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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-103

INTRODUCED BY:

Councilor Joseph M. Maestas

A RESOLUTION

RELATING TO THE LIVING WAGE ORDINANCE, §28-1 SFCC 1987; DIRECTING STAFF TO EXPLORE AND RECOMMEND TO THE GOVERNING BODY A LIVING WAGE PROGRAM THAT WILL EDUCATE AND ASSIST SANTA FE BUSINESSES IN COMPLYING WITH THE LIVING WAGE REQUIREMENTS AND A MECHANISM FOR CITY STAFF TO PERFORM FIELD COMPLIANCE REVIEWS OF BUSINESSES TO ENSURE COMPLIANCE WITH THE LIVING WAGE ORDINANCE.

WHEREAS, through the adoption of Ord. #2003-2, the Governing Body of the City of Santa Fe enacted the Living Wage Ordinance; and

WHEREAS, at that time, the Governing Body determined that the public welfare, health, safety and prosperity of Santa Fe requires wages and benefits sufficient to ensure a decent and healthy life for workers and their families; and

WHEREAS, pursuant to the purposes stated in the Living Wage Ordinance, the city of Santa Fe shall set an example for the public and private sectors by paying its employees a minimum wage adequate to meet the basic needs of living in Santa Fe; and

1 **WHEREAS**, in addition, the Living Wage Ordinance mandates City contractors and other
2 entities who receive grants, subsidies or other benefits from the city or benefit from the opportunity to
3 do business in Santa Fe to raise the income of employees and pay the living wage; and

4 **WHEREAS**, for the current year, there are 5,466 standard businesses, including food and
5 construction, that are registered with the City to do business in Santa Fe; and

6 **WHEREAS**, pursuant to Subsection 28-1.5 of the Living Wage Ordinance, the City of Santa
7 Fe, contractors of the City of Santa Fe, businesses receiving assistance relating to economic
8 development, businesses required to have a business license or business registration from the city of
9 Santa Fe and nonprofit organizations are required to pay the living wage; and

10 **WHEREAS**, the city manager is authorized, as appropriate and as resources permit, to
11 enforce the provisions of the Living Wage Ordinance; and

12 **WHEREAS**, currently, violations of the Living Wage Ordinance are brought to the
13 attention of the City through complaints of workers who believe they are not being paid the
14 Living Wage; and

15 **WHEREAS**, the Living Wage Ordinance authorizes the city manager to investigate
16 possible violations of the Living Wage Ordinance; and

17 **WHEREAS**, the city manager, after a proceeding that affords a suspected violator
18 due process, concludes that a violation has occurred, the city manager may issue orders to the
19 employer appropriate to effectuate the complaining person's rights, including but not limited
20 to back pay and reinstatement; and

21 **WHEREAS**, the city manager also has the power to order termination of any and all
22 economic benefit derived by any offending party from the City and has the power to revoke
23 the employer's business license or registration; and

24 **WHEREAS**, in an effort to take a proactive approach and assist businesses in

1 understanding the mandate of the Living Wage Ordinance, on December 12, 2014, the
2 Governing Body adopted Ord. #2014-___ to require businesses that apply for a business
3 license or registration or renew a business license or registration to affirm that such
4 businesses are in compliance with the living wage ordinance; and

5 **WHEREAS**, to further the effort to ensure compliance with the Ordinance, the
6 Governing Body desires that staff explore and recommend to the Governing Body Living Wage
7 compliance processes to assist Santa Fe businesses in complying with the living wage requirements.

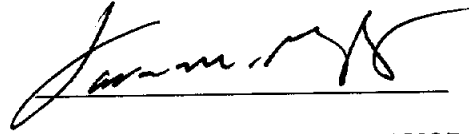
8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE** that the Governing Body directs staff to:

- 10 (1) Explore and recommend to the Governing Body a Living Wage program that will
11 educate and assist Santa Fe businesses in complying with the living wage
12 requirements when such businesses apply for or seek to renew a business license or
13 registration; and
- 14 (2) Recommend a proactive mechanism for City staff to perform field compliance
15 reviews of businesses to ensure that such businesses are complying with the Living
16 Wage Ordinance, including the creation of a comprehensive progressive penalty
17 compliance program; and
- 18 (3) Recommend a process to ensure that City contractors and other entities who receive
19 grants, subsidies or other benefits from the city are complying with the Living Wage
20 Ordinance; and
- 21 (4) Recommend administrative procedures for staff to use when performing field
22 compliance reviews and due process through a progressive penalty compliance
23 program; and
- 24 (5) Present their findings and recommendations related to this resolution within 90 days

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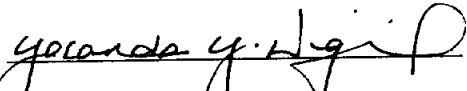
of adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 10th day of December, 2014.



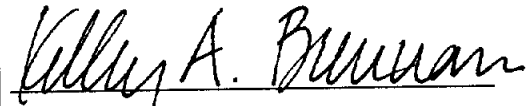
JAVIER M. GONZALES, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY