

ORDINANCE NO. ORD-23-0048

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH REPEALING ORD 22-0022, ALSO  
KNOWN AS, CHAPTER 5.96 (“HEALTHCARE MINIMUM  
WAGE”) OF THE LONG BEACH MUNICIPAL CODE

WHEREAS, pursuant to authority provided by the California Elections Code sections 9200 et. seq., on June 6, 2022 a group of Long Beach residents filed with the City of Long Beach, a signed petition seeking to enact an initiative ordinance which would add Chapter 5.96 to Title 5 (Regulation of Businesses, Trades and Professions) of the Long Beach Municipal Code to establish a minimum wage of \$25.00 per hour for qualifying healthcare workers working in the City of Long Beach (the “Ordinance”); and

WHEREAS, at a regular meeting of the City Council on July 19, 2022, the City Clerk, through the Los Angeles County Registrar of Voters, certified that the form of the initiative petition complied with California Elections Code and, based upon an examination of voter registration records, was signed by the requisite number of Long Beach registered voters (10%) to qualify the Ordinance for the ballot under the Elections Code; and

WHEREAS, on August 16, 2022, in lieu of placing the Ordinance on the ballot, the City Council voted in favor of its adoption without alteration, as authorized by Elections Code section 9215(a). The Ordinance was adopted as ORD 22-0022; and

WHEREAS, pursuant to Long Beach City Charter Section 213, the Ordinance was duly signed by the Mayor and certified by the City Clerk on August 26, 2022 and was scheduled to become effective 31 days after Council adoption, on September 26, 2022, unless it was challenged by referendum petition; and

WHEREAS, pursuant to authority provided by California Elections Code sections 9235 et. seq., on September 21, 2022 another group of Long Beach residents

1 timely filed with the City of Long Beach, a signed petition protesting the Ordinance by  
2 referendum which, if the referendum qualifies, would suspend the effective date of the  
3 Ordinance, require that the City Council reconsider the Ordinance and either repeal it in its  
4 entirety or submit it to a vote of Long Beach voters; and

5 WHEREAS, on November 15, 2022, the City Clerk, through the Los Angeles  
6 County Registrar of Voters, certified that the form of the referendum petition complies with  
7 California law and, based upon an examination of voter registration records, ascertained  
8 that the petition is signed by the requisite number of voters to qualify the Ordinance for the  
9 ballot under the Elections Code, unless it is repealed by the City Council; and

10 WHEREAS, additionally on November 15, 2022, the City Council opted to  
11 submit the Healthcare Minimum Wage to a vote of Long Beach voters; and

12 WHEREAS, pursuant to California Elections Code section 9237 and as of  
13 September 21, 2022, Healthcare Minimum Wage is suspended pending submission to the  
14 Long Beach voters for consideration; and

15 WHEREAS, on October 13, 2023, the Governor approved Senate Bill 525  
16 (SB 525), a minimum wage for statewide healthcare workers; and

17 WHEREAS, SB 525 occupies the whole field of wages, salary, or  
18 compensation for covered health care facility employees, and applies to all cities and  
19 counties, including charter cities and counties, during the stabilization period provided by  
20 the bill; and

21 WHEREAS, pursuant to the provisions of SB 525, any ordinance, regulation,  
22 or administrative action by a local government, including charter cities, applicable to  
23 healthcare facilities identified in SB 525 is void if it was enacted or took effect after  
24 September 6, 2023; and

25 WHEREAS, pursuant to California Elections Code sections 9237.2 and  
26 9215.5, proponents of an initiative and a referendum may withdraw any time before the  
27 88<sup>th</sup> day before an election; and

28 WHEREAS, the proponents of the referendum for Healthcare Minimum

1 Wage withdrew their referendum petition on October 19, 2023 and the proponents of the  
2 initiative for Healthcare Minimum Wage withdrew their initiative petition on October 20,  
3 2023; and

4 WHEREAS, as Healthcare Minimum Wage was not enacted and, if submitted  
5 to the voters of Long Beach, would take affect after September 6, 2023 and is thereby  
6 preempted by SB 525; and

7 WHEREAS, as the Healthcare Minimum Wage is preempted by SB 525 and  
8 the proponents of the initiative and referendum related to Healthcare Minimum Wage have  
9 withdrawn their petitions; and

10 WHEREAS, repealing the Healthcare Minimum Wage ensures that the City  
11 does not maintain a law on its books that knowingly is preempted by State law; and

12 NOW THEREFORE, the City Council of the City of Long Beach ordains as  
13 follows:

14 Section 1. The City Council finds and determines that the facts set forth in  
15 the recitals of this ordinance are true and correct, and hereby incorporates the recitals  
16 herein by this reference.

17 Section 2. Chapter 5.96 (“Healthcare Minimum Wage”), also known as  
18 ORD 22-0022, of the Long Beach Municipal Code is hereby repealed.

19 Section 3. The City Clerk shall certify to the passage of these provisions  
20 of this ordinance by the City Council and cause it to be posted in three (3) conspicuous  
21 places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it  
22 is approved by the Mayor.

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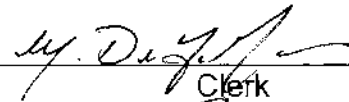
I hereby certify that the foregoing ordinance was adopted by the City Council  
of the City of Long Beach at its meeting of November 14, 2023, by the  
following vote:

Ayes: Councilmembers: Zendejas, Allen, Duggan, Kerr, Saro,  
Austin, Ricks-Oddie.

Noes: Councilmembers: None.

Absent: Councilmembers: Supernaw, Uranga.

Recusal(s): Councilmember: None.

  
Clerk

  
Mayor

Approved: 11/27/23  
(Date)

OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss  
COUNTY OF LOS ANGELES )  
CITY OF LONG BEACH )

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 21<sup>st</sup> day of November 2023, I posted three true and correct copies of Ordinance No. ORD-23-0048 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.

  
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Subscribed and sworn to before me  
This 21<sup>st</sup> day of November 2023.

  
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CITY CLERK