



**City of Santa Barbara**  
**LIVING WAGE ADVISORY COMMITTEE**

**Minutes**

**for**

Wednesday, February 17, 2016

3:00PM

City Hall, Room 15

735 Anacapa Street, Santa Barbara, California

[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

I. Call to order: **3:05 p.m.**

II. Roll Call:  Richard Flacks       Anna Kokotovic, Chair       Gabe Dominocielo, Vice Chair  
 Ken Oplinger       Mario Quezada       Gregory Freeland  
Council Liaison:  Cathy Murillo  
Staff:       Greg Corral       Bill Hornung       Tava Ostrenger

III. Public comment: **None**

IV. Review and approve the November 18, 2015 meeting minutes: **Approved with corrections.**

V. Old Business

a. Wage Tiers

i. Discuss the wage rate for the single tier.

**Bill said that he has not finalized the draft ordinance changes but would try to get the process started prior to the next meeting and keep the committee informed.**

b. Dollar threshold for triggering Living Wage requirements

i. Review and discuss a report of vendors that would be subject to the Living Wage requirements if the annual threshold was eliminated.

ii. Discuss whether or not to change or eliminate the threshold to trigger Living Wage.  
**Richard moved and Gabe seconded a motion to table this discussion because of ballot measures to increase the minimum wage to \$15 per hour.**

c. Hear and discuss a report from SEIU on the minimum wage ballot and efforts.

**The local effort has been dropped. There are two competing ballot measures. One of which already has the minimum number of required signatures.**

d. Fines and hearings

i. The City Attorney's Office will be present to answer questions from the committee regarding their role and responsibilities as a hearing body for alleged violations.  
**Discussion under New Business, Item 2 – Discuss AB 970.**

## VI. New Business

- 1) Hear and discuss audit results and future audits: **One firm was audited, Enviroscaping. There was a discrepancy between the hours reported as worked under the contract and the number of hours paid at the living wage. They paid the Living Wage rate for more hours than reported as hours worked under the contract.**
- 2) Discuss AB 970 – Labor Commission: Enforcement of Employee Claims. This bill authorizes the state Labor Commissioner to investigate and, upon a request from a local agency, enforce local laws relating to overtime hours or minimum wage provisions.  
**Tava: there was a new bill adopted, AB 970, January 1, that amends the labor code. It gives the Labor Commission the authority to hear violations of State and local minimum wage laws, and to issue citations on the behalf of local agencies. There is some ambiguity on whether or not the City would need its own citation program because the Labor Commission can issue citations on behalf of local agencies. The Labor Commission citation is very comprehensive and includes due process clauses. The League of Cities supported AB 970.**

**Richard: My gut feeling is that using the Labor Commission may be a long, bureaucratic process.**

**Ken: We are talking about a very finite group; just people doing business with the City. It seems this is something that should be retained in-house.**

**Gabe: Could Council overrule the hearing body?**

**Tava: Only if Council was identified to hear appeals. A lot of our administrative hearings are only heard by a hearing body. If someone wishes to appeal, they must go to court. We would need to develop an ordinance to establish the process. Tava will provide copies of the labor code and hearing process for building code violations, which can be examples for developing the ordinance.**

**Richard: It would not be that difficult to write an ordinance. Tava will provide copies of the labor code and hearing process for building code violations.**

**Gabe: This is sounding cumbersome.**

**Gregory: I thought we were going to vote on whether or not to hold hearings in-house.**

**Richard: It should not be cumbersome because there should not be very many cases.**

**Ken: One reason to do this in-house is a fairness issue.**

**Gregory: The fine should be a deterrent.**

**Gabe: He requested assurance the City would defend the hearing body because the Civil Commission was sued over a decision.**

**Action: A subcommittee of Ken and Greg was formed to explore the pros and cons of each option.**

- 3) Future agenda items
  - a. **Hear and discuss a report on the status of Single Tier**
  - b. **Hear and discuss a report from the subcommittee on whether or not to hold our own hearing or use the Labor Commission (AB 970)**
  - c. **Hear and discuss a report on audits**
  - d. **Hear and discuss a report from SEIU on the raise the minimum wage ballot efforts**
  - e. **Wage forum was suggested by Cathy.**

VII. Adjournment: **4:15 p.m.**

VIII Next Meeting: **May 18**