

ORDINANCE NO. 19 - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE REPEALING ORDINANCE NO. 19-007 REGARDING AMENDMENTS TO CHAPTER 37 OF TITLE 5 OF THE CITY OF EMERYVILLE MUNICIPAL CODE, "MINIMUM WAGE, PAID SICK LEAVE, AND OTHER EMPLOYMENT STANDARDS"; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15324 AND 15061(b)(3)

WHEREAS, on June 2, 2015, the Emeryville City Council adopted Ordinance No. 15-004, the Minimum Wage, Paid Sick Leave, And Other Employment Standards Ordinance, codified at Chapter 37 of Title 5 of the Emeryville Municipal Code (the "Minimum Wage Ordinance"); and

WHEREAS, on May 7, 2019 the City Council received a report on business conditions related to implementation of the City's labor standards ordinances, including the Minimum Wage Ordinance ("Report"); and

WHEREAS, on May 21, 2019, the City Council approved the first reading and introduction of Ordinance No. 19-007 (the "Ordinance") to amend Chapter 37 of Title 5 of the Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, and Other Employment Standards"; and

WHEREAS, the Ordinance was subsequently adopted by the City Council after its second reading on May 29, 2019 and attested by the City Clerk on May 30, 2019; and

WHEREAS, following adoption of the Ordinance, a referendum petition against the ordinance was circulated and timely submitted to the City Clerk on June 25, 2019; and

WHEREAS, following a prima facie review of the signatures by the City Clerk and a full check of the signatures as compared to the official records of voter registration performed by the Alameda County Registrar of Voters, the City Clerk as the City's Elections Official, certified the referendum petition as sufficient at a regular meeting of the City Council on July 9, 2019; and

WHEREAS, pursuant to Elections Code §9237, following certification of the petition by the Elections Official, the effective date of the Ordinance is suspended, and the City Council must reconsider the Ordinance; and

WHEREAS, as provided for in Elections Code §§ 9237 and 9241, once an ordinance is the subject of a certified referendum, the City Council shall reconsider the ordinance in question, and thereafter either:

1. Entirely repeal the ordinance; or
2. Place the referendum on the ballot at the next regular municipal election to be held on November 3, 2020; or
3. Place the referendum on the ballot at a Special Election called for the purpose;

and

WHEREAS, if the City Council decides to repeal Ordinance No. 19-007, sections 5-37.01 “Definitions” and 5-37.02 “Minimum Wage” of Chapter 37 of Title 5 of the Emeryville Municipal Code would revert to the original language of Ordinance 15-004; and

WHEREAS, the City Council reconsidered the Ordinance at its regular meeting on July 9, 2019; and

WHEREAS, following reconsideration of the Ordinance, the City Council wishes to repeal said Ordinance in its entirety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. RECITALS AND FINDINGS

The above recitals and findings are true and correct, are material to the adoption of this Ordinance, and are incorporated herein by reference.

SECTION TWO. REPEALING ORDINANCE NO. 19-007 REGARDING AMENDMENTS TO SECTIONS 5-37.01 AND 5-37.02 OF CHAPTER 37 OF TITLE 5 OF THE CITY OF EMERYVILLE MUNICIPAL CODE

The City Council hereby repeals Ordinance No. 19-007, regarding amendments to Sections 5-37.01 and 5-37.02 of Chapter 37 of Title 5 of the City of Emeryville Municipal Code, in its entirety.

SECTION THREE. CEQA DETERMINATION

The City Council finds and determines that this Ordinance is exempt from environmental review under State CEQA Guidelines Section 15324, which applies to regulations of working conditions including employee wages; and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

SECTION FOUR. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses, or phrases.

SECTION FIVE. CODIFICATION

Section Two of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Three, Four, Five, and Six shall not be codified.

SECTION SIX. EFFECTIVE DATE AND POSTING

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 33693.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 9, 2019, and **PASSED AND ADOPTED** by the City Council at a regular meeting held Tuesday, _____ 2019 by the following votes:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

CITY CLERK

MAYOR



CITY ATTORNEY