

ORDINANCE NO. _____

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING CHAPTER 10-45 OF THE SANTA ROSA CITY CODE, MINIMUM WAGES
TO BE PAID BY EMPLOYERS, DELAYING THE IMPLEMENTATION DATE TO
JANUARY 1, 2021, AND ADJUSTING THE DATE OF THE SMALL BUSINESS INCREASE
THEREAFTER, IN RESPONSE TO IMPACTS TO BUSINESSES CAUSED BY COVID-19

WHEREAS, on October 22, 2019, the Council of the City of Santa Rosa adopted Ordinance ORD-2019-014, Chapter 10-45, Minimum Wages to be Paid by Employers, which set forth minimum wages to be paid by employers within the City of Santa Rosa; and

WHEREAS, as required by that Ordinance, beginning on July 1, 2020, employers with 26 or more employees (large businesses per State standards) would pay at least \$15.00 per hour, and those employers with 25 or fewer employees (small businesses) would pay at least \$14.00 per hour. Starting January 1, 2021, minimum wage for both small and large businesses would be \$15.00 per hour plus the Bay Area Consumer Price Index (CPI-W-BA); and

WHEREAS, on March 17, 2020, the County of Sonoma Health Officer issued a shelter-in-place order which required the closure of any business or service deemed non-essential to the health and welfare of the community as it relates to COVID-19, causing sudden and dramatic economic injury to the business community; and

WHEREAS, to give employers and the California Labor Commissioner sufficient notice of the changes to implementation contained in this Ordinance, timing dictates this be presented as an urgency ordinance; and

WHEREAS, Government Code section 36937(b) allows an ordinance to take effect immediately, if it is an ordinance for the immediate preservation of public peace, health or safety and it contains a declaration of the facts constituting the urgency; and

WHEREAS, Section 8 of the Santa Rosa City Charter authorizes the City Council to adopt an urgency measure to take effect immediately upon its adoption if necessary to preserve the public peace, health or safety if such ordinance contains the reasons for its urgency; and

WHEREAS, such an urgency measure requires a five-sevenths vote of the City Council for adoption; and

WHEREAS, as provided herein, the Ordinance shall be in effect immediately upon its adoption; and

WHEREAS, the City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this Ordinance is declared by the Council of the City of Santa Rosa to be necessary for preserving the public peace, welfare, health or safety

and to avoid a current, immediate and direct threat to peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council's statement of the reason for adopting this Ordinance on an urgency basis.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that this Ordinance is necessary for the protection of the public peace, health and safety.

Section 2. City Code Amendment. Section 10-45.030 Minimum Wages of the Santa Rosa City Code is hereby amended to read as follows:

- “A. Effective January 1, 2021, Employers who employ twenty-six (26) or more Employees shall pay Employees a wage of no less than \$15.00 per hour plus the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the San Francisco-Oakland-Hayward Consolidated Metropolitan Statistical Area (or its successor index), which is published by the U.S. Department of Labor. Beginning in October 2020, and annually thereafter, the City will publicize the CPI-W or successor index for that year, as well as the adjusted minimum wage that will apply for all Employers pursuant to this section which shall take effect on January 1 of the ensuing year.

- B. Effective January 1, 2021, Employers who employ twenty-five (25) or fewer Employees shall pay Employees a wage of no less than \$14.00 per hour plus CPI-W for the San Francisco-Oakland-Hayward Consolidated Metropolitan Statistical Area (or its successor index), which is published by the U.S. Department of Labor. Beginning in October 2020, and annually thereafter, the City will publicize the CPI-W or successor index for that year, as well as the adjusted minimum wage that will apply for all Employers pursuant to this section which shall take effect on January 1 of the ensuing year.

- C. Effective July 1, 2021, Employers who employ twenty-five (25) or fewer Employees shall pay Employees a wage of no less than \$15.00 per hour plus the CPI-W that was assessed on large Employers in Section A above, on January 1, 2021, so that all Employers, regardless of the number of Employees each Employer employs, will be at a matching rate.

- D. An Employee who is a Learner shall be paid not less than eighty-five (85) percent of the minimum wage required in accordance with this section and rounded to the nearest \$.05 during their first 160 hours of employment. After more than 160 hours of employment, Employees covered by this subsection shall be paid the applicable minimum wage pursuant to this Section.

- E. In determining the number of persons performing work for an Employer during a given week, all persons performing work for the same business enterprise for compensation on a full-time, part-time, or temporary basis shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity, regardless of whether the Employees work inside of or outside of the City. Separate entities will be considered an integrated enterprise and a single Employer under this Chapter where one entity controls the operation of the other entity or entities. The factors to consider in

making this assessment include, but are not limited to:

- (1) Degree of interrelation between the operations of multiple entities;
- (2) Degree to which the entities share common management;
- (3) Centralized control of labor relations; and
- (4) Degree of common ownership or financial control over the entities.

F. An Employer may not deduct any amount from wages due an Employee pursuant to this Section on account of any tip or gratuity, or credit the amount or any part thereof of a tip or gratuity, against and as a part of the wages due the Employee from the Employer pursuant to this Section.”

Section 3. Authority. This Ordinance is enacted pursuant to the City of Santa Rosa’s general police powers, Section 8 of the Charter of the City of Santa Rosa, and Article XI of the California Constitution and Government Code.

Section 4. Environmental Determination. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of May, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney