

Introduced by: Councilmember Daniels-Cohen

First Reading: July 8, 2013

Second Reading: July 22, 2013

Effective Date: August 1, 2013

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2013-26

Amending the Takoma Park Code, Title 7, Chapter 7.08, Article 5, Living Wage Requirement, by Repeal of the Exemption in 7.08.190.A

WHEREAS, the Takoma Park City Council enacted Ordinance 2007-55, "Amending Chapter 7.08 of the Takoma Park Code to Require the Payment of a Living Wage by City Contractors," on October 22, 2007; and

WHEREAS, the Takoma Park ordinance was modeled on a 2002 Montgomery County Wage Law, Bill 5-02, relating to Living Wage Requirements on Service Contracts; and

WHEREAS, the 2007 Takoma Park ordinance included an exemption, for "A contractor or subcontractor who employs fewer than ten (10) employees" (7.08.190.A), that mirrored a Montgomery County exemption in effect at the time; and

WHEREAS, Montgomery County repealed, effective April 1, 2010, its exemption for contractors and subcontractors having fewer than 10 employees; and

WHEREAS, the City of Takoma Park wishes to extend living wage benefits to small-business contractor employees.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

Section 1. Title 7, Purchasing and Taxation, Chapter 7.08, Source Selection and Contract Formation, Section 7.08.090 Exemptions, of the Takoma Park Code is amended as follows:

Article 5. Living Wage Requirement

7.08.180. Scope

Every City contract for the provision of services, awarded after a competitive bid or proposal process, shall require the contractor and any subcontractor to pay each employee assigned to perform services under the City contract a living wage. As used in this Article, "covered employer" refers to any contractor or subcontractor who is subject to the City's living wage requirement.

7.08.190 Exemptions

The provisions of this Article do not apply to the following:

~~A. A contractor or subcontractor who employs fewer than ten (10) employees.~~

AB. A contract for services valued at less than \$20,000.00.

BC. A contract:

1. With a public entity.
2. With a nonprofit organization that has qualified for an exemption from federal income taxes under Section 501(c) (3) of the Internal Revenue Code.
3. Procured through an emergency procurement, sole source procurement, or cooperative purchase procurement.
4. For electricity, telephone, cable television, water, sewer, or similar service delivered by a regulated public utility.
5. For the purchase or lease of goods, equipment or vehicles.

CD. If the City Manager makes a written determination that application of this Article would conflict with an applicable federal, state or county program, contract, or grant requirement, then the living wage requirements of this Article shall not apply to the contract or program.

Section 2. This Ordinance shall be effective on August 1, 2013.

Adopted by the Council of the City of Takoma Park, Maryland, this 22nd day of July, 2013 by roll-call vote as follows:

AYE: Williams, Grimes, Male, Daniels-Cohen, Seamens, Smith, Schultz
NAY: None
ABSENT: None
ABSTAIN: None

Notes:

Text deleted from the Code is indicated by ~~striketrough~~. Text added to the Code is indicated by underline. Text that remains unchanged but is not duplicated in the ordinance is indicated by *****.