

ORDINANCE NO. ____

**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
TO AMEND MARIN COUNTY CODE SECTION 2.50.050 AND SECTION 2.50.200
OF THE MARIN COUNTY LIVING WAGE ORDINANCE
TO ADJUST THE LIVING WAGE RATE EFFECTIVE JANUARY 1, 2007;
AND TO ADD CLARIFYING LANGUAGE TO THE ORDINANCE**

WHEREAS, Chapter 2.50 of the Marin County Code was established in 2002 in recognition that employers' failure to pay a living wage to their employees may cause individuals to use County services for relief, since the County of Marin is the principal provider of social and health services within the County, thereby placing a burden on the County's limited resources; and

WHEREAS, the Marin County Board of Supervisors therefore implemented the Living Wage Ordinance, effective July 1, 2002, to alleviate strain on County services and to help promote within the region an acceptable living standard for working residents; and

WHEREAS, the County of Marin implemented in 2006 a cost of living adjustment (COLA) component to the ordinance to automatically adjust the living wage rate annually based upon the change to the Consumer Price Index for all urban consumers in the San Francisco-Oakland-San Jose area (the "Bay Area CPI"), as published in October of each year by the U.S. Department of Labor, Bureau of Labor Statistics, beginning January 1, 2007, rounded to the nearest five cent increment; and

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics released the percentage change to the Bay Area CPI for the period October 2005 to October 2006, an increase in the amount of 2.48%; and

WHEREAS, the County Administrator now therefore recommends that the living wage rate be increased by 2.48%, rounded to the nearest five cent increment, effective January 1, 2007, by adoption of this ordinance; and

WHEREAS, further, the County Administrator recommends that clarifying language be added to the ordinance such that future changes to the Bay Area CPI are automatically implemented effective January 1st, and posted by the County Administrator, so that these changes will no longer require annual adoption of an ordinance to implement the new living wage rate; and

WHEREAS, the County Administrator also recommends that language be added to the ordinance to clarify that, because In Home Supportive Services (IHSS) provider health benefits are governed by agreement between the In Home Supportive Services Public Authority of Marin and Service Employees International Union United Health Care Workers'-West, in consultation with the County of Marin, which certifies available funds, and because IHSS providers are eligible for health benefits as part of their wages in this agreement, the health benefits allowance afforded by Section 2.50.050(b) of the ordinance is not applicable to IHSS providers; and

WHEREAS, by adoption of this Ordinance, the Board of Supervisors of the County Marin hereby:

1. amends Section 2.50.050 to increase the living wage rate by 2.48%, the percentage change to the Bay Area CPI from October 2005 to October 2006, rounded to the nearest five cent increment;
2. incorporates clarifying language such that future adjustments to the living wage rate, as a result of change to the Bay Area CPI, no longer require adoption of an ordinance to implement the new rate, as the new rates will be posted by the County Administrator for County departments, contractors and subcontractors;
3. incorporates clarifying language relating to In-Home Supportive Services (IHSS) Providers regarding the health benefits allowance required by the ordinance; and
4. amends Section 2.50.200 to require that these changes be effective January 1, 2007

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS:

Chapter 2.50.050 of the Marin County Municipal Code is hereby amended to read as follows:

“Section 2.50.050 Living Wage Rate.

(a) The County of Marin, contractors and subcontractors shall pay employees a living wage for services financed by County funds for the time those employees are engaged in providing services to the County. As used in this section, the “living wage” means, for the period January 1, 2007 through December 31, 2007, no less than nine dollars and seventy-five cents (\$9.75) per hour with health benefits, otherwise no less than eleven dollars and twenty-five cents (\$11.25) per hour, if the contractor or subcontractor does not provide health benefits. The living wage shall adjust annually after December 31, 2007 in accord with subsection (c) of this Section.

- (1) In Home Supportive Services Providers (IHSSP) shall be paid a living wage no less than nine dollars and twenty cents (\$9.20) per hour with health benefits eligibility, for the period January 1, 2007 through December 31, 2007.

(b) Health benefits required by this section shall consist of the payment of at least one dollar and fifty cents (\$1.50) 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.

- (1) Health benefits and wages for IHSSP are governed by agreement between the In Home Supportive Services Public Authority of Marin and Service Employees International Union United Health Care Workers'-West, in consultation with the County of Marin, which certifies available funds.

(c) The wage rates required in Section 2.50.050 (a) and (a)(1) shall be adjusted annually, effective January 1, to reflect the increase during the preceding year in the Consumer Price Index for all urban consumers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, as published in October of each year by the U.S. Department of Labor, Bureau of Labor Statistics. The adjustment shall be rounded to the nearest 5 cent increment; shall become effective every January 1 without need for the Board of Supervisors to annually adopt an ordinance; and shall be posted by the County Administrator on its website for the notice of all County departments, contractors and subcontractors.”

and, Chapter 2.50.200 of the Marin County Municipal Code is also hereby amended to read as follows:

“Section 2.50.200 Effective Date.

This Chapter shall apply only to new contracts or contract extensions or renewals made after the effective date of this Chapter that are for a term or extended term beginning on or after January 1, 2007.

SECTION II. Severance Provision. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or any amendments thereto. The Board of Supervisors hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clauses phrases or portions be declared invalid or unconstitutional.

SECTION III. Effective Date. This ordinance shall be and is hereby declared to be in full force and effect as of January 1, 2007 and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same in the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation published in the County of Marin.”

THE FOREGOING ORDINANCE was first read at a regular meeting of the Marin County Board of Supervisors on the _____, and was passed and adopted at a regular meeting of the Marin County Board of Supervisors on the _____ by the following vote:

AYES: SUPERVISORS

NOES: NONE

ABSENT: NONE

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK