ORDINANCE NO. ORD-25-0008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING AND RESTATING SECTION 16.60 RELATED TO PAYMENT OF LIVING WAGE TO WORKERS AT THE LONG BEACH AIRPORT, CONVENTION CENTER, AND TEMPORARY AMPHITHEATER

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 16.60 of the Long Beach Municipal Code entitled "Payment of Living Wage to Workers at the Airport and the Long Beach Convention Center" is hereby amended and restated to read as follows:

CHAPTER 16.60

PAYMENT OF LIVING WAGE TO WORKERS AT THE LONG BEACH AIRPORT, CONVENTION CENTER, AND TEMPORARY AMPHITHEATER

16.60.010 - Purpose.

The purpose of this Chapter is to protect the public health, safety and welfare by requiring that public funds be expended in such a manner as to facilitate individual self-reliance by employees of food, beverage and retail concessionaires at the Long Beach Airport, the Long Beach Convention Center, and the Long Beach Temporary Amphitheater.

16.60.020 - Definitions.

A. "City" means the City of Long Beach.

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B. “Compensation” includes any wages, tips, bonuses, and other payments reported as taxable income paid by a Concessionaire to a Concession Worker.

C. “Concession Contract” means any contract from the City covering Concession Operations at the Long Beach Airport, the Long Beach Convention Center, and the Long Beach Temporary Amphitheater.

D. “Concession Contract Amendment” means only an amendment that is required to be separately approved by the City Council and that:

1. extends the term of an existing contract for a period of more than one (1) year (the aggregate limit or maximum total of time that a contract may be extended without being deemed a "Concession Contract Amendment" is not to exceed one (1) year); or

2. approves a reduction in any concession payments to the City for the then existing tenant/operator.

E. “Concession Operations” means the general business operations of food and beverage or retail concessions at the Long Beach Airport, the Long Beach Convention Center, and the Long Beach Temporary Amphitheater, but do not include the provision by an airline of food or beverage to passengers while on board an airplane.

F. “Concession Workers” means all full-time and part-time employees in a Concession Operation.

G. “Concessionaire” means all food and beverage or retail concessions contractors together with all tenants, lessees, subtenants, sublessees, subcontractors, successors and assigns of such contractors that provide such concession services at the Long Beach Airport, the Long Beach Convention Center, or the Long Beach Temporary Amphitheater.

H. “Long Beach Temporary Amphitheater” or “Temporary Amphitheater” means the temporary amphitheater to be built by the City and

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located adjacent to the Queen Mary.

I. "Service charge" means all separately-designated amounts, regardless of name or label, that are charged and collected by a Concessionaire from customers, that is for service by employees, or is described in such a way that customers might reasonably believe that the amount is for those services or is otherwise to be paid or payable directly to employees or is used to pay for labor or worker protections, including those charges designated on receipts, invoices, or billing statements under the term "service charge," "table charge," "porterage charge," "automatic gratuity charge," "healthcare surcharge," "benefits surcharge," "worker protection fee," or similar language. Service charge does not include a tip or gratuity as defined under state or federal law, or taxes and fees levied by federal, State or local government.

16.60.030 - Concessionaires subject to the requirements of this Chapter.

Concessionaires at the Long Beach Airport, the Long Beach Convention Center, and the Long Beach Temporary Amphitheater that enter into any new Concession Contract or Concession Contract Amendment with the City shall comply with the minimum compensation standards established by this Chapter.

16.60.040 - Payment of minimum compensation.

A. Each Concessionaire subject to this Chapter pursuant to Section 16.60.030 shall pay Concession Workers a wage of not less than the hourly rates set forth in this Section. The hourly rates shall be as follows:

1. On March 16, 2014, thirteen dollars and twenty-six cents ($13.26) per hour worked. This rate shall be adjusted by the amount of increases in the federal minimum wage over the amount in effect on December 31, 2013, or, if greater, by the cumulative increase in the cost of living.

2. On October 1, 2025, twenty-five dollars ($25.00) per hour.

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3. On July 1, 2026, twenty-six dollars and fifty cents ($26.50) per hour.

4. On July 1, 2027, twenty-eight dollars ($28.00) per hour.

5. On July 1, 2028, twenty-nine dollars and fifty cents ($29.50) per hour.

The cost of living increase before October 1, 2025, shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2013 of the Consumer Price Index (All Urban Consumers, Los Angeles-Riverside-Orange County) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. If in any calendar year there is no increase in the federal minimum wage and the increase in the Consumer Price Index is less than two percent (2%), then the rate shall be adjusted by an increase of two percent (2%). If in any calendar year there is no increase in the federal minimum wage and the increase in the Consumer Price Index is less than two percent (2%), then the rate shall be adjusted by an increase of two percent (2%).

Starting on July 1, 2029, the rate shall be adjusted by the amount of increases in the federal minimum wage over the amount in effect on December 31, 2028, or, if greater, by the cumulative increase in the cost of living. Annually thereafter, the cost-of-living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2028, of the Consumer Price Index (All Urban Consumers, Los Angeles-Riverside-Orange County).

The Mayor or the City agency designated by the Mayor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all Concessionaires and to any other person who has filed with the Mayor or the designated agency a request to receive such notice but lack of notice shall not

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excuse noncompliance with this Section. A Concessionaire shall provide written notification of the rate adjustments to each of its Concession Workers and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by Concession Workers and service charges or commissions shall not be credited as being any part of or offset against the wage rates required by this Section.

B. Service charges shall not be retained by a Concessionaire but shall be paid in the entirety by the Concessionaire to the Concession Worker(s) performing services for the customers from whom the service charges are collected. No part of these amounts may be paid to supervisory or managerial employees. The amounts shall be paid to the Concession Worker(s) equitably and according to the services that are or appear to be related to the description of the amounts given by the Concessionaire to the customers. The amounts shall be paid to the Concession Worker(s) in the next payroll following collection of an amount from the customer. The foregoing provisions do not apply to any tip, gratuity, money, or part of any tip, gratuity, or money that has been paid or given to or left for a Concession Worker by customers over and above the actual amount due for services rendered or for food or beverage sold or served to the customer.

16.60.050 - Required contract provisions.

Every contract with a Concessionaire subject to this Chapter pursuant to Section 16.60.030 shall contain provisions requiring it to comply with the provisions of this Chapter as they exist on the date when the Concessionaire entered the contract with the City or when such contract is amended.

16.60.060 - Posting requirements.

Each Concessionaire shall cause the living wage requirement under this Chapter to be posted at its place of business in the Long Beach Airport,

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Convention Center, or Temporary Amphitheater so as to be conspicuous to the general public, to patrons entering or using such facilities, and to the Concession Workers employed at such facilities.

16.60.070 - Waiver.

The provisions of this Chapter may not be waived by agreement between an individual Concession Worker and a Concessionaire. All of the provisions of this Chapter, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this Chapter.

16.60.080 - Retaliation.

No person shall discharge, reduce any part of the compensation of, nor discriminate against any Concession Worker due to the enactment of this Chapter or due to his or her assertion of any rights under this Chapter.

16.60.090 - Enforcement.

A Concession Worker claiming violation of this Chapter may bring an individual or class action against his or her employer in Superior Court to enforce the provisions of this Chapter and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this Chapter, including but not limited to lost compensation, damages, reinstatement or injunctive relief. A Concession Worker who prevails in any action to enforce this Chapter shall be awarded his or her reasonable attorney's fees and litigation expenses. Nothing herein shall be construed to preclude the City or others from obtaining the usual

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remedies for violations of contract, ordinance or anti-retaliation laws. Notwithstanding the foregoing, the City shall be under no duty to monitor compliance with this Chapter; however, the City may consider compliance with this Chapter in making contracting decisions.

16.60.100 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it 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 August 5, 2025, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Supernaw, Kerr, Uranga, Thrash-Ntuk, Ricks-Oddie.

Noes: Councilmembers: Duggan.

Absent: Councilmembers: Saro.

Recusal(s): Councilmembers: None.

On behalf of Monique De La Garza

Maggie Mendoza

City Clerk

Approved: 8/13/25
(Date)

Mayor

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AFFIDAVIT OF POSTING

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

Yaelly Santana being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 8th day of August 2025, I posted three true and correct copies of Ordinance No. ORD-25-0008 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.

Yaelly

Subscribed and sworn to before me
This 8th day of August 2025.

Maggie Trinidad
CITY CLERK

on behalf of
Monique De La Garza