

## RESOLUTION

### **A RESOLUTION OF THE BOARD OF TRUSTEES, CANUTILLO INDEPENDENT SCHOOL DISTRICT, ADOPTING PREVAILING WAGE RATES AND PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT MATTER**

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**WHEREAS**, Texas Government Code Chapter 2258 entitles a worker, laborer or mechanic employed on a public work (exclusive of maintenance work) by or on behalf of the Canutillo Independent School District (the "District") shall be paid not less than the general prevailing rate of per diem wages for work of a similar character in the geographical limits of the District and not less than the general prevailing rate of per diem wages for legal holiday and overtime work; and

**WHEREAS**, a worker is employed on a public work project if the worker is employed by a contractor or subcontractor in the execution of a contract for the public work with the District or any officer or public body of the District; and

**WHEREAS**, for a contract for a public work awarded by the District, the Board of Trustees must determine the general prevailing rate of per diem wages in the geographical limits of the District for each craft, trade or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by conducting a survey of the wages received or using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act and its subsequent amendments; and

**WHEREAS**, the prevailing wage rate determined by the Board of Trustees shall be specified in the invitation for bids or proposals for a public work contracts and in the contract itself; and

**WHEREAS**, a contractor who is awarded a public works contract by the Board of Trustees and subcontractors of the contractor shall pay not less than the rates determined by the Board of Trustees to a worker employed by it in the execution of the contract; and

**WHEREAS**, for public works contracts awarded by the District, the Administration recommends approval of the U.S. Department of Labor Prevailing Wage Scale for El Paso County. The current version of said rates are attached as Exhibit "A." and

**Commented [SB1]:** All this extra language is confusing and not necessary.

**WHEREAS**, for the District's public works contracts that are funded with Federal funds, the District, the District's Administration recommends for adoption the prevailing wage rate determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.) and its subsequent amendments and recommend that these wage rates be adopted by the Board of Trustees as the District's Prevailing Wage Rates for inclusion in the District's public work contracts that are funded with Federal funds; and

**WHEREAS**, the Board of Trustees, based on the foregoing findings and recommendations, desires to adopt the U.S. Department of Labor Prevailing Wage Scale for El Paso County and desires to adopt the prevailing wage rates determined by the United States Department of Labor in accordance with the Davis- Bacon Act (40 U.S.C. Section 276a et seq.) and its subsequent amendments as the Prevailing Wage Rates for the District's public work contracts that are funded with Federal funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CANUTILLO INDEPENDENT SCHOOL DISTRICT THAT:**

**Section 1:** The above and foregoing recitals be, and are hereby, found to be true and correct, and are incorporated into the body of this Resolution verbatim.

**Section 2:** The Board of Trustees, based on the foregoing findings and recommendations, adopts the U.S. Department of Labor Prevailing Wage Scale for El Paso County. The Board of Trustees further adopts as the prevailing rate for legal holiday and overtime work the rate of one and one-half times the Prevailing Wage Rates.

**Section 3:** For public work contracts that are funded with Federal funds, the wage rates determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.) and its subsequent amendments are hereby adopted by the Board of Trustees as the District's Prevailing Wage Rates. The Board of Trustees further adopts as the prevailing rate for legal holiday and overtime work the rate of at least one and one-half times the Prevailing Wage Rates described herein or as required by federal law, whichever is greater.

**Section 4:** The Prevailing Wage Rates adopted hereby are to be specified in the District's invitation for bids or proposals for public work contracts and be included in the District's contracts for public works.

**Section 5:** Should any part, portion, section or part of a section of this Resolution be declared invalid, inoperative, or void for any reason by a court of competent jurisdiction such decision, opinion, or judgment shall in no way affect the remaining portions, parts, sections, or parts of any section of this Resolution which shall be, remain and continue to be in full force and effect.

**Section 6:** It is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of the meeting was given and posted, all as required by Chapter 551, Texas Gov't. Code, as amended.

**IT IS SO ORDERED.**

**PASSED, APPROVED AND ENACTED** by the Board of Trustees of the Canutillo Independent School District, Bedford, Texas, on this day the 29<sup>th</sup> day of January 2025.

CANUTILLO INDEPENDENT SCHOOL DISTRICT

By: Armando Rodriguez  
President, Board of Trustees

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Signature

By: \_\_\_\_\_  
Secretary, Board of Trustees

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Signature