



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** RICHARD DOYLE  
City Attorney

**SUBJECT:** RESOLUTION CALLING  
SPECIAL MUNICIPAL ELECTION  
FOR THE MINIMUM WAGE  
INITIATIVE

**DATE:** August 2, 2012

## REPLACEMENT MEMO

This memo replaces the memo dated July 26, 2012 to correct Recommendations # 3 and 4 and the corresponding analysis.

### RECOMMENDATION

1. Adoption of a resolution of the City Council calling and giving notice of the submission to the electors of the City of San José, a Special Municipal Election to be held on November 6, 2012, to submit to the electors of the City of San José the following measure:

#### **MINIMUM WAGE**

Shall an ordinance be adopted that (1) requires (a) under certain circumstances, payment of minimum wages in San José at \$10 per hour with an annual increase, if any, based on the Consumer Price Index beginning January 1, 2014; (b) City enforcement through fines, penalties, civil actions, or revocation or suspension of permits or licenses; and (c) voter approval of substantive changes to the ordinance; and (2) allows private enforcement through civil actions?

YES	
NO	

2. Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the Sample Ballot pursuant to Elections Code Section 12111.

3. Council discussion and consideration of permitting a member or members of the City Council to submit arguments pursuant to Elections Code Section 9282.
4. Council discussion and consideration of permitting rebuttal arguments pursuant to Elections Code Section 9285. If rebuttal arguments are permitted, Council discussion and consideration of permitting a member or members of the City Council to author and submit a rebuttal, if any.

### **BACKGROUND AND ANALYSIS**

On May 22, 2012, the City Council accepted staff's report on the effects of the proposed ordinance consistent with California Elections Code Section 9212 and directed staff to return with a resolution to be adopted no later than August 10, 2012 calling for an election to submit the initiative to the voters at the next General Election on Tuesday, November 6, 2012. The draft resolution is posted to the City Council Agenda webpage for this meeting.

In submitting the Minimum Wage Initiative to the voters, the Council should consider the following options, which will be addressed in the Council's resolution:

1. The Council should decide whether the full text of the proposed ordinance should be printed in the Sample Ballot pursuant to Elections Code Section 12111.
2. The Council should decide whether to permit a member or members of the City Council to submit arguments pursuant to Elections Code Section 9282.
3. The Council should decide whether to permit rebuttal arguments, pursuant to Elections Code Section 9285. Furthermore, if rebuttal arguments are permitted, then the Council should decide whether any member or members of the City Council may submit a rebuttal argument.

### **CONCLUSION**

Adoption of a resolution calling a Special Municipal Election for voter consideration of the Minimum Wage Initiative at the November 6, 2012 General Election implements the Council's direction given at its May 22, 2012 meeting.

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By:   
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