

DEPARTMENT OF INDUSTRIAL RELATIONS  
OFFICE OF THE DIRECTOR  
455 Golden Gate Avenue, Tenth Floor  
San Francisco, CA 94102  
(415) 703-5050



June 10, 2004

Maria L. Arevalo  
Deputy County Counsel  
Office of the County Counsel  
County of Merced  
2222 "M" Street  
Merced, CA 95340

Re: Public Works Case No. 2004-022  
Construction of Barbeque Facility  
County of Merced

Dear Ms. Arevalo:

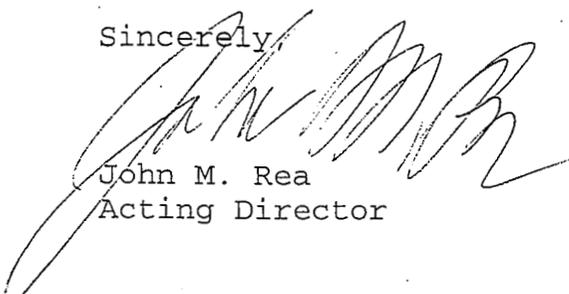
This constitutes the determination of the Director of Industrial Relations under California's prevailing wage laws and is made pursuant to title 8, California Code of Regulations, section 16001(a). Based on my review of the facts of this case and an analysis of the applicable law, it is my determination that the construction on County of Merced ("County") property of a barbeque facility ("Project") by the Merced Rotary Club ("Rotary") is not a public work subject to the payment of prevailing wages.

The Rotary, a private non-profit organization, intends to raise approximately \$120,000 for the construction of a barbeque facility on County land. The Rotary will hire a contractor to build the facility and then donate it to County. County is not contributing any funds to the Project, either by direct payment or waiver.

Labor Code section 1720(a)(1) defines a "public work" as construction done under contract and paid for with public funds. Here, while the Project is construction done under contract, it is not being paid for with any public funds. As such, it is not a public work.

I hope this determination satisfactorily answers your inquiry.

Sincerely,



John M. Rea  
Acting Director