



CITY CLERK DEPARTMENT
Long Beach, California

R-18

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City Clerk Bureau Manager

LEGISLATIVE BUREAU
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May 22, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION

Recommendation to request City Council to receive and file the certification of the petition regarding the "Initiative Ordinance to Establish Minimum Wages and Minimum Sick Leave Payable to Hotel Workers"; and approve one of the following three alternative actions, as required by the California Elections Code and the Long Beach City Charter, to either:

- 1) Adopt the Initiative Ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
- 2) Submit the Initiative Ordinance, without alteration, to the voters pursuant to City Charter Section 2000; or
- 3) Order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented; and when the report is presented to the legislative body, the legislative body shall either adopt the Initiative Ordinance within 10 days or order an election pursuant to City Charter Section 2000.

DISCUSSION

On May 4, 2012, proponents of the "Initiative Ordinance to Establish Minimum Wages and Minimum Sick Leave Payable to Hotel Workers" submitted petitions to the City Clerk Department for signature verification in order to determine whether the initiative would qualify for placement upon the November 6, 2012, Statewide Ballot.

Upon a prima facie review, the City Clerk Department determined that the petitions contained 31,546 signatures from which a random sample verification of 946 signatures would be conducted pursuant to Elections Code Section 9115.

For the petition to be deemed sufficient pursuant to Elections Code Section 9115, the random sample needed to yield, on a projected basis, 24,036 valid signatures of Long Beach registered voters.

Based on the Section 9115 authorized random sample, the City Clerk Department determined that the petition contains a projected 27,410 valid signatures; and is therefore certified, as authorized by Elections Code Section 9115 (f).

With certification of petition by the City Clerk Department, Elections Code Section 9215 and Charter Section 2000, provides that Council shall to one of the following:

Alternative 1 - Adopt the Initiative Ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;

Alternative 2 - Submit the Initiative Ordinance, without alteration, to the voters pursuant to City Charter Section 2000 to be held on November 6, 2012; or

Alternative 3 - Order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the Initiative Ordinance within 10 days or order an election pursuant to City Charter Section 2000.

TIMING CONSIDERATIONS

Elections Code Section 9215 requires that the City Council shall execute Alternative 1, Alternative 2, or Alternative 3 on May 22, 2012.

If Alternative 1 is adopted, a first reading of the ordinance is effective on the same date. Subsequent to first reading, a second reading would take place on June 12, 2012.

Approval of Alternative 2 means that the Initiative Ordinance will appear on the ballot for the Statewide General Election to be held on November 6, 2012. With approval of Alternative 2, staff would prepare the necessary election consolidation resolutions and date milestones for the appointment of argument writers and argument submission deadlines. Resolutions calling upon the County Registrar-Recorder/County Clerk to consolidate our election as a part of the Statewide General Election must be adopted by the City Council no later than August 7, 2012.

Approval of Alternative 3, invokes the provisions of Elections Code Section 9212, which provides that the City Council may refer the proposed initiative measure to any City agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning,

and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the legislative body requests to be in the report.

Under Alternative 3, the requested report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than June 19, 2012.

FISCAL IMPACT

Placement of the Initiative Ordinance on the November 6, 2012 State General Election is estimated at \$432,000.

The cost of a study pursuant to Elections Code Section 9212 cannot be determined at this time.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted


LARRY HERRERA
CITY CLERK

Attachment



May 22, 2012

TO: Honorable Mayor and City Council

Pursuant to Section 9115(f) of the Elections Code, I hereby certify that on May 22, 2012 the certificates received from the proponents of the proposed initiative by the City of Long Beach that the INITIATIVE ORDINANCE AMENDING THE LONG BEACH MUNICIPAL CODE TO ESTABLISH MINIMUM WAGES AND MINIMUM SICK LEAVE PAYABLE TO HOTEL WORKERS. (Petition #11591) has been signed by the requisite number of qualified electors needed to declare the petition sufficient. INITIATIVE ORDINANCE AMENDING THE LONG BEACH MUNICIPAL CODE TO ESTABLISH MINIMUM WAGES AND MINIMUM SICK LEAVE PAYABLE TO HOTEL WORKERS. (Petition #11591) is, therefore, qualified.

INITIATIVE ORDINANCE AMENDING THE LONG BEACH MUNICIPAL CODE TO ESTABLISH MINIMUM WAGES AND MINIMUM SICK LEAVE PAYABLE TO HOTEL WORKERS. The state minimum wage is not indexed to inflation. It is not currently sufficient to support a family in Long Beach. The hotels in this area are doing well and these jobs cannot be exported. Cities are allowed to adopt local minimum wage requirements that are above the state minimum. We propose a living wage requirement for the Long Beach hotel industry, similar to what Los Angeles has enacted for LAX-area hotels.

PETITION REC'D	RAW COUNT	RANDOM SAMPLE	VALID SIGS.	INVALID	DUP.	VALIDITY RATE	%
5/5/2012	31,546	946	822	124	0	27,410	86.89%

IN WITNESS WHEREOF, I hereunto set my hand and affix the Seal of the City of Long Beach this 14th day of May, 2012.

Larry Herrera
City Clerk