

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

DECISION ON ADMINISTRATIVE APPEAL

PUBLIC WORKS CASE NO. 2003-003

VICTORIA BY THE BAY

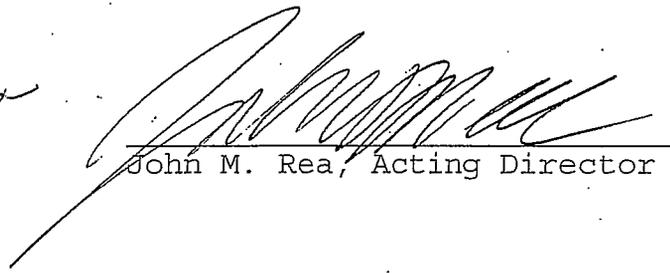
CITY OF HERCULES

The undersigned, having reviewed the administrative appeal filed by The Contra Costa Building and Construction Trades Council and the Northern California Carpenters Regional Council, said appeal is hereby denied for the reasons set forth in the initial coverage determination dated January 30, 2004 ("Determination"), which is incorporated by reference herein.

In addition, as set forth at footnote 2 of the Determination, neither the Determination nor this Decision addresses the private contractual provisions as they relate to whether the subject projects are public works. This is so because there is a statutory obligation to determine whether a project is a public works irrespective of the private contractual obligations set forth in agreements between parties. (*Lusardi Co. v. Aubry* (1992) 1 Cal.4th 976. Accord, PW 2002-047, *Legacy Partners Project/City of Concord Redevelopment Agency* (10/29/03).)

This decision constitutes final administrative action in this matter.

Dated: 13 July 04


John M. Rea, Acting Director