

ORDINANCE NO. 2011-042

Adopted by the Sacramento City Council

October 4, 2011

AN ORDINANCE ADDING SECTION 3.60.195 TO THE SACRAMENTO CITY CODE RELATING TO EXEMPTION FROM PREVAILING WAGE REQUIREMENT FOR WORK PERFORMED BY VOLUNTEERS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. The City Council finds and determines that:

- A. The City of Sacramento encourages the people of Sacramento to volunteer their time, expertise, and talents to the City in various ways including providing assistance with animal care, gardening, tours, arts and crafts, child development, special events, and park projects.
- B. By utilizing volunteers, the City also provides an avenue for people to participate in building better communities.
- C. In some instances, volunteers cannot donate their services because a provision of the City Code requires volunteers to be paid prevailing wages on certain public projects.
- D. Volunteers do not expect payment for their donated contribution of labor. Requiring volunteers to be paid prevailing wages contradicts the spirit and intent of volunteer service and inhibits the City's goal of encouraging civic engagement.
- E. The City Code should be amended to remove impediments to volunteerism.

SECTION 2. Section 3.60.195 shall be added to the City Code to read as follows:

3.60.195 Volunteers.

- A. Section 3.60.180 shall not apply to any of the following work:
 - 1. Any Work Performed by a Volunteer. For purposes of this section, "volunteer" means an individual who performs work for civic, charitable, or humanitarian reasons for a public agency or corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, without promise, expectation, or receipt of any compensation for work performed.

- a. An individual shall be considered a volunteer only when his or her services are offered freely and without pressure and coercion, direct or implied, from an employer.
 - b. An individual may receive reasonable meals, lodging, transportation, and incidental expenses or nominal nonmonetary awards without losing volunteer status if, in the entire context of the situation, those benefits and payments are not a substitute form of compensation for work performed.
 - c. An individual shall not be considered a volunteer if the person is otherwise employed for compensation at any time (i) in the construction, alteration, demolition, installation, repair, or maintenance work on the same project, or (ii) by a contractor, other than a corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, that receives payment to perform construction, alteration, demolition, installation, repair, or maintenance work on the same project.
2. Any Work Performed by a Volunteer Coordinator. For purposes of this section, "volunteer coordinator" means an individual paid by a corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, to oversee or supervise volunteers. An individual may be considered a volunteer coordinator even if the individual performs some nonsupervisory work on a project alongside the volunteers, so long as the individual's primary responsibility on the project is to oversee or supervise the volunteers rather than to perform nonsupervisory work.
 3. Any work performed by members of the California Conservation Corps or the Community Conservation Corps certified by the California Conservation Corps pursuant to Section 14507.5 of the Public Resources Code.
- B. All work performed pursuant to this section for which a contractor's license is required shall be performed under the supervision of a licensed contractor classified and qualified to engage in the type of work performed and who is present at the location of the project for which the work is performed.
 - C. This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted ordinance, which is enacted and effective before January 1, 2017, deletes or extends that date.

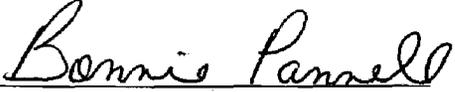
Adopted by the City of Sacramento City Council on October 4, 2011 by the following vote:

Ayes: Councilmembers D Fong, R Fong, Pannell, Schenirer, Sheedy.

Noes: None.

Abstain: None.

Absent: Councilmembers Ashby, Cohn, Mc Carty and Mayor Johnson.


Bonnie Pannell, Vice-Mayor

Attest:


Shirley Concolino, City Clerk

Passed for Publication: September 27, 2011

Published: September 30, 2011

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