

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: October 20, 2003

FROM: CITY ATTORNEY

SUBJECT: AMENDMENT OF TWO SECTIONS IN THE LIVING WAGE ORDINANCE TO EXEMPT PART-TIME, SEASONAL WORKERS AND TRAINEES, AND TO CORRECT A TYPOGRAPHICAL ERROR

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 4.11.010 AND 4.11.020 OF THE PASADENA MUNICIPAL CODE TO EXEMPT CONTRACTS INVOLVING PART-TIME, SEASONAL WORKERS OR TRAINEES FROM THE CITY'S LIVING WAGE ORDINANCE

PURPOSE OF THE ORDINANCE:

The purpose of this ordinance is to insert an exemption in the City's Living Wage Ordinance related to part-time, seasonal and trainee workers, and to correct the hourly wage which a contractor must pay an employee currently stated in the municipal code from eighty dollars and twenty cents (\$80.20) per hour, to eight dollars and twenty cents (\$8.20) per hour.

REASON WHY THIS LEGISLATION IS NEEDED:

The City Council directed preparation of this ordinance at its meeting of October 6, 2003. An ordinance is necessary to amend the Living Wage Ordinance so that the proposed contract regarding school crossing guards will not be subject to Chapter 4.11.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Purchasing Division administers this Ordinance, and therefore, will be primarily affected by this proposed amendment. All contractors who deliver labor or services to the City above the amounts stated in the ordinance will be affected. All departments within the City which procure labor and services on a part-time or seasonal basis will be potentially affected by this proposed Ordinance.

69964.1

MEETING OF 10/20/2003

AGENDA ITEM NO. 9.A.1.

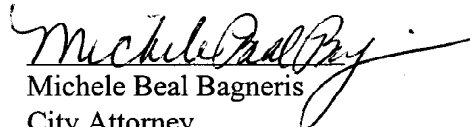
FISCAL IMPLICATIONS:

The amendment will save the City money because it will not have to increase funding for contracts for part-time, seasonal or trainee employees as they will not be required to comply with the Living Wage Ordinance. Specifically, the City will not have to increase the funding needed for the proposed school crossing guard contract or other similar contracts.

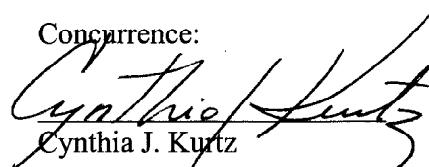
POLICY CHANGE:

This amendment represents a policy change which makes the salaries paid to contract part-time, seasonal or trainer workers comparable to that of city employees in similar positions, and is a reflection of the fiscal restraints facing the City due to the state budget crisis.

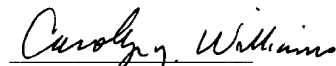
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Prepared by:


Carolyn Y. Williams
Asst. City Attorney

Introduced by _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 4.11.010 AND 4.11.020 OF THE PASADENA MUNICIPAL CODE TO EXEMPT CONTRACTS INVOLVING PART-TIME, SEASONAL WORKERS OR TRAINEES FROM THE CITY'S LIVING WAGE ORDINANCE

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 4.11.010 is hereby amended to read:

“4.11.010 Definitions.

The following definitions shall apply throughout this chapter:

A. ‘City’ means the city of Pasadena and all those employed by the city who are authorized to award a service contractor on behalf of the city, including those city departments which exercise independent control over their expenditure of funds, but excludes the Rose Bowl Operating Company (‘RBOC’) and the Pasadena Center Operating Company (‘PCOC’). The RBOC and PCOC are urged, however to adopt a policy similar to that set forth in this chapter.

B. ‘Employee’ means any individual employed by a service contractor on or under the authority of one or more service contracts and who expends any of his or her time providing labor or delivering services to the city of Pasadena, including but not limited to: restaurant, food service or banquet employees, janitorial employees, security guards, parking attendants, health care employees, gardeners, waste management employees, and clerical employees; **except that ‘employee’ shall not include part-time, seasonal or trainee workers when the City specifies that the employees may be part-**

time, seasonal or trainee workers.

C. 'Health benefits' means the payment of no less than \$1.25 per hour toward the cost of health and medical care insurance for employees and their dependents.

D. 'Person' means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts.

E. 'Service contractor' means any person that enters into a contract directly with the city primarily for the furnishing of services or labor to or for the city (as opposed to the purchase of goods, material or other property or the leasing of property), that involves an expenditure in excess of \$25,000 and that is to be performed in the city of Pasadena.

Government entities which enter into a contract directly with the city shall not be considered service contractors for purposes of this chapter."

SECTION 2. Section 4.11.020 is hereby amended to read:

"4.11.020 Payment of minimum compensation to employees.

Wages. Service contractors shall pay their employees a wage of no less than ~~eighty eight~~ **eighty eight** dollars and twenty cents (\$8.20) per hour if health benefits, as defined in this chapter, are paid to the employees, or a wage of no less than nine dollars and sixty-one cents (\$9.61) per hour, if no such health benefits are paid.

The wages in this section shall be adjusted by the Cost of Living Index set forth in Section 4.11.030."

SECTION 3. This ordinance shall take effect upon the date of its publication.

Signed and approved this _____ day of _____ 2003.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting of _____, 2003, by the following vote:

AYES:

NOES:

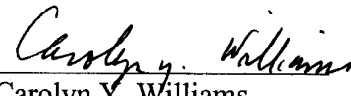
ABSENT:

ABSTAIN:

Published:

Jane Rodriguez
City Clerk

APPROVED AS TO FORM:



Carolyn Y. Williams
Asst. City Attorney