

ORDINANCE NO. 3137-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND SECTION 3.80.040 OF CHAPTER 3.80 (MINIMUM WAGE) OF TITLE 3 (REVENUE AND FINANCE) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO MINIMUM WAGE CONSUMER PRICE INDEX INCREASES

WHEREAS, on October 28, 2014, the City Council adopted Sunnyvale Municipal Code Chapter 3.80 to implement a local minimum wage for the benefit of workers within the City of Sunnyvale; and

WHEREAS, the City’s minimum wage increased to fifteen dollars (\$15.00) per hour on January 1, 2018, with the next increase scheduled for January 1, 2019, based on the Consumer Price Index (Urban Wage Earners and Clerical Workers, San Francisco-Oakland-San Jose, CA for All Items); and

WHEREAS, the Santa Clara County Cities Association made regional minimum wage a priority and many cities adopted a minimum wage that capped the Consumer Price Index (“CPI”) increases at a maximum of five percent annually; and

WHEREAS, the Bureau of Labor Statistics modified the name of the Bay Area CPI Index to replace San Jose with Hayward and is now referred to as “San Francisco-Oakland-Hayward”; and

WHEREAS, this ordinance is intended to align the City’s local minimum wage rates with other cities within Santa Clara County by imposing a five percent maximum cap for the annual CPI increase as well as update the Bay Area CPI index name.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.80.040 AMENDED. Section 3.80.040 of Chapter 3.80 (Minimum Wage Ordinance) of Title 3 (Revenue and Finance) of the Sunnyvale Municipal Code is hereby amended as follows:

3.80.040. Minimum wage.

(a) [Text unchanged]

(b) Effective January 1, 2015, the Minimum Wage shall be an hourly rate of ten dollars and thirty cents (\$10.30). On July 1, 2016, the minimum wage shall be an hourly rate of eleven dollars (\$11.00). On January 1, 2017, the minimum wage shall be an hourly rate of thirteen dollars (\$13.00). On January 1, 2018, the minimum wage shall be an hourly rate of fifteen dollars (\$15.00). To prevent inflation from eroding its value, beginning on January 1, 2019, and each

January 1st thereafter, the Minimum Wage shall increase by an amount corresponding to the prior year's increase, if any, in the cost of living up to a maximum of five (5) percent annually. The prior year's increase in the cost of living shall be measured by the percentage increase, if any, as of August of the immediately preceding year of the Bay Area Consumer Price Index (Urban Wage Earners and Clerical Workers, San Francisco-Oakland-Hayward, CA for All Items) or its successor index as published by the U.S. Department of Labor or its successor agency, with the amount of the Minimum Wage increase rounded to the nearest multiple of five (5) cents. The adjusted Minimum Wage shall be announced by November 1st of each year, or as soon as practicable thereafter if the Consumer Price Index for August has not yet been published, and shall become effective as the new Minimum Wage on January 1st of the following year. If there is no increase in the Bay Area Consumer Price Index, the minimum wage shall remain unchanged for that year.

(c) – (e) [Text unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on October 16, 2018, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney