

ORDINANCE NUMBER O- 21402 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 27 2022

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 57, SECTION 22.5701, ESTABLISHING THE COMPLIANCE DEPARTMENT AS A CITY DEPARTMENT IN THE ADMINISTRATIVE CODE.

WHEREAS, San Diego Charter (Charter) section 26 requires the San Diego Municipal Code to include an Administrative Code describing the detailed powers and duties of City administrative offices and departments; and

WHEREAS, the Mayor recommended a new Compliance Department in the City of San Diego (City); and

WHEREAS, the Council of the City of San Diego (Council) approved funding for a new Compliance Department in the Fiscal Year 2022 Budget; and

WHEREAS, the Compliance Department will be headed by the City's Chief Compliance Officer to respond to internal and external audits and to coordinate compliance with local, state, and federal regulations related to labor, wages, worker safety and environmental health issues; and

WHEREAS, the Compliance Department will oversee an Office of Labor Standards and Enforcement which will be charged with enforcing labor laws and protecting workers and citizens by administering the Minimum Wage Program, Living Wage Program, and Labor Compliance Programs, which includes the enforcement of prevailing wage laws; and

WHEREAS, the Compliance Department will also coordinate the City's Enterprise Risk Management efforts; and

WHEREAS, under Charter section 26, the Council must approve, by a two-thirds vote, an ordinance to establish new departments or combine existing departments in the Administrative Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Chapter 2, Article 2 of the San Diego Municipal Code is amended by adding new Division 57, section 22.5701, to read as follows:

**Division 57: Compliance Department**

**§ 22.5701 Compliance Department**

- (a) The Compliance Department is a City department. The department is responsible for responding to internal and external audits and coordinating compliance with local, state, and federal regulations related to labor, wages, health and safety, and the environment.
- (b) The Chief Compliance Officer is the administrative head of the department and is appointed by, and may be removed by, the City Manager. The Chief Compliance Officer is the appointing authority of all personnel in the department.
- (c) The Compliance Department will operate under the direction of the City Manager. The department is responsible for performing those duties and functions assigned and directed by the City Manager, including:
  - (1) overseeing the Office of Labor Standards and Enforcement, which is responsible for:

- (A) coordinating Citywide efforts to improve worker safety and labor standards;
  - (B) administering the City's Minimum Wage Program;
  - (C) enforcing the City's Earned Sick Leave and Minimum Wage Ordinance and Living Wage Ordinance; and
  - (D) administering City programs to enforce federal and state wage laws, including prevailing wage laws;
- (2) providing Citywide oversight, training, coordination, and direction for safety practices, programs, and policies to ensure worker safety and compliance with applicable federal, state, and local laws and regulations;
- (3) administering the City's Administrative Hearings Program to provide the City with a method for adjudicating administrative citations issued to members of the public while ensuring due process for all those involved;
- (4) facilitating City responses to and compliance with internal and external audits;
- (5) coordinating the City's Enterprise Risk Management efforts; and
- (6) coordinating Citywide compliance with all other applicable City policies and federal, state, and local laws and regulations, including handling some associated administrative duties.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Jennifer L. Berry  
Jennifer L. Berry  
Deputy City Attorney

JLB:jvg  
6/30/21  
Or.Dept: Department of Finance  
Doc. No.: 2701547

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 11 2022.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 1/27/22  
(date)

[Signature]  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck-Out~~**  
**NEW LANGUAGE: Double Underline**

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- (5) coordinating the City's Enterprise Risk Management efforts; and
- (6) coordinating Citywide compliance with all other applicable City policies and federal, state, and local laws and regulations, including handling some associated administrative duties.

JLB:jvg  
7/16/21  
2/7/22 COR. COPY  
Or.Dept: Department of Finance  
Doc. No.: 2713891\_3

Passed by the Council of The City of San Diego on JAN 11 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 27 2022

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], 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 DEC 07 2021, and on JAN 27 2022.

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)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 21402