

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE SUBMITTING A BALLOT MEASURE TO THE
4 QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL
5 ELECTION ON TUESDAY, NOVEMBER 3, 2026 FOR THE
6 PROPOSED AMENDMENT OF THE OCEANSIDE CITY
7 CHARTER TO CONFORM PREVAILING WAGE AND FAIR
8 COMPETITION PROVISIONS FOR PUBLIC WORKS
9 CONTRACTS WITH STATE LAW RELATING TO GRANT
10 FUNDING AND FINANCIAL ASSISTANCE; C; AUTHORIZING
11 BALLOT ARGUMENTS IN FAVOR OF THE MEASURE; AND
12 DIRECTING THE CITY ATTORNEY TO PREPARE AN
13 IMPARTIAL ANALYSIS

14 WHEREAS, the Charter of the City of Oceanside (“Charter”) was enacted by voters at a
15 municipal election on June 8, 2010, and assigned Charter Number 7 for publication in the
16 Statutes of 2010; and

17 WHEREAS, Article 3 of the Charter of the City of Oceanside (“Charter”) addresses
18 issues of prevailing wage and fair and open competition for public works projects; and

19 WHEREAS, following the adoption of the Charter, State laws SB 7 (2013) enacted
20 Labor Code section 1782, and SB 922 (2011) and SB 829 (2012) added California Public
21 Contract Code sections 2500 through 2503, restricting the ability of local governments to
22 exempt themselves from state laws governing prevailing wage and fair competition on public
23 works projects without risking the loss of state funding and financial assistance in support of a
24 public works project; and

25 WHEREAS, on December 19, 2012, the City Council adopted Resolution 12-R0821-1
26 formally electing under Public Contract Code Section 22030 to become subject to the uniform
27 public construction cost accounting procedures set forth in the Uniform Public Construction
28 Cost Accounting Act and to the California Uniform Construction Cost Accounting
Commission' s policies and procedures manual and cost; and

WHEREAS, on December 19, 2012, the City Council concurrently introduced
Ordinance No. 13-OR0009-1 which amended Chapter 28A of the Oceanside City Code and
formally enacted procedures governing public works contracts in accordance with the Public
Contract Code; and

1 WHEREAS, following the implementation of SB 7, SB 922, and SB 829, the City of
2 Oceanside has in practice conformed with state laws governing prevailing wages and fair
3 competition on public projects and has remained on the eligible list for state funding and
4 financial assistance; and

5 WHEREAS, in recent years the other local agencies in San Diego County with charter
6 provisions or ordinances similar to those in the Charter have adopted clean-up amendments to
7 avoid any potential questions of inconsistency with state law or state funding eligibility for
8 public works projects; and

9 WHEREAS, the City Council finds it to be in the public interest to amend the Charter to
10 clarify the City's ongoing adherence to state laws governing prevailing wage and fair
11 competition in order to ensure continued access to state grant funding and financial support for
12 all public works projects; and

13 WHEREAS, pursuant to Section 700 of the Charter, and consistent with California
14 Constitution, Article XI, section 3(a) and 3(b); Chapter 2, Part 1, Division 2, Title 4 of the
15 Government Code; and section 9255 of the Elections Code, the City Council may propose on
16 its own motion, a proposal to amend the Charter; and

17 WHEREAS, amendments to the Charter must be submitted to the voters at a statewide
18 general election and approved by a majority of voters in the City; and

19 WHEREAS, the City Council wishes to submit a ballot measure amending the Charter
20 to the voters for their approval and adoption; and

21 WHEREAS, the City Council heard public comment on the proposed Charter
22 amendment at a regular meeting of the City Council; and

23 WHEREAS, the City Council is authorized to submit the ballot measure to the voters at
24 the November 3, 2026 statewide general election; and

25 WHEREAS, the City Council will be calling a General Municipal Election to be held in
26 the City of Oceanside on Tuesday, November 3, 2026; and

27 WHEREAS, it is desirable that the General Municipal Election be consolidated with the
28 Statewide General Election to be held on the same date, that the City precincts, polling places
and election officers of the two elections be the same, that the Registrar of Voters canvass the

1 returns of the General Municipal Election, and that the election be held in all respects as if there
2 were only one election.

3
4 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

5 SECTION 1. That pursuant to the laws of the State of California relating to charter
6 cities, the City Council, pursuant to its authority, does hereby place a measure on the ballot for
7 the General Municipal Election to be held November 3, 2026, and orders submitted to the
8 qualified electors of the City the following question:

To preserve the City's ability to continue receiving state infrastructure funding for public works projects, shall the Oceanside City Charter be amended to conform to state laws and best practices regarding prevailing wage and fair competition, including the use of project labor agreements for City public works with mandatory provisions for taxpayer protections, transparency, and accountability in the contracting process, by amending Sections 301, 302, and 303 of the Oceanside City Charter?	YES
	NO

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22 SECTION 2. Should the question be approved by the requisite vote (here simple
23 majority of 50% +1), the measure attached hereto as Exhibit A and incorporated herein by this
24 reference, shall be enacted.

25 SECTION 3. Pursuant to Elections Code section 9282(b), the City Council authorizes
26 _____ to submit a written argument, not to exceed 300 words in favor of the measure
27 on behalf of the City Council. Arguments must be submitted to the City Clerk and may be
28 changed until and including the date fixed by the Clerk by 5:00 p.m. after which no arguments
for or against the measure may be submitted, withdrawn or changed.

1 The arguments shall be filed with the City Clerk, signed, with the printed name(s) and
2 signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the
3 name of the organization, and the printed name and signature of at least one of its principal
4 officers who is the author of the argument. The arguments shall be accompanied by the Form of
5 Statement to be Filed by Author(s) of Argument supplied by the City Clerk.

6 SECTION 4. That pursuant to section 9285 of the Elections Code of the State of
7 California, when the elections official has selected the arguments for and against the measure,
8 which will be printed and distributed to the voters, the Elections Official shall send a copy of an
9 argument in favor of the proposition to the authors of any argument against the measure and a
10 copy of an argument against the measure to the authors of any argument in favor of the measure
11 immediately upon receiving the arguments.

12 The author or a majority of the authors of an argument relating to a city measure may
13 prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing
14 any other person or persons to prepare, submit, or sign the rebuttal argument.

15 A rebuttal argument may not be signed by more than five individuals.

16 The rebuttal arguments shall be filed with the City Clerk, signed, with the printed
17 name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an
18 organization, the name of the organization, and the printed name and signature of at least one of
19 its principal officers, not more than 10 days after the final date for filing direct arguments. The
20 rebuttal arguments shall be accompanied by the Form of Statement to be Filed by Author(s) of
21 Argument as supplied by the City Clerk.

22 Rebuttal arguments shall be printed in the same manner as the direct arguments. Each
23 rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

24 SECTION 5. That the City Council directs the City Clerk to transmit a copy of the
25 measure to the City Attorney. Pursuant to California Elections Code section 9280, the City
26 Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing
27 the effect of the measure on the existing law and the operation of the measure and transmit such
28 impartial analysis to the City Clerk by the date fixed by the City Clerk.

1 SECTION 6. That in all particulars not recited in this resolution, the election shall be
2 held and conducted as provided by law for holding municipal elections.

3 SECTION 7. The City Clerk is hereby directed to forthwith file a certified copy of this
4 resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego
5 and to issue instructions to the Registrar of Voters to take any and all necessary steps for the
6 holding of the elections.

7
8 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
9 this _____ day of _____, 2026, by the following vote:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14
15 MAYOR OF THE CITY OF OCEANSIDE

16
17 ATTEST:

18 APPROVED AS TO FORM:

19 _____
20 City Clerk

21 
22 _____
23 City Attorney

1 **Exhibit A**

2 Note: Proposed additions to the Charter are underlined text. Deletions are in strikethrough text.
3 Unchanged text is neither underlined or in strikethrough. Asterisks (* * * *) indicate the
4 omission of unchanged sections.

5
6 **Section 301. - Public Works Contracts.**

7 The City is exempt from the provisions of all California statutes regulating public contracting
8 and purchasing except as provided by ordinance, ~~or~~ by agreement approved by the City
9 Council, or this Charter. Eligibility for state and federal grant funding and financial assistance
10 in support of public works projects is essential for sound fiscal management of the City's
11 capital infrastructure programs. The City shall establish standards, procedures, rules or
12 regulations to regulate all aspects of public contracting consistent with the legal requirements
13 for securing state and federal grants and financial assistance as appropriate.

14
15 **Section 302. – Prevailing Wage**

16 ~~No City contract shall require payment of the prevailing wage schedule unless: the prevailing~~
17 ~~wage is legally required, and constitutionally permitted to be imposed, by federal or state grants~~
18 ~~pursuant to federal or state law; or the project is considered by the City Council not to be a~~
19 ~~municipal affair of the City; or payment of the prevailing wage schedule is authorized by~~
20 ~~resolution of the City Council. Payment of the prevailing wage schedule, if authorized~~
21 ~~hereunder, shall use the pertinent rates published by the State of California. Notwithstanding~~
22 ~~any other provision of this Charter or local law, to ensure the City's eligibility for state funding~~
23 ~~and financial assistance, all public works contracts, as defined in paragraph (1) of subdivision~~
24 ~~(d) of Section 1782 of the California Labor Code, that are awarded by the City shall comply~~
25 ~~with state law prevailing wage requirements.~~

26
27 **Section 303. – Fair and Open Competition**

28 The City shall not, ~~in any contract for the construction, maintenance, repair, or improvement of~~
~~public works, require that a contractor, subcontractor, material supplier, or carrier engaged in~~

1 ~~the construction, maintenance, repair or improvement of public works, execute or otherwise~~
2 ~~become party to any project labor agreement, collective bargaining agreement, prehire~~
3 ~~agreement, or other agreement with employees, their representatives, or any labor organization~~
4 ~~as a condition of bidding, negotiating, being awarded, or performing work on a public works~~
5 ~~contract. Nothing in this section shall be construed as prohibiting private parties from entering~~
6 ~~into individual collective bargaining relationships, or otherwise as regulating or interfering with~~
7 ~~activity protected by applicable law, including but not limited to the National Labor Relations~~
8 ~~Act. Notwithstanding any other provision of this Charter or local law, to ensure the City's~~
9 ~~eligibility for state funding or financial assistance, consistent with Public Contract Code~~
10 ~~sections 2500 - 2503, the City Council may choose by majority vote whether to use, enter into,~~
11 ~~or require contractors to enter into a project labor agreement that includes all the taxpayer~~
12 ~~protection provisions of Public Contract Code section 2500 for a specific project or projects~~
13 ~~awarded by the City and whether to allocate funding to a specific project covered by such an~~
14 ~~agreement. Unless otherwise amended by state law, the minimum taxpayer protection~~
15 ~~provisions shall be included in any project labor agreement per Public Contract Code section~~
16 ~~2500(a):~~

17 (1) The agreement prohibits discrimination based on race, national origin, religion, sex,
18 sexual orientation, political affiliation, or membership in a labor organization in hiring
19 and dispatching workers for the project.

20 (2) The agreement permits all qualified contractors and subcontractors to bid for and be
21 awarded work on the project without regard to whether they are otherwise parties to
22 collective bargaining agreements.

23 (3) The agreement contains an agreed-upon protocol concerning drug testing for workers
24 who will be employed on the project.

25 (4) The agreement contains guarantees against work stoppages, strikes, lockouts, and
26 similar disruptions of the project.

27 (5) The agreement provides that disputes arising from the agreement shall be resolved by
28 a neutral arbitrator.