

ORDINANCE NUMBER O- 22127 (NEW SERIES)DATE OF FINAL PASSAGE JUL 20 2026

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 30 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.3019; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 42 BY AMENDING SECTIONS 22.4205, 22.4230, AND 22.4235; AMENDING CHAPTER 3, ARTICLE 9, DIVISION 1 BY AMENDING SECTIONS 39.0104 AND 39.0113; AMENDING CHAPTER 3, ARTICLE 10, DIVISION 1 BY AMENDING SECTIONS 310.0104, 310.0107, AND 310.0108; AND AMENDING CHAPTER 3, ARTICLE 12, DIVISION 1 BY AMENDING SECTION 312.0104, ALL RELATING TO THE ENFORCEMENT OF CITY OF SAN DIEGO WAGE LAWS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. The Council previously adopted several ordinances establishing minimum pay requirements for certain workers who perform work under City agreements and permits, on public works projects, in certain industries, and within the geographic boundaries of the City.
- B. In 2005, the Council adopted the City of San Diego Living Wage Ordinance (Ordinance Number O-19386), which established a living wage for certain service contracts, financial assistance agreements, and City facilities agreements.
- C. In 2013, the Council adopted the City of San Diego Compliance with State Prevailing Wage Laws Ordinance (Ordinance Number O-20299), which requires certain City public works contractors to comply with certain contractor standards related to wage laws.
- D. In 2016, the Council adopted the City of San Diego Earned Sick Leave and Minimum Wage Ordinance (Ordinance Number O-20604) for presentation to the voters. The Earned Sick Leave and Minimum Wage Ordinance was approved by voters on June 7, 2016, and

established earned sick leave requirements and a minimum wage for work performed within the geographic boundaries of the City.

E. In 2023, the Council adopted the City of San Diego Traffic Control Worker Minimum Wage Ordinance (Ordinance Number O-21723), which established a minimum wage for certain work performed under a City-issued traffic control permit.

F. In 2025, the Council adopted the City of San Diego Hospitality Minimum Wage Ordinance (Ordinance Number O-22003), which will establish a minimum wage for hospitality workers who perform work within the City, effective July 1, 2026.

G. Currently, under each of the ordinances identified above, the City Manager, Mayor, or their designee have the authority to enforce of those ordinances.

H. The City Attorney seeks to assist with the City's efforts to stop wage theft and ensure workers are fairly paid for their work in accordance with the City's living wage, prevailing wage, and minimum wage laws by serving as an additional enforcement authority under those ordinances and overseeing the City's Office of Labor Standards Enforcement and its wage enforcement programs.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. Chapter 2, Article 2, Division 30 of the San Diego Municipal Code is amended by amending section 22.3019, to read as follows:

§22.3019 Compliance with State Prevailing Wage Laws

(a) through (d) [No change in text.]

(e) The City Attorney shall have the same authority to investigate and enforce compliance with contractor standards related to wage laws as provided to

the City Manager and described in San Diego Municipal Code section 22.3004(e).

- (f) The City Manager, the City Attorney, or their designee shall provide a written report to the City Council by October 1 annually, evaluating the implementation of this section, recommendations for improvement, the successes and challenges of administering and monitoring contractor compliance, and the fiscal impact of this section.

Section 2. Chapter 2, Article 2, Division 42 of the San Diego Municipal Code is amended by amending sections 22.4205, 22.4230, and 22.4235, to read as follows:

§22.4205 Definitions

Each word or phrase that is defined in this Division appears in the text of this Division in italicized letters. For purposes of this Division, the following definitions shall apply:

Affordable Care Act through *Covered employer* [No change in text.]

Enforcement Office means the City's Office of Labor Standards and Enforcement, or other City office or department under the authority of the City Manager designated to enforce this Division, or the Office of the City Attorney.

Financial assistance agreement through *Willful violation* [No change in text.]

§22.4230 Enforcement and Remedies

(a) through (d) [No change in text.]

- (e) A covered employee claiming a violation of the Division may file a complaint with the *Enforcement Office*. The *Enforcement Office* shall investigate and address any alleged violation of this Division's

requirements, and shall convey the results of the investigation to the complainant within sixty days, with reasonable thirty-day extensions. However, the *Enforcement Office's* failure to investigate an alleged violation or otherwise enforce any of the provisions of this Division does not create any right of action to recover damages from the *City* by any person, including an aggrieved *covered employee*.

- (f) Whether based upon a complaint or otherwise, where the *Enforcement Office* has determined that a *covered employer* has violated this Division, the *Enforcement Office* shall issue a written notice to the *covered employer* that the violation is to be corrected within thirty days. If the *covered employer* does not demonstrate to the *Enforcement Office* within such period that it has substantially cured any material violation, the *Enforcement Office* shall take one or more of the following enforcement actions:
 - (1) through (5) [No change in text.]
- (g) If a *covered employer* is determined by the *Enforcement Office* to have violated this Division two or more times in a two-year period, the *Enforcement Office* shall take enforcement action under section 22.4230(f), even if the *covered employer* has substantially cured any material violations.
- (h) through (i) [No change in text.]

§22.4235 Administration

- (a) The *Enforcement Office* shall develop and implement administrative policies, rules, and regulations to carry out the intent of this Division, including procedures for handling complaints by *covered employees*. The *Enforcement Office* shall monitor compliance, including conducting periodic reviews of appropriate records maintained by *covered employers* to verify compliance and to investigate claimed violations. To secure compliance with this Division, the *Enforcement Office* is authorized to take any appropriate enforcement action under Chapter 1, Article 2, Division 1 of this Code.
- (b) The *Enforcement Office* is authorized to create a citizens advisory committee for the purpose of making recommendations regarding how the policies and purposes of this Division may be advanced.
- (c) On July 1 of each year, or as soon thereafter as is practicable, the *Enforcement Office* shall submit an annual report to the City Council generally describing the effects of the City of San Diego Living Wage Ordinance upon the *City*.

Section 3. Chapter 3, Article 9, Division 1 of the San Diego Municipal Code is amended by amending sections 39.0104 and 39.0113, to read as follows:

§39.0104 Definitions

Each word or phrase defined in this Division appears in the text of this Division in italicized letters. To the extent that a federal, state, or other law is referenced within this Division, the citation includes and incorporates the law as it may be

amended or renumbered in the future. For purposes of this Division, the following definitions apply:

Benefit Year through Employer [No change in text.]

Enforcement Office means the *City's* Office of Labor Standards and Enforcement, or other *City* office or department under the authority of the City Manager designated to enforce this Division, or the Office of the City Attorney.

Enforcement Official through Stalking [No change in text.]

§39.0113 Enforcement Office

(a) The *Enforcement Office* has full authority to implement and enforce this Division, consistent with the authority and powers set forth at Division 1 of Article 2, Chapter 1 of this Code. The *Enforcement Official* may investigate any possible violations of this Division by an *Employer* or other person. The *Enforcement Official* has authority to access any *Employer's* or *Employee's* workplace during workplace hours to examine and audit business and other relevant records; to interview witnesses, including *Employees*, at or away from *Employees'* workplace; and to investigate all matters necessary or appropriate to determine whether an *Employer* has violated any provisions of this Division. The *Enforcement Official* may issue subpoenas, in accordance with applicable federal and state law and this Code. The *Enforcement Office* may promulgate and issue administrative regulations to establish and adjudicate complaints and to order relief in cases of violations, consistent with this Division.

(b) through (q) [No change in text.]

Section 4. Chapter 3, Article 10, Division 1 of the San Diego Municipal Code is amended by amending sections 310.0104, 310.0107, and 310.0108, to read as follows:

§310.0104 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply to the terms in this Division:

City through Employer [No change in text.]

Enforcement Office means the *City's* Office of Labor Standards and Enforcement, or other *City* office or department under the authority of the City Manager designated to enforce this Division, or the Office of the City Attorney.

Enforcement Officer means any person authorized by the *Enforcement Office* to enforce this Division.

Prevailing wage rate through Traffic Control Permit [No change in text.]

§310.0107 Violations

(a) through (b) [No change in text.]

(c) An *employer's* failure to pay their *employees'* wages equivalent to the *prevailing wage rate* may be enforced through revocation of the applicable *Traffic Control Permit* by the City Manager, *Enforcement Office*, or designee, in accordance with the San Diego Municipal Code.

(d) through (f) [No change in text.]

§310.0108 Duties and Authority of the Enforcement Office and Enforcement Officer

(a) through (g) [No change in text.]

(h) The *Enforcement Office* may promulgate policies, rules, and administrative regulations necessary to implement the purpose, intent, and provisions of this Division, including procedures for handling complaints by *employees*.

(i) through (k) [No change in text.]

(l) Consistent with the provisions of this Division, the *Enforcement Office* may establish and enforce any additional administrative rules, regulations, and standards determined to be necessary to carry out the purpose and intent of this Division.

Section 5. Chapter 3, Article 12, Division 1 of the San Diego Municipal Code is amended by amending section 312.0104, to read as follows:

§312.0104 Definitions

For purposes of this Division, defined terms appear in italics. To the extent that a federal, state, or other law is referenced within this Division, the citation includes and incorporates the law as it may be amended or renumbered in the future. The following definitions apply in this Division:

Amusement park through *Employee* [No change in text.]

Enforcement Office means the *City's* Office of Labor Standards and Enforcement, or other *City* office or department under the authority of the City Manager designated to enforce this Division, or the Office of the City Attorney.

Enforcement Official through *Retaliation* [No change in text.]

Section 6. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 7. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By Elena S. Min
Elena S. Min
Deputy City Attorney

ESM:jvg
June 11, 2026
Or.Dept: City Attorney
Doc. No. 4475343

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
JUL 14 2026.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 7/17/26
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 30 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.3019; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 42 BY AMENDING SECTIONS 22.4205, 22.4230, AND 22.4235; AMENDING CHAPTER 3, ARTICLE 9, DIVISION 1 BY AMENDING SECTIONS 39.0104 AND 39.0113; AMENDING CHAPTER 3, ARTICLE 10, DIVISION 1 BY AMENDING SECTIONS 310.0104, 310.0107, AND 310.0108; AND AMENDING CHAPTER 3, ARTICLE 12, DIVISION 1 BY AMENDING SECTION 312.0104, ALL RELATING TO THE ENFORCEMENT OF CITY OF SAN DIEGO WAGE LAWS.

§22.3019 Compliance with State Prevailing Wage Laws

(a) through (d) [No change in text.]

(e) The City Attorney shall have the same authority to investigate and enforce compliance with contractor standards related to wage laws as provided to the City Manager and described in San Diego Municipal Code section 22.3004(e).

(~~e~~f) The City Manager, the City Attorney, or their designee shall provide a written report to the City Council by October 1 annually, evaluating the implementation of this section, recommendations for improvement, the successes and challenges of administering and monitoring contractor compliance, and the fiscal impact of this section.

§22.4205 Definitions

Each word or phrase that is defined in this Division appears in the text of this Division in italicized letters. For purposes of this Division, the following definitions shall apply:

Affordable Care Act through *Covered employer* [No change in text.]

Enforcement Office means the *City's* Office of Labor Standards and Enforcement, or other *City* office or department under the authority of the *City Manager* designated to enforce this Division, or the Office of the City Attorney.

Financial assistance agreement through *Willful violation* [No change in text.]

§22.4230 Enforcement and Remedies

(a) through (d) [No change in text.]

(e) A *covered employee* claiming a violation of the Division may file a complaint with the ~~City~~ *Enforcement Office*. -The ~~City~~ *Enforcement Office* shall investigate and address any alleged violation of this Division's requirements, and shall convey the results of the investigation to the complainant within sixty days, with reasonable thirty-day extensions.

However, the ~~City's~~ *Enforcement Office's* failure to investigate an alleged violation or otherwise enforce any of the provisions of this Division does not create any right of action to recover damages from the *City* by any person, including ~~but not limited to~~ an aggrieved *covered employee*.

(f) Whether based upon a complaint or otherwise, where the ~~City Manager~~ *Enforcement Office* has determined that a *covered employer* has violated this Division, the ~~City Manager~~ *Enforcement Office* shall issue a written notice to the *covered employer* that the violation is to be corrected within

thirty days. If the *covered employer* does not demonstrate to the ~~City~~ Manager Enforcement Office within such period that it has substantially cured any material violation, the ~~City Manager~~ Enforcement Office shall take one or more of the following enforcement actions:

(1) through (5) [No change in text.]

- (g) If a *covered employer* is determined by the ~~City Manager~~ Enforcement Office to have violated this Division two or more times in a two-year period, the ~~City Manager~~ Enforcement Office shall take enforcement action ~~pursuant to~~ under section 22.4230(f), even if the *covered employer* has substantially cured any material violations.

(h) through (i) [No change in text.]

§22.4235 Administration

- (a) The ~~City Manager~~ Enforcement Office shall develop and implement administrative policies, rules, and regulations to carry out the intent of this Division, including procedures for handling complaints by *covered employees*. The ~~City Manager~~ Enforcement Office shall monitor compliance, including conducting periodic reviews of appropriate records maintained by *covered employers* to verify compliance and to investigate claimed violations.- To secure compliance with this Division, the ~~City~~ Manager Enforcement Office is authorized to take any appropriate enforcement action ~~pursuant to~~ under Chapter 1, Article 2, Division 1 of this Code.

- (b) The ~~City Manager~~ Enforcement Office is authorized to create a citizens advisory committee for the purpose of making recommendations regarding how the policies and purposes of this Division may be advanced.
- (c) On July 1 of each year, or as soon thereafter as is practicable, the ~~City Manager~~ Enforcement Office shall submit an annual report to the City Council generally describing the effects of the City of San Diego Living Wage Ordinance upon the *City*.

§39.0104 Definitions

Each word or phrase defined in this Division appears in the text of this Division in italicized letters. To the extent that a federal, state, or other law is referenced within this Division, the citation includes and incorporates the law as it may be amended or renumbered in the future. For purposes of this Division, the following definitions apply:

Benefit Year through Employer [No change in text.]

Enforcement Office means the ~~Office of the City Treasurer,~~ City's Office of Labor Standards and Enforcement, or other ~~Office or Department under the authority of the Mayor and~~ City office or department under the authority of the City Manager designated by the Mayor to enforce this Division, or the Office of the City Attorney.

Enforcement Official through Stalking [No change in text.]

§39.0113 Enforcement Office

- (a) The *Enforcement Office* has full authority to implement and enforce this Division, consistent with the authority and powers set forth at Division 1 of Article 2, Chapter 1 of this Code. The *Enforcement Official* may

investigate any possible violations of this Division by an *Employer* or other person. The *Enforcement Official* has authority to access any *Employer's* or *Employee's* workplace during workplace hours to examine and audit business and other relevant records; to interview witnesses, including *Employees*, at or away from *Employees'* workplace; and to investigate all matters necessary or appropriate to determine whether an *Employer* has violated any provisions of this Division. The *Enforcement Official* may issue subpoenas, in accordance with applicable federal and state law and this Code. The *Enforcement Official*, ~~under the direction of the Mayor,~~ *Office* may promulgate and issue administrative regulations to establish and adjudicate complaints and to order relief in cases of violations, consistent with this Division.

(b) through (q) [No change in text.]

§310.0104 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply to the terms in this Division:

City through Employer [No change in text.]

Enforcement Office means the *City's Compliance Department*, Office of Labor Standards and Enforcement, or other *City* office or department under the authority of the City Manager designated to enforce this Division, or the Office of the City Attorney.

Enforcement Officer means any person authorized by the ~~City Manager~~ *Enforcement Office* to enforce ~~violations of~~ this Division.

Prevailing wage rate through Traffic Control Permit [No change in text.]

§310.0107 Violations

(a) through (b) [No change in text.]

(c) An *employer's* failure to pay their ~~*employees*~~ *employees*' wages equivalent to the *prevailing wage rate* may be enforced through revocation of the applicable *Traffic Control Permit* by the City Manager, *Enforcement Office*, or designee, in accordance with the San Diego Municipal Code.

(d) through (f) [No change in text.]

§310.0108 Duties and Authority of the Enforcement Office and Enforcement Officer

(a) through (g) [No change in text.]

(h) The ~~City Manager or Enforcement Officer~~ *Office* may promulgate policies, rules, and administrative regulations necessary to implement the purpose, intent, and provisions of this Division, including procedures for handling complaints by *employees*.

(i) through (k) [No change in text.]

(l) Consistent with the provisions of this Division, the ~~City Manager or Enforcement Officer~~ *Office* may establish and enforce any additional administrative rules, regulations, and standards ~~they determine~~ determined to be necessary to carry out the purpose and intent of this Division.

§312.0104 Definitions

For purposes of this Division, defined terms appear in italics. To the extent that a federal, state, or other law is referenced within this Division, the citation includes and incorporates the law as it may be amended or renumbered in the future. The following definitions apply in this Division:

Amusement park through *Employee* [No change in text.]

Enforcement Office means the City's ~~Compliance Department~~, Office of Labor Standards and Enforcement, or other *City* office or department under the authority of ~~and the City Manager~~ designated by ~~the City Manager~~ to enforce this Division, or the Office of the City Attorney.

Enforcement Official through Retaliation [No change in text.]

ESM:jvg
June 11, 2026
Or.Dept: City Attorney
Doc. No. 4475333

Passed by the Council of The City of San Diego on July 14, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☐	☐	☒	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage JUL 20 2026

(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

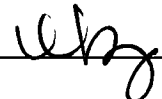
TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 30 2026

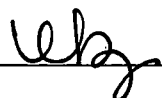
, and on JUL 20 2026

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number **O-22127**