



COUNCIL REPORT

DATE: September 13, 2022

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Adopt Ordinances to Add Article III, Responsible Construction, and Article IV, Wage Theft, to Chapter 42 of the Mountain View City Code (Second Reading)**

RECOMMENDATION

1. Adopt an Ordinance of the City of Mountain View Adding Article III, Responsible Construction, to Chapter 42 of the Mountain View City Code, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 7-0)
2. Adopt an Ordinance of the City of Mountain View Adding Article IV, Wage Theft, to Chapter 42 of the Mountain View City Code, to be read in title only, further reading waived (Attachment 2 to the Council report). (First reading: 7-0)

SUMMARY

On August 30, 2022, the City Council introduced the Responsible Construction Ordinance and Wage Theft Ordinance to help ensure accountability and compliance with existing State wage and hour laws, enhance the protection of workers' rights, and support the City's existing Minimum Wage Ordinance.

The Responsible Construction Ordinance would be effective January 1, 2023 and would apply to commercial and residential construction projects of 15,000 square feet and above, including new construction and significant additions or modifications. The Ordinance exempts projects already covered by prevailing wage requirements; will be administered through the building permit process; and requires submittal of a Pay Acknowledgment, submitted prior to issuance of a building permit, and a Pay Transparency Certification, submitted prior to issuance of a Certificate of Occupancy.

The Pay Acknowledgement acknowledges the responsibility to comply with State wage and hour laws, including payment of any wage theft judgments. The Pay Transparency Certification certifies that employees received required written wage statements and notice of the employer's pay practices (or that the employees are covered by a valid collective bargaining agreement), and that project owners, contractors, and specified subcontractors do not have any unpaid wage theft judgments. A complaint and appeals process allows employees awarded unpaid wage theft

judgments to submit a complaint to the City and for aggrieved owners, contractors, or subcontractors to appeal the City's decision on a complaint.

The Wage Theft Ordinance would be effective January 1, 2023 and would require all businesses operating in Mountain View that are required to have a business license to submit an affidavit attesting that the business has either not been found in violation of wage and hour laws or has complied with any wage theft judgments. Business operators without employees are exempt from completing an affidavit. The Ordinance will be administered in conjunction with the business license application and renewal process.

FISCAL IMPACT

Staff time associated with incorporating the requirements into the business license and building permit processes as well as time and materials associated with outreach can be absorbed within existing staff capacity and budgeted resources. Staff will assess the staffing and contracting needs to administer the ordinances and the appeal process and return to Council with a budget proposal, if necessary.

ALTERNATIVES

1. Do not adopt the Responsible Construction Ordinance or the Wage Theft Ordinance.

PUBLIC NOTICING

Agenda posting. The ordinances were published at least two days prior to adoption in accordance with City Charter Section 522.

Prepared by:

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Approved by:

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CG-NCW/6/CAM
608-09-13-22CR
202158

- Attachments:
1. Responsible Construction Ordinance
 2. Wage Theft Ordinance