

**ORDINANCE NUMBER 2152 (CCS)**

(City Council Series)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SANTA MONICA ADDING CHAPTER 4.65 TO THE SANTA MONICA MUNICIPAL  
CODE CREATING MINIMUM WAGE REQUIREMENTS APPLICABLE TO CITY  
CONTRACTORS**

WHEREAS, minimum wage laws benefit employers and the economy as a whole by improving employee performance, reducing employee turnover, lowering absenteeism, and thereby improving productivity and the quality of the services provided by employees; and

WHEREAS, improving the productivity and performance of employees working on government contracts directly benefits the public; and

WHEREAS, minimum wage laws also assure workers the means and leisure to participate in civic life and pursue educational and cultural opportunities and thereby strengthen the fabric of our society; and

WHEREAS, workers who do not have sufficient income to participate in the civic affairs and to pursue educational, cultural and recreational opportunities may become alienated from their communities, their states and their nation; and

WHEREAS, minimum wage laws promote the general welfare by ensuring that workers can support and care for their families through their own efforts and without governmental intervention; and

WHEREAS, workers who do not receive adequate wages must rely upon federal, state and local public assistance and social services funded by taxpayers and may never escape poverty; and

WHEREAS, creating decent job opportunities through minimum wage laws is a better way to protect individuals and families than public assistance because the availability of decent job opportunities fosters independence, self-reliance and family unity; and

WHEREAS, in recognition of these realities, the federal government mandates the payment of a minimum wage; and

WHEREAS, in recognition of the fact that the cost of living and other circumstances vary substantially through the United States, federal law explicitly authorizes states and municipalities to set more stringent wage standards than those established federally; and

WHEREAS, the State of California has exercised its power to set a minimum wage higher than the minimum set by federal law in part because the cost of living in California is higher than in most states; and

WHEREAS, the California Legislature has recognized that localities may need to set more stringent wage standards than those set by state law and has therefore specifically authorized the adoption of such standards in Labor Code Section 1205; and

WHEREAS, a number of California cities have exercised their power to establish laws requiring the payment of minimum wages to city contractors; and

WHEREAS, the federal minimum wage has declined steadily in real dollars for two decades; and

WHEREAS, the federal minimum wage and the California minimum wage have declined in real dollars for many years and are inadequate to meet the needs of workers in the Los Angeles region where the cost of living is much higher than in almost all other parts of the country and state; and

WHEREAS, housing costs in Santa Monica and in the region are particularly high relative to most parts of California, and low-income workers must therefore spend a disproportionate percentage of their income sheltering themselves and their families; and

WHEREAS, disproportionately high housing costs force workers to locate far from their jobs and spend long hours traveling to and from work, a necessity which adversely impacts those workers, the environment, and therefore, the general welfare; and

WHEREAS, the City Council wishes to address these realities, promote the general welfare and protect works on City contracts by creating minimum wage requirements applicable to employees of City contractors,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.65 is hereby added to the Santa Monica Municipal Code to read as follows:

## CHAPTER 4.65

### LIVING WAGE

#### **Section 4.65.010. Definitions.**

**Employee.** Any person who does not actually work as a manager, supervisor, or confidential employee, and who is not required to possess an occupational license.

**Minimum Wage.** A wage payment at an initial hourly rate of \$11.50 per hour. This rate shall be adjusted annually each July 1st, beginning in 2006, by an amount corresponding to the previous year's change (January to January) in the Consumer Price Index for Urban Wage Earners and Clerical Workers 1967=100 for Los Angeles-Riverside-Orange County, California.

#### **Section 4.65.020. Minimum Wage Payment**

##### **Requirements for City Contractors.**

Any contractor providing services to the City of Santa Monica pursuant to a contract in the amount of Fifty Thousand Dollars (\$50,000) or more shall pay at least the Minimum Wage to any Employee working on that contract for work done on the contract. This contract amount shall be adjusted annually each July 1st, beginning in 2006, by an

amount corresponding to the previous year's change (January to January) in the Consumer Price Index for Urban Wage Earners and Clerical Workers 1967=100 for Los Angeles-Riverside-Orange County, California.

**Section 4.65.030. Exemption.**

The requirements of this Chapter shall not apply to government agencies, City grantees and other non-profit corporations.

**Section 4.65.040. Supercession by Collective Bargaining Agreement.**

The provisions of this Chapter, or any part thereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted as, a waiver of all or any part of the provisions of this Chapter.

**Section 4.65.050. Effective Date and Implementation.**

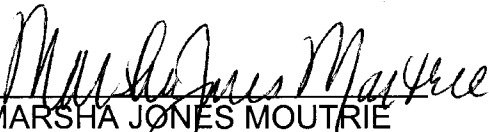
The obligations imposed by this Chapter shall become effective as of July 1, 2005, and shall apply only to contracts executed after that date.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.


SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

  
MARSHA JONES MOUTRIE  
City Attorney

Approved and adopted this 8th day of March, 2005.



Mayor Pro Tem Katz

State of California )  
County of Los Angeles ) ss.  
City of Santa Monica )

I, Maria M. Stewart, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2152 (CCS) had its introduction on February 22, 2005, and was adopted at the Santa Monica City Council meeting held on March 8, 2005, by the following vote:

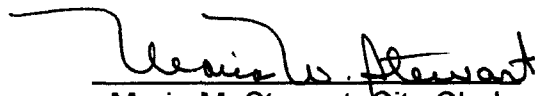
Ayes: Council members: Bloom, Genser, McKeown, Shriver

Noes: Council members: Mayor Pro Tem Katz, Holbrook

Abstain: Council members: None

Absent: Council members: Mayor O'Connor

ATTEST:



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Maria M. Stewart, City Clerk