORCING STEEL SETTER PAVING	14.50
REINFORCING STEEL SETTER	
STRUCTURES	10.61
STEEL WORKER-STRUCTURAL	11.73
SPREADER BOX OPERATOR	8.53
WORK ZONE BARRICADE	8.29
SIGN INSTALLER	7.97
TRUCK DRIVER-SINGLE AXLE LIGHT	8.32
TRUCK DRIVER-SINGLE AXLE HEAVY	7.954
TRUCK DRIVER-TANDEM AXLE SEMI-	
TRAILER	8.02
TRUCK DRIVER-LOWBOY/FLOAT	10.12
WELDER	11.02

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(v)).

In the listing above, the "SU" designation means that rates listed under that identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.)

and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.
END OF GENERAL DECISION