

**ORDINANCE No. 16-005**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NUMBER 2014-02-10-02 PROVIDING FOR A MINIMUM PREVAILING WAGE BY ADOPTING PREVAILING WAGE RATES FOR PUBLIC WORKS CONSTRUCTION AS DETERMINED BY THE U.S. DEPARTMENT OF LABOR, AND OTHER MATTERS IN CONNECTION THEREWITH.**

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**WHEREAS**, the City of Leon Valley (the “City”) is required by Chapter 2258 of the Texas Government Code to determine the prevailing rate of per diem, and a prevailing rate for legal holiday and overtime work, in the locality for each craft and type of worker needed to perform a contract for public works construction; and

**WHEREAS**, Chapter 2258 allow municipalities to use prevailing wage rates as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a, et seq.), and its subsequent amendments, in lieu of conducting wage rate surveys and compiling wage rate schedules;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:**

Section 1. The City Council hereby elects to use the prevailing wage rates as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C Section 276a, et seq.), and its subsequent amendments, in lieu of conducting wage rate surveys and compiling wage rate schedules.

Section 2. If and when the U.S. Department of Labor’s wages rate schedule may be revised, updated, or amended, such revisions, updates and amendments shall automatically apply for the construction of public works in the City, but shall not be applied or enforced retroactively to any public works project for which a formal agreement has been executed prior to the revision, update or amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. All Ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance is hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

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

That Ordinance Number 2014-02-10-02 is hereby amended by Ordinance No. 16-005 repealing the replacing the existing ordinance and exhibits.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 16th day of February, 2016.

APPROVED

  
CHRIS RILEY  
MAYOR

Attest:

  
SAUNDRA PASSAILAIGUE, TRMC  
City Secretary

Approved as to Form:

  
ROXANN PAIS COTRONEO  
City Attorney

