

ORDINANCE NO. 5939

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 9, CHAPTER 9.128 OF THE MUNICIPAL CODE BY THE AMENDMENT OF SECTIONS 9.128.010 AND 9.128.020 RELATING TO PAYMENT OF MANDATORY MINIMUM WAGE BY CITY SERVICE CONTRACTORS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.128 of Title 9 of the Santa Barbara Municipal Code is amended by the amendment of Section 9.128.010 to read as follows:

9.128.010 Definitions.

Unless otherwise expressly stated or the context clearly requires otherwise, the following terms shall be defined as follows:

CITY SERVICE CONTRACTOR. A person or other legal entity (other than a public entity or a nonprofit entity) which enters into one or more contracts with the City to provide general services to the City as defined in section 4.52.020 of this Code (excluding recreation services to the public and professional services as defined in section 4.52.020 of this Code), where the amount paid by the City to the person or entity may exceed or exceeds \$15,000.00 when such compensation is calculated on a City fiscal year basis. A City service contractor shall not include a contractor who provides services which are merely incidental to the City's purchase of goods or supplies from that contractor, such as installation services related to the City's use of the goods or supplies being obtained.

EMPLOYEE.

1. Generally. The term "employee" shall refer only to those individuals who directly provide services to the City on behalf of a City service contractor and shall not include those employees who would typically be considered administrative or support staff employees, such as, but not limited to, employees performing administration, payroll, personnel, maintenance, or similar employee services for the contractor. The term "employee" shall also be used as that term is generally defined and used in the federal Fair Labors Standards Act of 1938 (29 USC Section 201 et seq., hereinafter the "FLSA") and shall not include those employed persons exempt from the minimum wage or overtime requirements of the FLSA or any person who works as an "executive" or "professional," as such terms are defined in the FLSA.

2. Exemption for Handicapped Individuals and Apprentices. For the purposes of this chapter, an employee shall not include a "handicapped employee" employed pursuant to a special license issued under Sections 1191 and 1191.5

of the state Labor Code or an “apprentice” or “learner” employed pursuant to a special license issued under Section 1192 of the State Labor Code.

3. Exemption for Student Interns. For the purposes of this chapter, an employee shall also not include a student intern which shall be defined as a person receiving educational or school credit at a duly licensed and accredited school or educational institution as part of or in connection with his or her employment or service with the City service contractor.

MANDATORY MINIMUM LOCAL WAGE. A wage payment at an hourly rate of \$14.00 per hour, which wage amount shall be adjusted upward 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, provided that no such annual adjustment may exceed the amount of six percent.

Section 2. Chapter 9.128 of Title 9 of the Santa Barbara Municipal Code is amended by the amendment of Section 9.128.020 to read as follows:

9.128.020 Minimum Local Wage Payment Requirements for City Service Contractors.

A. MANDATORY MINIMUM LOCAL WAGE.

1. City-Owned or -Operated Work Buildings and Locations. Any City service contractor providing services to the City shall pay at least the mandatory minimum local wage to all employees of the service contractor who work at a building, site, or location owned or operated by the City for those hours of the employee’s work at the City building, site, or location and for those work hours at other work locations which can be directly attributed to the services provided to the City by the service contractor.

2. Work Sites Located at Non-City-Owned or -Operated Sites. For those City service contractors where the work performed under a City service contract does not occur at a building, site, or location owned or operated by the City, the service contractor shall pay a mandatory minimum local wage to all employees for those hours of the employee’s work which can be directly attributed to the services provided to the City by the service contractor.

B. ADJUSTMENT OF SERVICE CONTRACT AMOUNT. The service contract amount set in the definition of City Service Contractor in section 9.128.010 shall be adjusted upward 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, provided that no such annual adjustment may exceed the amount of six percent.

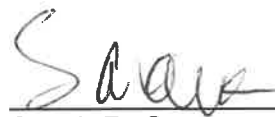
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STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
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CITY OF SANTA BARBARA)

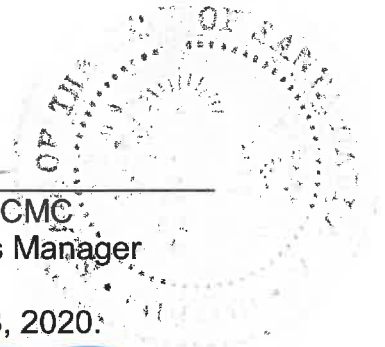
I HEREBY CERTIFY that the foregoing ordinance was introduced on March 3, 2020, and was adopted by the Council of the City of Santa Barbara at a meeting held on March 17, 2020, by the following roll call vote:

- AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon; Mayor Cathy Murillo
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 18, 2020.



Sarah P. Gorman, CMC
City Clerk Services Manager



I HEREBY APPROVE the foregoing ordinance on March 18, 2020.



Cathy Murillo
Mayor