

Ordinance Number

4236

Date Adopted

6/5/2001

Subject

VENTURA COUNTY ORDINANCE AMENDING ORDINANCE NUMBER 4233
REGARDING THE COUNTY OF VENTURA LIVING WAGE ORDINANCE, CHAPTER
9.5 OF DIVISION 4 OF THE COUNTY ORDINANCE CODE

Comments

ORDINANCE NO. 4234

**AN ORDINANCE AMENDING ORDINANCE NO. 4233 REGARDING
THE COUNTY OF VENTURA LIVING WAGE ORDINANCE, CHAPTER 9.5 OF
DIVISION 4 OF THE VENTURA COUNTY ORDINANCE CODE**

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1.

Section 4952 of chapter 9.5 of division 4 of the Ventura County Ordinance Code is amended to read as follows:

Sec. 4952 DEFINITIONS

Whenever they appear in this Chapter, the following terms shall have the meanings provided in this Section, unless it is apparent from the context that a different meaning is intended:

(a) "Awarding authority" means the County department, officer or agency that awards or is otherwise responsible for the administration of a service contract.

(b) "County" means the County of Ventura, any county officer or body, any county department or agency head, and any County employee authorized by the Board of Supervisors to enter into a contract with an employer.

(c) "Contractor" means a person or entity that enters into a "service contract" with the County.

(d) "Employee" means an individual, other than a managerial, supervisory or confidential employee, who is permanently or temporarily employed by a County contractor or subcontractor and who expends at least four (4) hours per week performing services during any applicable pay period on work funded (in whole or in part) pursuant to a service contract as defined under this Chapter. Employee does not include an individual who is (1) under the age of twenty-one and a worker classified as a student trainee or intern (2) nor does it include anyone, regardless of age, who is providing services to earn academic credit or as part of a formal time specific training program. Employee also does not include a person providing volunteer services.

(e) "Subcontractor" means any person or entity, other than an employee, that enters into a contract with a contractor to assist the contractor in the performance of a "service contract." The term "subcontractor" specifically includes personnel leasing agencies, temporary employee agencies, and other persons or entities, other than an employee, who supply personnel to a contractor for the purpose of performing the services covered by a "service contract".

(f) "Service contract" means a contract for "services" entered or to be entered into by the County with another person or entity that: (1) involves an expenditure in excess of twenty-five thousand (\$25,000) dollars, within a twelve month period; and (2) has a term of at least three months. Where the same person or entity has or will have two or more contracts with the County that would qualify as service contracts under this definition except that one or more of the contracts does not involve an expenditure in excess of twenty-five thousand (\$25,000) dollars within a twelve month period, if the contracts taken cumulatively will involve such an expenditure, each such contract shall be deemed a "service contract."

A "service contract" specifically does not include:

- (1) a contract subject to federal or State laws or regulations that would preclude application of the living wage requirement otherwise applicable pursuant to this Chapter;
- (2) a contract between the County and another governmental entity;
- (3) a contract between the County and a financial or banking institution for financial or banking services;
- (4) a contract for professional services requiring specialized skills or licensure, including but not limited to experts, consultants, auditors, engineers, attorneys, and banking representatives;
- (5) a contract with a non-profit corporation qualifying under Internal Revenue Code section 501(c)(3).

(g) "Services" means labor intensive services which, normally depend upon employees with skill levels that are compensated in the market below the level of the living wage set forth in this Chapter. Such services are characterized by, but not limited to, the following service categories.

- (1) automotive repairs and maintenance;
- (2) food services;
- (3) janitorial and custodial services;
- (4) landscaping;
- (5) laundry services;
- (6) office and clerical services, courier services, and mail delivery;
- (7) maintenance of real and personal property owned by the County;
- (8) pest control;
- (9) towing;
- (10) street sweeping; or

- (11) hauling of waste or recyclable materials.
- (12) security
- (13) temporary services

“Services” specifically does not include the provision of goods or products or a lease or concession agreement for property or operations in connection with such a contract, lease or concession agreement.

Section 2.

Section 4954 of chapter 9.5 of division 4 of the Ventura County Ordinance Code is amended to read as follows:

Sec. 4954 LIVING WAGE RATE

(a) Contractors and subcontractors shall pay employees a living wage for services financed by County funds. As used in this section, the “living wage” means no less than eight dollars (\$8.00) per hour with health benefits, otherwise no less than ten dollars (\$10.00) per hour.

(b) The living wage rates set forth in subdivision (a) shall be automatically reviewed for ensuing fiscal years in proportion to the increase in the Consumer Price Index-W (Urban Wage Earners and Clerical Workers not seasonally adjusted for the U.S. city average) for the preceding calendar year or years, utilizing 2001 as the base year. Commencing in January 2002, and annually in January thereafter, the Chief Administrative Office will calculate the percentage increase and give official notice to the Board of the percent increase and the corresponding monetary increase when applied to the lower living wage rate. Whenever the increase (or cumulative yearly increases) in the CPI-W indicates that an adjustment of approximately fifty cents or more, rounding down, is in order, the applicable living wage rates shall be automatically adjusted by fifty cents unless the Chief Administrative Officer reports to the Board of Supervisors that he/she believes such an increase would unduly burden the County budget. Upon such report, any increase will require the review and approval of the Board of Supervisors to take effect. The specified rates shall then apply with respect to new service contracts or service contracts that are renewed on or after the first day of that new fiscal year. Pursuant to the Board’s direction the Chief Administrative Office will notify the public, all awarding authorities and affected contractors of the living wage rates that will be applicable for the ensuing fiscal year. Affected contractors shall provide written notification of the rate adjustments to each of their affected subcontractors and employees, and affected contractors and subcontractors shall make payroll adjustments as necessary to implement the adjusted rates.

(c) Health benefits required by this section shall consist of the payment of at least two dollars (\$2.00) per hour towards the provision of health care benefits for the employee and his/her dependents. The contractor or subcontractor must provide written proof of the

provision of such benefits to the County Purchasing Agent or other awarding authority during the procurement or contracting process.

Section 3.

Section 4956 of chapter 9.5 of division 4 of the Ventura County Ordinance Code is amended to read as follows:

Sec. 4956 EXEMPTIONS

(a) Small Employer Exemption. A contractor or subcontractor shall be deemed exempt from this Chapter if it employs no more than the equivalent of five (5) full time persons for each working day in each of twenty or more calendar days in the current or preceding calendar year.

(b) Government Entities. This Chapter shall not apply to contracts with governmental agencies, including, without limitation, cities, counties and state agencies.

(c) Collective Bargaining. To the extent that any collective bargaining agreement applies to an employee who would otherwise be entitled to be paid a living wage pursuant to this Chapter, this Chapter shall not apply.

(d) In-Home Support Service Workers. This Chapter shall not apply to any employee providing in-home support services pursuant to the Welfare and Institutions Code.

(e) Board and Care Services. This Chapter shall not apply to any employee providing board and care services pursuant to a contract with the County.

(f) Printing/Copying Services. This Chapter shall not apply to any employee providing printing/copying services pursuant to a contract with the County.

Section 4.

Section 4958 of chapter 9.5 of division 4 of the Ventura County Ordinance Code is amended to read as follows:

Sec. 4958 CONTRACTOR CERTIFICATION & ELIGIBILITY

(a) During the term of a service contract, the contractor and any subcontractor shall certify to the County and maintain documentation demonstrating that each employee employed the requisite amount of time under this Ordinance on County financed activities is (1) being compensated at the living wage rate while working in connection with services provided pursuant to the service contract and, (2) for those employees being compensated

at the lower rate with health benefits specified in section 4954, documentation must be maintained demonstrating that each such employee was provided health benefits. Such documentation must be retained for at least two years following completion or termination of the contract. County representatives shall be permitted to review and make copies of such documentation at all reasonable times during performance or following completion or termination of the service contract.

(b) Contractors and any known subcontractors must demonstrate during the procurement or contracting process and for the duration of a service contract the financial ability to pay a living wage.

(c) Contractors shall furnish to County with each invoice for services rendered a certification(s), under penalty of perjury, by contractor that the contractor and any subcontractor are in full compliance with the provision of the County of Ventura "Living Wage Ordinance." The certification shall be in substantially the following language:

"I hereby certify under penalty of perjury, under the laws of the State of California, that the services invoiced have been rendered and that contractor and any subcontractor(s) are in full compliance with the provisions of the County of Ventura 'Living Wage Ordinance.'"

(d) Contractors and subcontractors must provide written notice to each covered employee who is engaged in work pursuant to a service contract. The notice shall specify the living wage rate, minimum health benefit, if applicable, and compensated time off as well as notice that an employee has grievance rights if he/she believes his/her rights under the Living Wage Ordinance are being violated. A copy of the notice must be made available to all covered employees, must be posted prominently in languages spoken by a large percentage of the workforce, and a copy must be submitted to the awarding agency.

Section 5.

This ordinance shall become effective on the 31st day following passage and adoption.

PASSED AND ADOPTED this 5th day of June 2001 by the following vote:

AYES: Supervisors Bennett, Long and Flynn

NOES: Supervisors Mihels and Schillo

ABSENT:

Frank Schillo

CHAIR, BOARD OF SUPERVISORS



ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of California
and ex officio Clerk of the Board of
Supervisors thereof.

By Ardisa Caran
Deputy Clerk

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SUMMARY OF PROPOSED ORDINANCE
AMENDING THE COUNTY OF VENTURA LIVING WAGE ORDINANCE

The following is a summary of a proposed Ordinance amendment to be considered by the Ventura County Board of Supervisors on June 5, 2001, at 9:00 a.m. in the Board Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California. The purpose of the amendments is to make various changes in the Living Wage Ordinance affecting the type of contracts and employees covered by the Ordinance, the manner in which cost-of-living adjustments are made, the manner in which contractors are to report compliance and the exemptions to the Living Wage Ordinance. The amendments are:

Section 1.

Section 4952, DEFINITIONS, is amended to provide that a covered employee is one who spends at least four hours per week on a covered contract whether or not the work is performed on property owned by the County. "Service contract" is amended to not include either a contract between the County and a financial or banking institution for financial or banking services or a contract with a non-profit corporation qualifying under Internal Revenue Code section 501(c)(3). Printing/copying services is deleted from the described covered service categories.

Section 2.

Section 4954, LIVING WAGE RATE, is amended to provide that an automatic cost-of-living increase in the Living Wage will be imposed automatically only when the applicable CPI-W adjustment exceeds fifty cents, rounding down, and when the Chief Administrative Officer has not reported to the Board of Supervisors that he or she believe such an increase would unduly burden the County budget. In all other cases, any increase will require the review and approval of the Board of Supervisors to take effect.

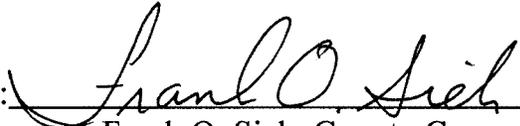
Section 3.

Section 4956, EXEMPTIONS, is amended to provide that employees providing board and care services or printing/copying services pursuant to a contract with the County are not covered by the Living Wage Ordinance.

Section 4.

Section 4958, CONTRACTOR CERTIFICATION & ELIGIBILITY, is amended to delete the requirement that contractors and subcontractors submit certified payrolls on a quarterly basis demonstrating adherence to living wage requirements, but shall instead provide with

any invoice for services rendered a certification, under penalty of perjury, that the contractor and any subcontractor are in full compliance with the Living Wage Ordinance and specifies the appropriate language to be used.

Prepared by: 
Frank O. Sieh, County Counsel

g:\cc\fos\cao\lwoamendproposedsum.otr

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JUNE 5, 2001 AT 9:00 A.M.

ORD. #4236/ORD. #4233/205

**ORDINANCE REGARDING
COUNTY OF VENTURA
LIVING WAGE**

An Ordinance Amending Ordinance No. 4233 regarding the County of Ventura Living Wage Ordinance, Chapter 9.5 of Division 4 of the Ventura County Ordinance Code, is presented to the Board at this time, and upon motion of Supervisor Long, seconded by Supervisor Bennett, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4236.

Board members vote as follows:

Ayes: Supervisors Bennett, Long and Flynn.

Noes: Supervisors Mikels and Schillo.

Absent: None.

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4236.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the VIDA, a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

**Supervisor Bennett
Auditor
HR
ISD
Files (3)
Item 28
6/5/01**

4236

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF VENTURA
CERTIFICATE OF PUBLICATION

TYPE OF NOTICE

Ordinance No. 4236

STATE OF CALIFORNIA
COUNTY OF VENTURA

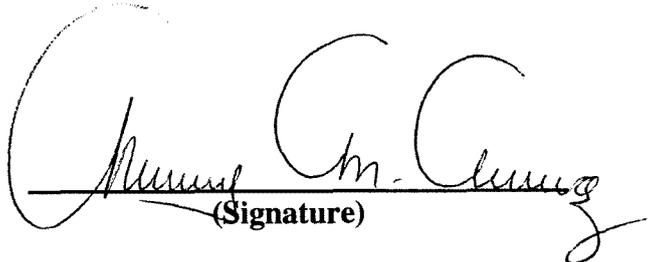
I Manuel M. Muñoz

hereby certify that Ventura County Vida Newspaper, is a newspaper of general circulation within the provision of the Government Code of the State of California, printed and published in the County of Ventura, State of California; that I am the Director of said newspaper; that the annexed clipping is a true printed copy and published in said newspaper on the following dates, to wit.

June 14, 2001

I certify under penalty of perjury that the foregoing is true and correct, at Oxnard, County of Ventura, State of California, on the

14th day of June 2001


(Signature)

**SUMMARY OF
ORDINANCE
NO. 4236
AMENDING
THE COUNTY
OF VENTURA
LIVING WAGE
ORDINANCE**

The following is a summary of an Ordinance amendment adopted by the Ventura County Board of Supervisors on June 5, 2001. The purpose of the amendments is to make various changes in the Living Wage Ordinance affecting the type of contracts and employees covered by the Ordinance, the manner in which cost-of-living adjustments are made, the manner in which contractors are to report compliance and the exemptions to the Living Wage Ordinance. The amendments are:

Section 1.
Section 4952, DEFINITIONS, is amended to provide that a covered employee is one who spends at least four hours per week on a covered contract whether or not the work is performed on property owned by the County. "Service contract" is amended to not include either a contract between the County and a financial or banking institution for financial or banking services or a contract with a non-profit corporation qualifying under Internal Revenue Code section 501(c)(3). Printing/copying services are deleted from the described covered service categories.
Section 2.
Section 4954, LIVING WAGE

RATE, is amended to provide that an automatic cost-of-living increase in the Living Wage will be imposed automatically only when the applicable CPI-W adjustment exceeds fifty cents, rounding down, and when the Chief Administrative Officer has not reported to the Board of Supervisors that he or she believe such an increase would unduly burden the County budget. In all other cases, any increase will require the review and approval of the Board of Supervisors to take effect.

Section 3.
Section 4956, EXEMPTIONS, is amended to provide that employees providing board and care services or printing, copying services pursuant to a contract with the County are not covered by the Living Wage Ordinance.

Section 4.
Section 4958, CONTRACTOR CERTIFICATION & ELIGIBILITY, is amended to delete the requirement that contractors and subcontractors submit certified payrolls on a quarterly basis demonstrating adherence to living wage requirements, but shall instead provide with any invoice for services rendered a certification, under penalty of perjury, that the contractor and any subcontractor are in full compliance with the Living Wage Ordinance and specifies the appropriate language to be used.

The Ordinance was adopted by the following vote:

AYES: Supervisors Bennett, Long, and Flynn.

NOES: Supervisors Mikels and Sabillo.

Attest: _____

Published: VCYN Jun. 14 2001

SI 9045
ph

**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF
CALIFORNIA**

**SUPERVISORS STEVE BENNETT, FRANK SCHILLO,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN**

January 29, 2002 at 8:30 a.m.

205/ORD. #4233/ORD. #4236

COUNTY EXECUTIVE OFFICE - Report Back and Recommendation regarding Proposal to Amend the Living Wage Ordinance to Ameliorate the Economic Impacts to the Ventura County Library and County Service Areas.

- (X) All board members are present.
- (X) The following persons are heard: Starrett Kreissman, Murray Rosenbluth and Das Williams.
- () The following document(s) are submitted to the Board for consideration:
() ___ statement card(s); () _____
- () The Board holds a public hearing.
- (X) Upon motion of Supervisor Mikels, seconded by Supervisor Bennett, and duly carried, the Board hereby initiates no change to amend the living wage ordinance and directs the Living Wage Advisory Committee to study the ordinance; and further directs a study of the impacts on the Ventura County Library budget during budget hearings.
- () Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.
- () Without motion, the Board hereby makes the attached presentation.
- () Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Roberta Rodriguez
Deputy County Clerk

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item 26
1/29/02

January 29, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

SUBJECT: REPORT BACK REGARDING PROPOSAL TO AMEND THE LIVING WAGE ORDINANCE TO AMELIORATE THE ECONOMIC IMPACTS ON LIBRARY AND COUNTY SERVICE AREAS

RECOMMENDATION:

That your Board not initiate any changes to the Living Wage Ordinance (LWO) and Resolution or authorize a General Fund contribution to the Ventura County Library and County Service Areas.

FISCAL/MANDATES IMPACT:

There is no impact associated with this recommendation.

INTRODUCTION:

On January 8, 2002, your Board considered a proposal to amend the LWO. The matter was referred to the County Executive Officer for analysis and to report back on January 29, 2002.

BACKGROUND:

On May 15, 2001, your Board adopted the LWO and a Resolution applying Living Wage standards to County employees. The County Executive Officer was charged with being responsible for the general oversight and implementation of the LWO including development of an administrative manual (rules and regulations).

Section 4953(d) of the LWO specifies that commencing February, 2002, and during each subsequent February, the Purchasing Agent will prepare and submit a report to the County Executive Office (CEO) listing those contracts which require payment of a living wage rate. Further, the report will include information

on the number of contract employees affected, whether affected employees received health benefits and the cost attributable to the required wage increase.

The living wage rate is to be reviewed annually by the CEO in proportion to the increase in the Consumer Price Index. The CEO will combine this information with data submitted from Purchasing. If it appears warranted and if the County budget can support anticipated adjustments, as part of the budget process, in mid to late February a recommendation will be brought to your Board regarding possible increases and/or refinements to the living wage rate.

The Living Wage Ordinance also established an advisory committee to report to your Board on the status of the ordinance. The committee is only to exist during the initial eighteen months following enactment of this ordinance.

DISCUSSION:

On September 13, 2001, the CEO requested agency/department fiscal officers to provide reimbursement information for additional costs associated with implementation of the County's Living Wage Ordinance. Only partial submittals have been received thus far. A General Fund appropriation of \$1,200,000 (Special Accounts and Contributions) had been set-aside in the FY 2001-02 Adopted Budget for this purpose. This appropriation was specifically intended for County General Fund Agency/Departments, not for County Service Areas or Non-General Fund entities.

On November 12, 2001, Cheryl P. Monzon was selected as an Administrative Officer to implement and define problems relating to administrative procedures.

On January 17, 2002, Chief Deputy, CEO, Marty Robinson, forwarded a memorandum to your Board soliciting candidates for the Living Wage Advisory Committee. Our office plans to return to your Board next month with a recommended list of candidates for the Committee.

CEO staff is continuing to review the fiscal impacts of the Living Wage Ordinance and Resolution on all County funds and programs. Amendments are not necessary at this time because there are sufficient funds (revenues) being collected in the Ventura County Library and County Service Areas. Further there are legal questions regarding the disparate treatment of contractors that might result from granting exemption to selected areas.

Initial reports indicate County Service Area #4 (Oak Park) has sufficient funding to offset living wage impact through FY 2002-03. Other County service areas do not appear to be financially impacted at this time. The Ventura County Library

may be impacted by as much as \$120,275 as a result of implementing the living wage resolution, which is applicable to county employees. It is currently projected that these additional costs can be managed within the Library's adjusted budget. Given that the living wage has now been implemented for the Ventura County Library employees, amending the Living Wage Resolution to exempt these employees would require negotiations with the Service Employees International Union, Local 998.

There are other County General Fund Agency/Departments that need to be considered for reimbursement. Attached is a preliminary list of possible areas requesting reimbursement, including the Ventura County Library. The current total is \$901,749. When the list is complete and approved, the CEO will administratively transfer funds and report the results to your Board.

In February 2002, the CEO will provide a status report to your Board as required by the LWO.

County Counsel, General Services Agency, Human Resources and the Auditor-Controller have reviewed this item.

If you have questions, please contact Bert Bigler at 654-2896.



JOHN F. JOHNSTON
County Executive Officer

Attachment

**PRELIMINARY
LIVING WAGE IMPLEMENTATION ADDITIONAL COST SUMMARY**

As of: 01/22/02

FUND	ORG	NAME	1000 OBJECT LEVEL	2000 OBJECT LEVEL	TOTAL	GF REIMBURSEMENT REQUESTED
0001	3010	Elections	11,754.00		11,754.00	11,754.00
0001	4500	Ag Commissioner	1,488.00		1,488.00	0.00
0001	5010	HCA Administration	3,144.00	1,234.00	4,378.00	4,378.00
0001	5550	Senior Nutrition Program	5,000.00		5,000.00	5,000.00
0001	5701	Area Agency on Aging	624.00		624.00	624.00
Subtotal General Fund			22,010.00	1,234.00	23,244.00	21,756.00
1075	5810	Library Services	120,275.00		120,275.00	120,275.00
2650	5210	Ventura County Medical Center	56,659.00	129,984.00	186,643.00	186,643.00
3160	7074	Purchasing Services	61,700.00		61,700.00	61,700.00 *
3160	7080	GSA Special Services	511,375.00		511,375.00	511,375.00 **
Subtotal NonGeneral Fund			760,009.00	129,984.00	879,993.00	879,993.00
TOTAL ALL FUNDS			772,019.00	131,218.00	903,237.00	901,749.00

* Cost of staffing for Living Wage Program and already reimbursed

** Estimate only

**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF
CALIFORNIA**

**SUPERVISORS STEVE BENNETT, FRANK SCHILLO,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN**

January 8, 2002 at 8:30 a.m.

205/ORD. #4236/ORD. #4233

POLICY MATTER - Recommendation of Supervisor Schillo to Authorize County Counsel to Amend the Living Wage Ordinance to Ameliorate the Economic Impacts on Library and County Service Area Districts.

- (X) All board members are present.
- () The following person(s) are heard:
- () The following document(s) are submitted to the Board for consideration:
() ___ statement card(s); () _____
- () The Board holds a public hearing.
- (X) Upon motion of Supervisor Long, seconded by Supervisor Bennett, and duly carried, the Board hereby refers the above stated matter to the Chief Executive Office for an analysis regarding the requests and report back to the Board on January 29, 2002.
- () Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.
- () Without motion, the Board hereby makes the attached presentation.
- () Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Roberta Rodriguez
Deputy County Clerk

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item 40
1/8/02

DISTRIBUTION: Originating Agency (2), Auditor, File, CEO, County Counsel, HR (2)



FRANK SCHILLO
SUPERVISOR, SECOND DISTRICT

January 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

**SUBJECT: AUTHORIZATION FOR COUNTY COUNSEL TO AMEND
THE LIVING WAGE ORDINANCE TO AMELIORATE THE
ECONOMIC IMPACTS ON LIBRARY AND COUNTY SERVICE
AREA DISTRICTS**

RECOMMENDATIONS:

That your Board:

1. Direct County Counsel to draft a resolution authorizing County Service Areas and the County Library District access to the general fund monies that were set aside to relieve County departments economically affected by the Living Wage Ordinance.

OR

2. Direct County Counsel to draft a resolution exempting County Service Areas and the County Library District from the Living Wage Ordinance.

DISCUSSION:

Labor-intensive districts that have little control over income were placed in a precarious financial position with the passage of the Living Wage Ordinance. The Ventura County Library District will see its State revenues reduced this year and will also be impacted by \$180,000 in wage increases if they are required to adhere to the Living Wage Ordinance. This will severely reduce operations at all County libraries.

CIVIC ARTS PLAZA • 2100 E. THOUSAND OAKS BLVD., SUITE C • THOUSAND OAKS, CA 91362
TELEPHONE: (805) 373-2564 • FACSIMILE: (805) 373-8396
Email: Frank.Schillo@mail.co.ventura.ca.us



County Service Areas were established by the Board of Supervisors to perform designated tasks such as street lighting, landscape maintenance and street sweeping that should not be paid from the general fund. Any additional costs imposed on the districts by the Living Wage Ordinance cannot be implemented without a very costly election within the district. Again services will have to be curtailed or eliminated defeating the purpose of the district. A case in point is County Service Area #4 which was empowered by the Board to do landscape maintenance, fund school crossing guards and repair bike paths as well as other designated services. All of the above services are very labor intensive. The Living Wage Ordinance will increase costs for this small district by about \$1,000 a month, which will exceed their budget for these services.

If you have any questions regarding this item please call the undersigned at (805) 373-2564.

A handwritten signature in black ink, appearing to read "Frank Schillo". The signature is written in a cursive, flowing style.

Frank Schillo
Supervisor, Second District

**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF
CALIFORNIA**

**SUPERVISORS STEVE BENNETT, FRANK SCHILLO,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN**

May 22, 2001 at 8:30 a.m.

ORD # 4233/205/ORD # 4236

POLICY MATTER – Recommendation of Supervisor Bennett to Amend Ordinance No. 4233 regarding the County of Ventura Living Wage Ordinance, Chapter 9.5 of Division 4 of the Ventura County Ordinance Code. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO JUNE 5, 2001 AT 9:00 A.M.

- All board members are present.
- All board members are present except Supervisor _____.
- The following person is heard: Marcos Vargas, Ventura County Living Wage Coalition
- The following document(s) are submitted to the Board for consideration:
 _____ statement card(s); _____
- The Board holds a public hearing.
- Upon motion of Supervisor Long, seconded by Supervisor Bennett, and duly carried, the Board hereby reads the ordinance in title only; and continues final adoption to June 5, 2001 at 9:00 a.m. with Supervisor Schillo and Mikels dissenting.
- Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.
- Without motion, the Board hereby makes the attached presentation.
- Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Aracela Garcia
Deputy County Clerk

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item #30
5/22/01

DISTRIBUTION: Supervisor Bennett, Auditor, File, HR, ISD



**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

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May 22, 2001

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

**SUBJECT: AMENDMENT TO ORDINANCE NO. 4233 REGARDING THE
COUNTY OF VENTURA LIVING WAGE ORDINANCE, CHAPTER
9.5 OF DIVISION 4 OF THE VENTURA COUNTY ORDINANCE
CODE**

Recommendations:

It is recommended that our Board:

- 1) Introduce and read in title only an amendment to Ordinance No. 4233 revising the County Living Wage Ordinance.
- 2) Set June 5, 2001 as the second hearing date for consideration and adoption of the amendment to Ordinance No. 4233, with a final implementation date of July 6, 2001.

Fiscal Mandates Impact:

Mandatory:	No(X)	Yes()
Source of Funding:	County General Fund	
Funding Match Required:	N/A	
Impact on Other Departments:	Total cost increase to all affected departments of approximately \$50,000/yr.	

Discussion:

On May 15, 2001, following a second reading, our Board adopted the County of Ventura Living Wage Ordinance (Ordinance No. 4233). At that hearing, I introduced proposed revisions of that ordinance to expand the application of that

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Ordinance to include contracts for services that are provided at locations other than County facilities, and other related amendments. Our Board directed that these proposed amendments be returned on this date as an amendment to Ordinance No. 4233. Attached for your reference as Attachment "1" is the previously adopted Living Wage Ordinance with the proposed amendments shown in legislative format, which I introduced to our Board on May 15th. Recommended for adoption is a new ordinance implementing these amendments, and attached as Attachment "2".

As discussed at our hearing of May 15th, the recommended Ordinance amendment accomplishes the following:

- 1) Deletes the provisions restricting Ordinance coverage to work performed only at county facilities.
- 2) Limits coverage to employees who work at least four hours per week on county service contracts.
- 3) Exempts from the Ordinance contracts for financial or banking services.
- 4) Exempts from the Ordinance 501(c)(3) organizations.
- 5) Continues exemption of Board and Care facilities.
- 6) Exempts Printing/Copying Services.
- 7) Better defines the method for determining the automatic cost of living adjustment (COLA) and enables the Chief Executive Officer to determine if a COLA would unduly burden the County budget. Requires Board approval of COLA's in such cases.
- 8) Forgoes the requirement of contractors to submit certified payrolls, and instead allows contractors to certify that they have complied with the Ordinance.

I believe these amendments will create a Living Wage Ordinance that provides greater equity among county contractors, as on- and off-site contractors will be treated equally, as well as extending the benefits of the Ordinance to additional employees performing services for County government. I encourage our Board's adoption of the amendment to the Living Wage Ordinance.

Cordially,



Steve Bennett
Supervisor, First District

Attachments (2)