

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0280 05/06/2015 PM 12:38:46

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)

County of Jackson)

SHARON JOHNSON, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Shirley Cross</u>	<u>4-7-15</u>	<u>5400 Smalley Ave</u>	<u>64129</u>	<u>Shirley Cross</u>
<u>MARCO C. HARVEY</u>	<u>4-7-2015</u>	<u>4906 MICHIGAN AVE</u>	<u>64129</u>	<u>MARCO C. HARVEY</u>
<u>TAMARA DAVIS</u>	<u>4/7/15</u>	<u>4906 WALLACE AVE</u>	<u>64129</u>	<u>TAMARA DAVIS</u>
<u>Price Ellis</u>	<u>4/7/15</u>	<u>4929 Wallace Ave</u>	<u>64129</u>	<u>Price Ellis</u>
<u>Barbara Towns</u>	<u>4/7/15</u>	<u>24107 E 52nd St</u>	<u>64129</u>	<u>BARBARA TOWNS</u>
<u>Howard Trotter</u>	<u>4/7/15</u>	<u>8300 1/2 W</u>	<u>64129</u>	<u>Howard Trotter</u>
<u>Elliott Clemons</u>	<u>4/7/15</u>	<u>5158 Eastern Ave</u>	<u>64129</u>	<u>Elliott Clemons</u>
<u>Beverly Clemons</u>	<u>4-7-15</u>	<u>5158 Eastern Kc 40</u>	<u>64129</u>	<u>Beverly Clemons</u>
<u>Dorothy McDonald</u>	<u>4-7-15</u>	<u>7415 E. 51st Terr. Kc Mo</u>	<u>64129</u>	<u>Dorothy McDonald</u>
<u>Angela L. Fritz</u>	<u>4-7-15</u>	<u>7116 S.W. A Bae Kc Mo</u>	<u>64129</u>	<u>Angela L. Fritz</u>

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Sharon Johnson
Circulator's Signature

Subscribed and sworn to before me this 4th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC)

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0281 05/06/27 PM 12:38:50

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

- | | |
|------------------------------|-----------------------------------------------------------------------|
| <u>Rev. Samuel E. Mann</u> | <u>3665 Harrison Blvd, Kansas City, MO 64109</u> |
| <u>Lloyd Fields</u> | <u>7500 E. 110th Street, Kansas City, MO 64134</u> |
| <u>Rodney Williams</u> | <u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u> |
| <u>Tex Sample</u> | <u>4219 N. Jarboe CT., Kansas City, MO 64116</u> |
| <u>Wallace S. Hartsfield</u> | <u>2843 Benton Blvd., Kansas City, MO 64128</u> |

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, SHARON JOHANSON, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Lolita Cook</i>	4/7	2400 E. 58 th St. ^{KC, MO}	64138	Lolita Cook
<i>Charles Givhan</i>	4/7	7802 E. 51 st St.	64129	Charles Givhan
<i>CAROLYN ALLEN</i>	4/7	4606 WALLACE #4	64129	CAROLYN ALLEN
<i>John H. Jordan</i>	4/7	4606 WALLACE AVE #4	64129	John H. Jordan
<i>VINCENT J. SCIORA</i>	4/7	9301 51 st AVE RD	64129	VINCENT J. SCIORA
<i>Natomi Freed</i>	4/7	5400 BRYANS FORD	64129	Natomi Freed
<i>DENSEL COMBS</i>	4/7	8624 E 52 nd Ave	64129	DENSEL COMBS
<i>BOTTIE MILLIARD</i>	4/7/15	5440 Blue Ridge cut off	64138	BOTTIE MILLIARD
<i>CARDL DICKSON</i>	4/7/15	5440 Blue Ridge cut off	64138	CARDL DICKSON
<i>CHERYL E. VARNER</i>	4/7/15	4906 MARA - KC	64129-2111	CHERYL E. VARNER

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Sharon Johanson
Circulator's Signature

Subscribed and sworn to before me this 6th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC)

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0282 05/06/27 PM 12:38:53

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Marilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, FLOYD ALLEN, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Cestella Williams</i>	4/6/15	1827 E. 16 th KCMO	64127	Cestella Williams
<i>Floyd Allen</i>	4/7/15	1741 Michigan Ave	64127	FLOYD ALLEN
<i>Kathie Wheel</i>	4/7/15	11206 E 48 th St	64133	Kathie Wheeler
<i>Larry Willoughby</i>	4/7/15	4520 Crisp KCMO	64133	Larry Willoughby
<i>Brian Haj</i>	4/7/15	11804 E. 50 th KCMO	64133	BRIAN Haj
<i>Lawrence P. Gonnello, Sr</i>	4-7-15	11315 E 49 th St KCMO	64133	Lawrence P Gonnello, Sr
<i>Mary Luppens</i>	4-7-15	11800 E 48 th ST KCMO	64133	MARY Luppens
<i>Paul S. Sanders</i>	4-7-15	11212 E 50 th St	64133	Paul S Sanders
<i>James R. Reese</i>	4/7/15	11701 E 45 th St	64133	James R. Reese
<i>Theodis Strong</i>	4/7/15	11915 E 44 th St	64133	Theodis Strong

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

[Signature]
(NOTARY PUBLIC)

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0283 05/06/27 PM 12:38:57

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I FLOYD ALLEN, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Wallace Rogers</u>	4/7/15	11300 E. 43 rd Ter	64133	Wallace ROGERS
<u>Nancy Loman</u>	4/7/15	11964 E 48 th St	64133	Nancy Loman
<u>Lowell Hay</u>	4/7/15	11804 E 50 th St	861	Lowell Hay
<u>Marshall Shelby</u>	4/7/15	10604 E 42nd St	64133	Marshall Shelby
<u>TAMARA HENTSMAN</u>	4-7-15	11312 E 44th St.	64133	TAMARA Hentsman
<u>Bonnie J. Ruff</u>	4-7-15	4320 Vermont Ave	64133	BONNIE J. RUFF
<u>Freeda Ruff</u>	4-7-15	11901 E. 51 st St.	64133	Freeda Ruff
<u>Donna Davis</u>	4-7-15	4805 Vermont	64133	Donna Davis
<u>Darryl Marshall</u>	4-7-15	4711 Blue Ridge Blvd	64133	Darryl Marshall
<u>Robert Graham</u>	4-7-15	4810 Ridgeway	64133	Robert Graham

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC)

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0284 05/06/27 PM 12:39:02

To: Mayor and Council City of Kansas City, Missouri &
 The Honorable Marilyn Sanders
 City Clerk of Kansas City, Missouri
 25th Floor, City Hall
 414 East 12th Street
 Kansas City, Missouri 64106
 Phone: (816) 513-3360
 Fax: (816) 513-3353
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
 County of Jackson }

Kerry Dixon being duly sworn, under oath state that the following person, to wit:
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Mary Dujakovich</u>	<u>4/7/15</u>	<u>1419 E 76th St</u>	<u>64131</u>	<u>MARY DUJAKOVICH</u>
<u>Rosalind Bartlett</u>	<u>4/7/15</u>	<u>9428 Lydia</u>	<u>64131</u>	<u>Rosalind Bartlett</u>
<u>Rodolpho Revilla</u>	<u>4/7/15</u>	<u>1313 E. 76th St.</u>	<u>64131</u>	<u>Rodolpho Revilla</u>
<u>Paula G. Smith</u>	<u>4/7/2015</u>	<u>1406 E. 78th</u>	<u>64131</u>	<u>PAULA G. SMITH</u>
<u>Betty Johnson</u>	<u>4/7/15</u>	<u>1840 E 78th</u>	<u>64132</u>	<u>BETTY JOHNSON</u>
<u>Willie Johnson</u>	<u>4/7/15</u>	<u>1936 E 78th + 6th KENN</u>	<u>64132</u>	<u>WILLIE JOHNSON</u>
<u>Chester A. Hall</u>	<u>4/7/15</u>	<u>2305 E. 79th St</u>	<u>64132</u>	<u>CHESTER A. HALL</u>
<u>Lakesha Torrey</u>	<u>4/7/15</u>	<u>9708 Elm St</u>	<u>64134</u>	<u>LAKESHA TORREY</u>
<u>Ralonda Styler</u>	<u>4/7/15</u>	<u>7439 LYDIA AVE</u>	<u>64131</u>	<u>RALONDA STYLER</u>
<u>Jerry E. Lang</u>	<u>4/7/15</u>	<u>7212 Park Ave</u>	<u>64132</u>	<u>JERRY E. LANG</u>

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Kerry Dixon
 Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015.

Pamela C. McDonald
 (NOTARY PUBLIC)

PAMELA C. McDONALD
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jackson County
 My Commission Expires: 5/22/2017
 Commission # 13504012

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0285 05/06/27 PM 12:39:05

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

Kerry Dixon, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Dianne Greenfield</i>	4/7/15	1127 E 76 th Terr KCMO	64131	Dianne Greenfield
<i>Sadie B. Shelby</i>	4/7/15	2205 E 75th St	64132	Sadie B Shelby
<i>Seloma Norris</i>	4/7/15	7336 Virginia Ave KCMO	64134	Seloma Norris
<i>Charles Smith</i>	4/7/15	2008 E. 79th St.	64132	Charles Smith
<i>Joe Fanning Jr.</i>	4/7/15	1801 E 74th Terr KCMO	64132	Joe Fanning Jr.
<i>Alvin T Brown</i>	4/7/15	1110 E 75th St	64131	ALVIN T BROWN
<i>Reese Joseph H</i>	4/7/15	1312 E 79th St	64131	Reese Joseph H
<i>Eugene P. Moore</i>	4-7-15	1616 East 76 th St KCMO	64131	Reese, Joseph H
<i>Eugene P. Moore</i>	4-7-15	7623 Paseo, K.C., MO.	64131	Eugene. P. Moore Jr.
<i>Odessa Moore</i>	4/7/15	7419 B. Moberly	64132	Odessa Moore

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Pamela C. McDonald
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 004912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0286 05/06/2015 PM 12:39:08

To: Mayor and Council City of Kansas City, Missouri &
 The Honorable Marilyn Sanders
 City Clerk of Kansas City, Missouri
 25th Floor, City Hall
 414 East 12th Street
 Kansas City, Missouri 64106

Phone: (816) 513-3360
 Fax: (816) 513-3353
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
 County of Jackson)

Kerry C. Dixon
 Circulator's Printed Name

being duly sworn, under oath state that the following person, to wit:

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Anita L. Russell</u>	4/7/15	1471 E. 77 th K.C. MO	64131	ANITA L. RUSSELL
<u>Joshua K. Russell</u>	4/7/15	1471 E 77 th K.C. MO	64131	Joshua K. Russell
<u>James Watson</u>	4/7/15	1617 E 76 th KCMO	64131	JAMES WATSON
<u>W. Ruth Turner</u>	4/7/15	1838 E. 78 th KCMO	64132	W. RUTH TURNER
<u>TERA CONWAY</u>	4/7/15	1836 E 78 th KCMO	64132	TERA CONWAY
<u>Ann G. Crockett</u>	4-7-15	1707 E. 76 th St KCMO	64131	Ann G. Crockett
<u>LEE ANN HAN</u>	4/7/15	7445 Olive KCMO	64132	LEE ANN HAN
<u>Bernice L. Cason</u>	4/7/15	7445 Olive KCMO	64132	Bernice L. Cason
<u>Robert Randolph</u>	4-7-15	1449 E 75 th St	64131	Robert Randolph
<u>Linda T. Randolph</u>	4-7-15	1449 E 75 th Terr	64131	Linda T. Randolph

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Kerry C. Dixon
 Circulator's Signature

PAMELA C. McDONALD
 Notary Public - Notary Seal
 STATE OF MISSOURI

Subscribed and sworn to before me this 7th day of April, 2015.

Pamela C. McDonald
 (NOTARY PUBLIC)

Jackson County
 My Commission Expires: 5/22/2017
 Commission # 13504912

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0287 05/06/2015 PM 12:39:11

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Kerry Dixon, being duly sworn, under oath state that the following person, to wit:

Janet Harden Circulator's Printed Name 4/7/15 3301 Park Ave KCMO 64109 Janet Harden

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Tracy R. Blue</u>	<u>4/7/15</u>	<u>1436 E 75 Terr KC, Mo</u>	<u>64131</u>	<u>TRACY R. Blue</u>
<u>Sackie Brown</u>	<u>4/7/15</u>	<u>1437 E 75 Terr K.C. Mo</u>	<u>64131</u>	<u>Sackie R. Brown</u>
<u>DeLois M. Willingham</u>	<u>4/7/15</u>	<u>1844 77th Terr</u>	<u>64132</u>	<u>DeLois M. Willingham</u>
<u>Lashonda Willingham</u>	<u>4/7/15</u>	<u>1844 77th Terr</u>	<u>64132</u>	<u>Lashonda Willingham</u>
<u>Keith Newton</u>	<u>4/7/15</u>	<u>1020 NE Queens Court</u>	<u>64104</u>	<u>Keith Newton</u>
<u>Rhonda Newton</u>	<u>4/7/15</u>	<u>1020 NE Queens Ct</u>	<u>64104</u>	<u>Rhonda Newton</u>
<u>Phillip B. Simpson</u>	<u>4/7/15</u>	<u>1874 E 76th Ter</u>	<u>64132</u>	<u>Phillip B. Simpson</u>
<u>Justin J. Price</u>	<u>4/7/15</u>	<u>1111 E 75th Ter</u>	<u>64131</u>	<u>Justin J. Price</u>
<u>Norma Neely</u>	<u>4/7/15</u>	<u>2207 E 75th St</u>	<u>64132</u>	<u>Norma Neely</u>
<u>Celia Beasley</u>	<u>4/7/15</u>	<u>7439 Lydia Ave</u>	<u>64131</u>	<u>Celia Beasley</u>

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Kerry Dixon
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC)

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

Kerry Dixon being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Gary K Jones</u>	<u>4-7-15</u>	<u>1836 E 76 ST KCMO</u>	<u>64132</u>	<u>GARY K JONES</u>
<u>Soup Black</u>	<u>4-7-15</u>	<u>11577 Food Ln</u>	<u>64131</u>	<u>Soup Black</u>
<u>QUEEN TART</u>	<u>4-7-15</u>	<u>2250 E 79th ST</u>	<u>64132</u>	<u>Queen Tart</u>
<u>Steven Nunez</u>	<u>4-7-15</u>	<u>1486 E 77th ST</u>	<u>64131</u>	<u>Steven Nunez</u>
<u>Cynthia Prather</u>	<u>4-7-15</u>	<u>7439 Forest Ave</u>	<u>64132</u>	<u>Cynthia Prather</u>
<u>Bertha Prather</u>	<u>" " "</u>	<u>" " " "</u>	<u>" " "</u>	<u>Bertha Prather</u>
<u>Jeune Cheung</u>	<u>4/7/15</u>	<u>7406 Lydia</u>	<u>64131</u>	<u>Jeune Cheung</u>
<u>Frank S. Neely</u>	<u>4/14/15</u>	<u>2302 E 75th</u>	<u>64132</u>	<u>FRANK S. NEELY</u>
<u>Linda Coppen</u>	<u>4/7/15</u>	<u>2449 E. 75th St KCMO</u>	<u>64132</u>	<u>Linda Coppen (well)</u>
<u>Mary S. Middleton</u>	<u>4/7/15</u>	<u>1147 East 77th St</u>	<u>64131</u>	<u>MARY S. Middleton</u>

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Pamela C. McDonald
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) (SEAL)

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@ckmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Reery Dixon, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4/7/15	1420 E 76 th Ter	64131	HARRY A CAVOLE
	4/7/15	1420 E 76 th Ter	64131	HARRY A CAVOLE
	4/7/15	1434 E 75 th Terr	64131	BARBARA J. ROE
	4/7/15	1177 East 77 th St.	64131	ANTHONY W. WATSON
	4-7-15	1708 E. 79 th	64131	EARLINE KENNEDY
	4/7/15	1488 E 77 th Terr	64127	TYLER BURTON
	4-7-15	1146 E. 75 th Ter	64131	DIANE DIXON
	4-7-15	1837 E. 76 th St	64132	CHRISTINE MCCRODY
	4-7-15	1837 E. 76 th St	64132	MARVIN MCCRODY
	4-7-15	7429 Forest	64131	BEATRICE JONES

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0290 05/06/27 PM 12:39:22

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Kerry Dixon, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Dawn R. Burgess</i>	04/07/15	1609 E 79 th St KCMO	64131	Dawn R. Burgess
<i>John McCarty</i>	4/7/15	1720 E. Bala Fenwick	64131	John McCarty
<i>James G. Loudon</i>	4-7-15	1334 E. 78 th St	64131	James G. Loudon
<i>Billie Hufford</i>	4/7/15	1161 E 77 th St	64131	Billie Hufford
<i>Cheryl Shaw</i>	4/7/15	1133 E. 77 th St	64131	Cheryl Shaw
<i>Missoci W. Collins</i>	4/7/15	P.O. Box 24713	64131	Missoci W. Collins
<i>Breanna J. Nelson</i>	4-7-15	1835 E 76 th Terr	64132	Breanna J. Nelson
<i>Holly M. Harris</i>	4-7-15	2505 E 79 th St	64132	Holly M. Harris
<i>Jacquelyn Johnson</i>	4-7-15	7424 Forest Ave.	64131	Jacquelyn Johnson
<i>Frederick Wynne</i>	4-7-15	7424 Forest Ave	64132	Frederick Wynne

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Kerry Dixon
Circulator's Signature

Subscribed and sworn to before me this 24 day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0291 05/06/27 PM 12:39:27

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Marilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

TERRY DIXON, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. <u>Raymond E. Johnson</u>	4-7-15	7401 VIRGINIA AVE	64131	RAYMOND E. JOHNSON
2. <u>Tirannee' Girhan</u>	4-7-15	1311 E 75 th St.	64131	Tirannee' Girhan
3. <u>Emma J. Grace</u>	4-7-15	7433 Virginia	64131	EMMA J. GRACE
4. <u>Ana Wood</u>	4-7-15	1350 E. 79 th St.	64131	Nina Woods
5. <u>Brandy Dial</u>	4-7-15	1023 E 80 th St	64131	Brandy Dial
6. <u>Rebecca Schwartz</u>	4-7-15	1344 E. 75 th Ter	64131	Rebecca Schwartz
7. <u>Cynthia Sipes</u>	4-7-15	1160 E. 78 th St	64131	CYNTHIA SIPES
8. <u>Jack C. Rose</u>	4/7/15	7411 Brooklyn	64132	Jack C. Rose
9. <u>Robin Taylor</u>	4-7-15	1626 E 75 th terr	64131	Robin Taylor
10. <u>Latiste Taylor</u>	4/7/15	1626 E 75 th Terr	64131	Latiste Taylor

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Terry Dixon
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0292 05/06/2015 PM 12:39:30

To: Mayor and Council City of Kansas City, Missouri &
 The Honorable Marilyn Sanders
 City Clerk of Kansas City, Missouri
 25th Floor, City Hall
 414 East 12th Street
 Kansas City, Missouri 64106

Phone: (816) 513-3360
 Fax: (816) 513-3353
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
 County of Jackson)

Sandra Tucker, being duly sworn, under oath state that the following person, to wit:
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. Chris Ervin	4/7/15	7707 E 76 th St	64138	CHRIS ERVIN
2. Crow	4/7/15	8711 E 74 th Ter	64133	CLYDE CROW
3. Gary Emgard	4-7-15	5619 RIVER RD	64139	GARY EMGARD
4. Trazell Patterson	APR 2015	5848 Wallace KCMO	64129	Trazell Patterson
5. Geneva N. Moore	4-7-15	7501 E. 73 rd Ter	64133	Geneva N. Moore
6. Dorothy Shelby	4-7-15	5520 Byrnes Ford Rd.	64129	Dorothy Shelby
7. Venita Fair-Sifra	4/7/15	7804 E 73 rd St	64133	Venita Fair-Sifra
8. Cynthia Pitts	4/7/15	7707 E 75 th Terr. K.C.	64138	Cynthia Pitts
9. Nickey Taylor	4/7/15	644 Park Ave	64130	Nickey Taylor
10.				

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Sandra Tucker
 Circulator's Signature

Subscribed and sworn to before me this April day of 2015

Pamela C. McDonald
 (NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jackson County
 My Commission Expires: 5/22/2017
 Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0293 05/06/2017 PM 12:39:34

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Joney Long, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Larry A. Cain</u>	<u>4-7-15</u>	<u>3430 Bellcenter</u>	<u>64128</u>	<u>Larry Cain</u>
<u>Joney Long</u>	<u>4-7-15</u>	<u>5440 Woodland</u>	<u>64110</u>	<u>Joney Long</u>
<u>Lisa Ortega</u>	<u>4/7/15</u>	<u>2916 E 35th KCMO</u>	<u>64128</u>	<u>Lisa Ortega</u>
<u>Rosebud L. Robinson</u>	<u>4/7/15</u>	<u>2812 E 35th KCMO</u>	<u>64128</u>	<u>Rosebud L. Robinson</u>
<u>Lee Brown</u>	<u>4/7/15</u>	<u>3336 College KMO</u>	<u>64128</u>	<u>Lee Brown</u>
<u>Shidey Ford</u>	<u>4-7-15</u>	<u>3101 Olive K.C.MO</u>	<u>64118</u>	<u>Shidey Ford</u>
<u>Kaci D. Adams-Jenkins</u>	<u>4-7-15</u>	<u>3501 Webster Antero</u>	<u>64109</u>	<u>Kaci D. Adams-Jenkins</u>
<u>Christian Dannel</u>	<u>4/7/15</u>	<u>3238 Agnes</u>	<u>64128</u>	<u>Christian Dannel</u>
<u>Sylvester Traylor</u>	<u>4/7/15</u>	<u>3401 Woodland Ave</u>	<u>64109</u>	<u>Sylvester Traylor</u>
<u>Alice Mack</u>	<u>4/7/15</u>	<u>31426 Virginia</u>	<u>64109</u>	<u>Alice Mack</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Joney Long
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0294 05/06/2017 PM 12:39:38

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Donna Cox, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Marian Denbar</i>	4-7	8246 Highland	64131	Marian Denbar
<i>Austin Yancey</i>		8302 Prospect	64132	Austin Yancey
<i>Sarah A. Berfer</i>	4-7	8024 Wabash	64132	Sarah A. Berfer
<i>Roy Frazier</i>	4-7	1332 E 81 st Terr	64131	Roy Frazier
<i>J. F. Frazier</i>	4-7	1332 E. 81 st Terr	64131	J. F. Frazier
<i>Carla E. King</i>	4-7	8302 PROSPECT KCMO	64132	Carla E. King
<i>Chris Fields</i>	4-7	9203 INDIANA	64132	Chris Fields
<i>Latoya Bolden</i>	4-7	1819 E 82nd KCMO	64132	Latoya Bolden
<i>Laura Lynn</i>	4-7	3560 Paul Blvd	64109	Laura Lynn
<i>Verla White</i>	4-7	1408 E 84 th ST	64131	Verla White

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Donna Cox
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 6 day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

449 pm
4/9/15

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0295 05/06/2015 PM 12:39:41

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Donna Cox, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Gary Roberts</i>	4-7-15	1416 E 84 th Ter	64132	Gary H Roberts
<i>Kalight Mims</i>	4/7/15	1311 E 81 st KCMO	64132	Kalight Mims
<i>W/M</i>	4-7-15	1311 E 81 st KCMO	64131	Khalif Mims
<i>Maria Williams</i>	4-7-15	2019 E. 83 rd Terr	64132	MARIA WILLIAMS
<i>Ophelia Smith</i>	4-7-15	8037 Brooklyn	64132	Ophelia Smith
<i>Charles Wilson</i>	4/7/15	1600 E 82 nd Terr	64132	
<i>Udit Narain</i>	4/7/15	7227 9227 Mc	64114	Udit Narain
<i>Martine Jean Black</i>	4/7/15	1204 E 81 st KCMO	64131	Martine Jean Black
<i>Demetria Ramsey</i>	4/7/15	8047 Michigan	64132	Demetria Ramsey
<i>Mark Seger</i>	4/7/15	1337 G. 84 th Terr	64131	Mark M Seger

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015

(NOTARY PUBLIC)

[SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

345 PM
4/7/15

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0296 05/06/27 PM 12:39:44

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as fling the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

Donna Cox
Circulator's Printed Name

being duly sworn, under oath state that the following person, to wit:

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Joe A Powell</u>	4-7-15	1614 E. 82 nd St	64131	Joe A Powell
<u>Betty J Powell</u>	4-7-15	1614 E 82 nd St	64131	Betty J Powell
<u>J. Bruce</u>	"	8337 Highland	64131	J. Bruce
<u>Dr. Nearke Clarke</u>	4-7-15	4400 Chestnut	64130	Dr. Nearke Clarke
<u>Lessie Holloway</u>	4-7-15	7929 park	64132	Lessie Holloway
<u>Joan Williams</u>	4-7-15	8051 Danford	64132	Joan Williams
<u>Thomas C Giddins</u>	4-7-15	8037 Flora	64131	Thomas C Giddins
<u>Nathan Stolor</u>	4-7-15	1819 East 83 rd St	64132	Nathan Stolor
<u>Dorothy D Banks</u>	4-7-15	1700 E 82 nd	64131	Dorothy D Banks
<u>Desiree Conley</u>	4-7-15	8254 Fort	64131	Desiree Conley

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 6 day of April, 2015
[Signature]
(NOTARY PUBLIC)

[SEAL]

233^{PM} 4/2/13

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0297 05/06/27 PM 12:39:50

To: Mayor and Council City of Kansas City, Missouri &
 The Honorable Marilyn Sanders
 City Clerk of Kansas City, Missouri
 25th Floor, City Hall
 414 East 12th Street
 Kansas City, Missouri 64106
 Phone: (816) 513-3360
 Fax: (816) 513-3353
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd. Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
 County of Jackson)

I, Donna Cox, being duly sworn, under oath state that the following person, to wit:
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Rudolph Staughton Jr</i>	4/7/15	8014 Euclid Kcmo	64132	Rudolph Staughton Jr
<i>Steve Wickham</i>	4/7/15	8507 Highland Ave	64117	STEVE WICKHAM
<i>Roosevelt Lyons</i>	4/7/15	11269 Oak St. KCMO	64114	Roosevelt Lyons
<i>Marita Geddine</i>	4/7/15	8037 FLORA K.C. Mo	64131	MARITA Geddine
<i>Sheldon Ball</i>	4/7/15	2314 W 39th KCMO	64118	Sheldon Ball
<i>Alfreda Strickland</i>	4-7-15	8215 Highland Ave	64131	ALFREDA STRICKLAND
<i>Ellen Siggal</i>	4-7-15	7910 Garfield Ave	64132	Ellen Siggal
<i>Christopher Miller</i>	4-17-15	4019 Montgall	64130	Christopher Miller
<i>Curtis Simpson</i>	4-7-15	1417 E. 80 St KCMO	64131	Curtis Simpson
<i>James Banks</i>	4-7-15	1116 E 80th	64131	JAMES BANKS

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this April day of 2015

(NOTARY PUBLIC)

[SEAL]

PAMELA C. McDONALD
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jackson County
 My Commission Expires: 5/22/2017
 Commission # 13504912

11⁴⁰
pm 4/2/15

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0298 05/06/2015 PM 12:39:55

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

Donna Cox, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>[Signature]</i>	4/7/15	7912 Paul Ave KCMO	64132	Melvin A. Mark Jackson
<i>[Signature]</i>	4/7/15	8149 WAYNE KCMO	64131	MARK EDWARDS
<i>[Signature]</i>	4/7/15	4920 Prospect KCMO	64132	NANCY TAYLOR
<i>[Signature]</i>	4/7/15	1206 E 8 th ST	64131	KAREN BOKER
<i>[Signature]</i>	4/7/15	7925 Olive Blvd	64132	Zellma Forte
<i>[Signature]</i>	4/7/15	8417 LYDIA KCMO	64131	ROBERT P. BUNYARD
<i>[Signature]</i>	4/7/15	7836 Maddie Ave KCMO	64132	JO LANIER
<i>[Signature]</i>	4/7/15	8382 Wayne Street	64131	JOSE GILBERT
<i>[Signature]</i>	4/7/15	7918 Euclid	64132	LU GASKIN
<i>[Signature]</i>	4/7/15	8213 Flora Ave	64131	Minnie Wade

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]
Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015

[Signature]
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

1018
Am 4/7/15

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0299 05/06/27 PM 12:39:58

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Donna Cox, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Christopher P. Stawky</i>	4/7/15	7941 Paseo Apt 2	64131	CHRISTOPHER P STAWKY
<i>Gloria Jones</i>	4/7/15	8128 Flora	64131	Gloria Jones
<i>Audrea Jones</i>	4/7/15	79112 Prospect	64131	AUDREA JONES
<i>Lana C Crowe</i>	4/7/15	1112E 81st	64131	Lana C CROWE
<i>Catherine Redwood</i>	4/7/15	5002 Euclid	64130	Catherine Redwood
<i>Anthony K Fields</i>	4/7/15	913 Proseet	64120	Anthony K Fields
<i>Patricia McClain</i>	4/7/15	7924 Virginia Ave.	64131	Patricia McClain
<i>Paula P. Roe</i>	4/7/15	1436 East 80st	64131	Paula P. Roe
<i>Darcel C. Ray</i>	4/7/15	8245 Highland	64131	Darcel C. Ray
<i>Marva Montgomery</i>	4/7/15	8239 Virginia	64130	Marva Montgomery

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 7th day of April, 2015

[Signature]
(NOTARY PUBLIC)

[SEAL]

8²⁰ AM 4/7/15

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0300 05/06/2017 PM 12:40:04

To: Mayor and Council City of Kansas City, Missouri &
 The Honorable Marilyn Sanders
 City Clerk of Kansas City, Missouri
 25th Floor, City Hall
 414 East 12th Street
 Kansas City, Missouri 64106

Phone: (816) 513-3360
 Fax: (816) 513-3353
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
 County of Jackson)

1. NAPOLEON THOMAS, being duly sworn, under oath state that the following person, to wit:
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Christine Hoekster</i>	4-7	10324 Smalley	64134	Christine Hoekster
<i>Gabrielle Edwards</i>	4-7	8501 E. 109th St	64134	GABRIELLE EDWARDS
<i>Dra Oliver Holland</i>	4-7	800E. 104th Ter	64134	Dra Oliver Holland
<i>HAYLEY JORDAN</i>	4-7-15	8303 E 105th St	64134	Hayley Jordan
<i>Deborah Ashley Jordan</i>	" "	" "	64134	Deborah Ashley Jordan
<i>Shelley Hood</i>	4-7-15	10707 MARSH AVE ^{KCMO}	64134	Shelley Hood
<i>Carla Watson</i>	4/7/15	9935 View High Dr	64134	Carla Watson
<i>Elma Cundiff</i>	4/7/15	10324 Skiles	64134	Elma Cundiff
<i>Josephine Bobbitt</i>	4-7-15	70337, Mar. West P	64134	Bobbitt
<i>LORNA BOONE</i>	4/7/15	8624 E 108	64134	Lorna Boone

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Napoleon Thomas
 Circulator's Signature

Subscribed and sworn to before me this 6th day of April, 2015

Pamela C. McDonald
 (NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jackson County
 My Commission Expires: 5/22/2017
 Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0301 05/06/27 PM 12:40:08

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Reverend C. Dixon, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Florence Wilson</u>	<u>4-24-15</u>	<u>1612 E 76th St, KC MO</u>	<u>64131</u>	<u>Florence Wilson</u>
<u>Imani Rivers</u>	<u>4/7/15</u>	<u>1431 E 75th St KC MO</u>	<u>64131</u>	<u>Imani Rivers</u>
<u>Terry Watters</u>	<u>4/2/15</u>	<u>1437 E 75th St 64131</u>		<u>Terry Watters</u>
<u>Allen J. Wilson Sr.</u>	<u>4/7/15</u>	<u>1612 E 76th St</u>	<u>64131</u>	<u>Allen J. Wilson, Sr.</u>
<u>Allen J. Wilson Jr.</u>	<u>4/7/15</u>	<u>1612 E 76th St</u>	<u>64131</u>	<u>Allen J. Wilson Jr.</u>
<u>Linda M. Simmons</u>	<u>4/7/15</u>	<u>2248 E. 77th Terr.</u>	<u>64132</u>	<u>Linda M. Simmons</u>
<u>Dana Hammond</u>	<u>4/7/15</u>	<u>1130 E 77th</u>	<u>64132</u>	<u>Dana Hammond</u>
<u>Shirley White</u>	<u>4/7/15</u>	<u>7530 Wabash Ave</u>	<u>64132</u>	<u>SHIRLEY WHITE</u>
<u>Sorbert C. White</u>	<u>4/7/15</u>	<u>2520 Wabash Ave.</u>	<u>64132</u>	<u>Sorbert C. White</u>
<u>Cassandra Wiley</u>	<u>4/7/15</u>	<u>7401 Flora KC Mo</u>	<u>64131</u>	<u>Cassandra Wiley</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

[Signature]
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0302 05/06/27 PM 12:40:12

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, Kerry Dixon, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. <u>Glenn Davis Sr.</u>	4-7-15	7400 WAYNE AV	64131	GLENN DAVIS SR.
2. <u>Jeanette Ray</u>	4/7/15	7560 WABASH	64132	Kenneth RAY
3. <u>Emily Beeks</u>	4-7-15	22515. 77 th Terr	64137	EMILY BEEKS
4. <u>Michael Haysett</u>	4-7-15	1457 E. 78	64135	Michael HAYSETT
5. <u>Frederick Tucker</u>	4-7-15	7655 WABASH RVE.	64132	FREDERICK TUCKER
6. <u>Akiah Savior</u>	4-7-15	6415 WALNOR	64132	AKIAH SAVIOR
7. <u>Denita Wades</u>	4-7-15	6415 WALNOR	64132	DENITA WADES
8. <u>Dante Walter</u>	4-7-15	2211 WABASH	64137	Dante Walter
9. <u>Carol Walter</u>	4-7-15	2211 WABASH	64137	Carol Walter
10. <u>Rhonda Smith</u>	4-7-15	1138 E 77 th Terr	64131	Rhonda Smith

I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Kerry Dixon
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 7th day of April, 2015
Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0303 05/06/27 PM 12:40:16

To: Mayor and Council City of Kansas City, Missouri &
 The Honorable Marilyn Sanders
 City Clerk of Kansas City, Missouri
 25th Floor, City Hall
 414 East 12th Street
 Kansas City, Missouri 64106
 Phone: (816) 513-3360
 Fax: (816) 513-3353
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as fling the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
 County of Jackson)

I, Kerry Dixon, being duly sworn, under oath state that the following person, to wit:
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Loraine D. Bell</u>	<u>04/7/15</u>	<u>1151 E 74th St Kcmo</u>	<u>64131</u>	<u>LORRAINE D. BELL</u>
<u>Randall Hall</u>	<u>4/7/15</u>	<u>1231 Garfield Kcmo</u>	<u>64127</u>	<u>Randall Hall</u>
<u>Martina Long Hoover</u>	<u>4/7/15</u>	<u>1838 E. 76th St Kcmo</u>	<u>64132</u>	<u>MARTINA LONG HOOPER</u>
<u>Betty L. Wilson</u>	<u>4/7/15</u>	<u>1187 E 77th Ter</u>	<u>64131</u>	<u>BETTY L. WILSON</u>
<u>Melvin F. Tolbert</u>	<u>4/7/15</u>	<u>7530 Olive</u>	<u>64132</u>	<u>Melvin Tolbert</u>
<u>Vera Gant</u>	<u>4/7/15</u>	<u>7408 Euclid</u>	<u>64132</u>	<u>VERA GANT</u>
<u>James Mix</u>	<u>4/7/15</u>	<u>1901 E 74th</u>	<u>64132</u>	<u>James Mix</u>
<u>Rachel Hayes</u>	<u>4/7/15</u>	<u>1172 E. 75th Terr</u>	<u>64132</u>	<u>RACHEL HAYES</u>
<u>Dionna Taylor</u>	<u>4-7-15</u>	<u>1174 East 75th Ter</u>	<u>64131</u>	<u>Dionna Taylor</u>
<u>James S. Williams</u>	<u>4/7/15</u>	<u>2248 E 77th Ter</u>	<u>64132</u>	<u>JAMES S. WILLIAMS</u>

I, _____, signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]
 Circulator's Signature

Subscribed and sworn to before me this 4 day of April, 2015

[Signature]
 [NOTARY PUBLIC] [SEAL]

PAMELA C. McDONALD
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jackson County
 My Commission Expires: 5/22/2017
 Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0304 05/06/2015 PM 12:40:24

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

GREGORY L PHILLIPS, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Dennis Parchman</i>	4/7/15	6940 Myrtle Ave	64132	Dennis Parchman
<i>Delano McKinney</i>	4/7/15	6834 Monroe	64132	Delano McKinney
<i>Ronald L. Davis</i>	4/7/15	4221 E. 67th Ter	64132	Ronald L. Davis
<i>Miles W. Thomas</i>	4-7-15	3941 College Ave	64132	Miles W. Thomas
<i>Nesley K. Smith</i>	4/7/15	3001 E 65 th St	64132	Nesley K. Smith
<i>Arnette Elmore</i>	4/22/15	6900 Linn	64132	Arnette Elmore
<i>Tanya D Lewis</i>	4-7-15	4208 E 69 th KCMO	64132	Tanya D Lewis
<i>Walter Hodge</i>	4/7/15	6400 Osbornes KCMO	64132	Walter Hodge
<i>Robert E. White</i>	4/7/15	7621 Brooklyn Ave KCMO	64132	Robert E. White
<i>Pamela C. Early</i>	4/7/15	6916 Myrtle KCMO	64132	Pamela C. Early

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory L Phillips
Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015.

Pamela C. McDonald
(NOTARY PUBLIC)

[SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0305 05/08/27 PM 12:40:27

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I GREGORY L PHILLIPS, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Gloria J Lemons</u>	4/7	4231 E. 67 th	64132	Gloria J Lemons
<u>Rosie Hayden</u>	4/7	6747 Monroe	64132	Rosie Hayden
<u>Hattie M. Cooper</u>	4/7	4215 E. 68 th Terr	64132	HATTIE M. COOPER
<u>ROBERT HARPER</u>	4/7	4091 E. 68 th Terr	64132	ROBERT HARPER
<u>Lavera Prewitt</u>	4/7	481 Eatonville Rd.	64109	Lavera Prewitt
<u>Erin Jones</u>	4/4	101 E Armour Blvd #513	64109	Erin Jones
<u>Anita Lewis</u>	4/7	3010 E Mayer Blvd	64132	Anita Lewis
<u>David L. Lemons</u>	4/7	4231 E. 67 th St.	64132	David L. Lemons
<u>Clark Reason</u>	4/7	6646 Indiana	64132	CLARK REASON
<u>Loise Maddox</u>	7/1	3811 E 68 th St	64132	Loise Maddox

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory L Phillips
Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0306 05/06/27 PM 12:40:32

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I GREGORY L PHILLIPS, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4-7-2015	4215 E. 67 th St	64132	Jessie Beck
	4/7/15	3115 E 63 rd St	64180	Willa J. Webb
	4/7/15	3115 E 63 rd St	64112	George A Webb Jr
	4/7/15	4900 Walnut Ave	64136	Leon A Doniphan
	4/7/15	6646 Indiana	64132	Wilma Beason
	4/7/15	6404 College Ave	64134	Regina Carpenter
	4-7-15	8245 E 68 th Terr	64132	Horace G. Alexander
	4-7-15	4211 E. 67 th St.	64132	Joseph R. Barksdale
	4-7-15	6641 Monroe Ave	64132	Nathaniel Johnson Sr
	4/7/15	6641 Monroe	64132	Charlette Lockett

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 7 day of April, 2015

(NOTARY PUBLIC)

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0307 05/06/27 PM 12:40:37

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I GREGORY L Phillips, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Virginia Blankenbaker</i>	4/7/15	3605 E. Meyer Blvd.	64132	VIRGINIA BLANKENBAKER
<i>Genola Foote</i>	4/7/15	3600 E 67th St	64132	GENOLA FOOTE
<i>Oscar Garlington</i>	4/7/15	6324 College	64132	OSCAR GARLINGTON
<i>Zack Nightower</i>	4/7/15	6846 Monroe Ave	64132	ZACK NIGHTOWER
<i>Shirley Pickens</i>	4-7	6844 Mann	64132	SHIRLEY PICKENS
<i>John Sanders</i>	4-7	2248 E 91st	64132	JOHN SANDERS
<i>Pearline Edwards</i>	4-7	3631 EMEYER	64132	PEARLINE EDWARDS
<i>Earlene Adams</i>	4-7	6628 Bellfontaine	64132	Earlene Adams
<i>Kenneth L. Walker</i>	4-7	6630 So. Benton	64132	Kenneth L. Walker
<i>Olivia McDaniel</i>	4-7	2412 E 69th Terr	64132	OLIVIA MCDANIEL

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory L Phillips
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 7 day of April, 2015
Pamela C. McDonald
(NOTARY PUBLIC)

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0308 05/06/27 PM 12:40:41

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I GREGORY L PHILLIPS, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Maurice Williams</i>	4/7/15	6722 MONROE AVE	64132	MAURICE WILLIAMS
<i>Anna Gravely</i>	4/7/15	6457 S. Benton Ave	64132	ANNA L. GRAVELY
<i>Etha M. Felts</i>	4/7/15	6817 Indiana	KMO 64132	Etha M. Felts
<i>Constance Ingram</i>	4/7/15	5816 E 40 th Tr	64129	Constance Ingram
<i>Juanita Cooks</i>	4/7/15	4015 E 67 ST	64132	Juanita Cooks
<i>Pamela Murrell</i>	4/7/15	3011 E. Meigs Blvd	64132	PAMELA MURRELL
<i>Richonia Freeman</i>	4/7/15	6041 S. Benton Ave	KMO 64132	Richonia Freeman
<i>Jerry Wiley</i>	4/7/15	6636 Bales	KMO 64132	JERRY WILEY
<i>Vivian Ewing</i>	4/7/15	4036 E 7051	64132	VIVIAN EWING
<i>Bernice Williams</i>	4/7/15	6638 So Benton	64132	Bernice Williams

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory L Phillips
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 7 day of APRIL, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8 - PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0309 05/06/2015 PM 12:40:45

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

GREGORY L. PHILLIPS, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Merton England</u>	<u>4/7/15</u>	<u>6633 College Ave</u>	<u>64132</u>	<u>Merton England</u>
<u>Jamie Ross</u>	<u>4-7-15</u>	<u>3822 S 68th Trce</u>	<u>64132</u>	<u>JAMIE M ROSS</u>
<u>Eddie Robinson</u>	<u>4/7/15</u>	<u>4025 E. 68th Trce</u>	<u>64132</u>	<u>Eddie L. Robinson</u>
<u>Natasha Stringer</u>	<u>4/7/15</u>	<u>6940 Myrtle</u>	<u>64132</u>	<u>Natasha Stringer</u>
<u>Marshall Williams</u>	<u>4/7/15</u>	<u>6638 So. Benton</u>	<u>64132</u>	<u>Marshall Williams</u>
<u>Brandon Jones</u>	<u>4-7-15</u>	<u>6745 Bales</u>	<u>64132</u>	<u>Brandon Jones</u>
<u>Nellie Robinson</u>	<u>4-7-15</u>	<u>6845 Bales</u>	<u>64132</u>	<u>Nellie Robinson</u>
<u>Eve McGee</u>	<u>4-7-15</u>	<u>4203 E. 67th St</u>	<u>64132</u>	<u>Eve McGee</u>
<u>Wayne A. Judon Sr.</u>	<u>4-7-15</u>	<u>6939 MYRTLE AVE</u>	<u>64132</u>	<u>WAYNE A. JUDON SR.</u>
<u>Doris Judon</u>	<u>4-7-15</u>	<u>"</u>	<u>"</u>	<u>DORIS JUDON</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory L. Phillips
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County

Subscribed and sworn to before me this 7 day of April, 2015

Pamela C. McDonald
(NOTARY PUBLIC) [SEAL]

My Commission Expires: 5/22/2017
Commission # 13504912

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0310 05/06/27 PM 12:40:48

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I, DEANNA P. AUSTIN, being duly sworn, under oath state that the following person, to wit:
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4/7/15	1814 E. 15 th Terr	64132	Jan V Jeffrey
	5/3/15	2710 Grove St.	64109	Donna Craddock
	4/7/15	1913 E 11 th	64127	KIMBERLY ALICE
	4/07/15	1913 E. 16 th	64127	CHAUNCEYETTA MIZE
	4/7/15	1309 E. 32nd Terr	64109	Princess Hopkins
	4/7/15	2529 Euclid Ave	64127	King Evans
	4/7/15	1906 W. 10 th Ave	64108	ZUTINA COLEMAN
	4-7-15	2220 Wabash	64127	Charles Moreland
	4-7-15	1300 E. 26 th St	64108	Mary M. Allen
	4-7-15	1300 E 26 th St	64108	GEORGE F. ALLEN

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 4th day of April, 2015

(NOTARY PUBLIC) [SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0311 05/06/2015 PM 12:40:51

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Marilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 th Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 st Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

I DEANNA P. AUSTIN

Circulator's Printed Name

being duly sworn, under oath state that the following person, to wit:

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Jimmie Ann Griffin</i>	4-7-15	1503 Woodland	64108	Jimmie Ann Griffin
<i>Joe Curren</i>	4-7-15	2515 W POISED BLVD	64108	Joe Curren
<i>Wm Johnson</i>	4/7/15	2127 E 15 th Terr	64127	Wm Johnson
<i>Jeffrey T Carter</i>	4/7/15	2035 E 25 th	64127	Jeffrey T Carter
<i>Tasha Mills</i>	4/7/15	2018 E 25 th	64127	Tasha Mills
<i>Diana Mack</i>	4/7/15	1919 E. 14 th Terr	64127	Diana Mack
<i>Patricia Lee</i>	4/7/15	2024 Park	64127	PATRICIA LEE
<i>Kalena James</i>	4/7/15	2555 Paseo Blvd	64108	Kalena James
<i>Kevin L Workcuff</i>	4/7/15	1919 E 25 th St.	64108	KEVIN L WORKCUFF
<i>Eric Tyrone Wilson</i>	4/7/15	2124 E. 16 th St Kansas City, Missouri	64127	ERIC TYRONE WILSON

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County

My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 6th day of April, 2015

(NOTARY PUBLIC)

[SEAL]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI

0312 05/06/2017 PM 12:40:56

To: Mayor and Council City of Kansas City, Missouri &
The Honorable Marilyn Sanders
City Clerk of Kansas City, Missouri
25th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Phone: (816) 513-3360
Fax: (816) 513-3353
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110th Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101st Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri)
County of Jackson)

Donna Cox
Circulator's Printed Name

being duly sworn, under oath state that the following person, to wit:

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Debra Johnson</u>	<u>4-7-15</u>	<u>1200 E 81st</u>	<u>64131</u>	<u>Debra Johnson</u>
<u>Hosea Bausby</u>	<u>4-7-15</u>	<u>9611 E. 84th KCMO</u>	<u>64132</u>	<u>Hosea Bausby</u>
<u>Lance Wesson</u>	<u>4/7/15</u>	<u>9205 E 82nd, KCMO</u>	<u>64138</u>	<u>Lance Wesson</u>
<u>Bickey Peters</u>	<u>4-7-15</u>	<u>8000 70th KCMO</u>	<u>64131</u>	<u>Bickey Peters</u>
<u>Tasha Werd</u>	<u>4-7-15</u>	<u>8308 Prospect</u>	<u>64132</u>	<u>Tasha Werd</u>
<u>Breyonna Bausby</u>	<u>4-7-15</u>	<u>8308 Prospect</u>	<u>64132</u>	<u>Breyonna Bausby</u>
<u>Michael Carrell</u>	<u>4-7-15</u>	<u>8342 WAX 115</u>	<u>64131</u>	<u>Michael Carrell</u>
<u>Jenna B. Carrell</u>	<u>4-7-15</u>	<u>8342 Wagne</u>	<u>64131</u>	<u>Jenna B. Carrell</u>
<u>Joshua Carrell</u>	<u>4-7-15</u>	<u>8342 Wagne</u>	<u>64131</u>	<u>Joshua Carrell</u>
<u>Coy Jones</u>	<u>4-7-15</u>	<u>3910 Norton</u>	<u>64130</u>	<u>Coy Jones</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

P. C. McDonald
Circulator's Signature

PAMELA C. McDONALD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: 5/22/2017
Commission # 13504912

Subscribed and sworn to before me this 4th day of April, 2015

(NOTARY PUBLIC)

(SEAL)

8

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

WHEREAS, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

WHEREAS, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

WHEREAS, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

WHEREAS, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNSEL:

SECTION 1 - AUTHORITY.

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

SECTION 2 - DEFINITIONS.

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

SECTION 3 - APPLICABILITY.

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

SECTION 4 - FINDINGS.

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

SECTION 7 - REMEDIES AND PENALTIES.

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

SECTION 8- PROSPECTIVE APPLICATION.

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

SECTION 9 - SEVERABILITY.

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

SECTION 10 - NOTICE POSTING.

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

SECTION 11 - PROCEDURE.

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

SECTION 12 - EFFECTIVE DATE.

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.

