

ORDINANCE # TITLE I, CHAPTER 8
POLICY AND ADMINISTRATION
AN ORDINANCE ESTABLISHING A WAPELLO COUNTY MINIMUM WAGE

Whereas, the Iowa Constitution grants counties home rule power and authority to determine their local affairs and government; and

Whereas, Iowa law allows counties to enact private or civil laws governing civil relationships when done incident to an exercise of an independent county power; and

Whereas, Iowa law grants counties independent powers to protect and preserve the rights, privileges, and property of the county or of its residents; to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents; and to set standards and requirements which are higher and more stringent than those imposed by state law; and

Whereas, Wapello County ranks among the very poorest counties in Iowa: and

Whereas, many working families and individuals in Wapello County are unable to adequately sustain themselves due to wages below the cost of living in the county; and

Whereas, payment of a higher minimum wage advances Wapello County's interests by creating jobs that better help workers and their families avoid poverty and economic hardship, reducing residents' reliance upon public and private aid, and better enabling residents to meet basic needs; and

Whereas, increasing the minimum wage increases consumer purchasing power, increases workers' standards of living, reduces poverty, and stimulates the economy; and

Whereas, a higher minimum wage will improve the peace, safety, health, welfare, comfort and convenience of Wapello County residents by raising their standard of living and other associated benefits.

Now, Therefore, Be It Ordained By The Wapello County Board of Supervisors, as follows:

SECTION I. Purpose.

The purpose of this ordinance shall be to establish a minimum hourly wage applicable to certain employees and employers within the geographical boundaries of Wapello County, Iowa.

SECTION II. Authority.

This ordinance is adopted pursuant to Wapello County's home rule authority as set out in Article III, Section 39A of the Iowa Constitution, and consistent with the County's independent police powers and its ability to adopt standards that exceed the standards set forth by the State, both as set out in Iowa Code 331.301.

SECTION III. Applicability Within Wapello County Municipalities.

This ordinance shall be applicable within the unincorporated areas of Wapello County, Iowa, and within any Wapello County municipality that has not adopted a conflicting ordinance.

SECTION IV. The Wapello County Minimum Wage Ordinance.

Title 1, Policy and Administration, of the Wapello County Code of Ordinances is hereby amended to add a new Chapter 8, to be numbered and read as follows:

Title 1, Chapter 8 MINIMUM WAGE

1) Minimum Wage Requirements

(a) The Wapello County hourly wage shall be at least \$8.20 as of January 1, 2017, \$9.15 as of January 1, 2018 and \$10.10 as of January 1, 2019. Beginning on July 1, 2019, and each July 1st thereafter, the Wapello County hourly wage shall be increased by an amount corresponding to the previous calendar year's increase (i.e., January 1, 2018 through December 31, 2018), if any, in the Consumer Price Index for the Midwest region as published by the Bureau of Labor Statistics, U.S. Department of Labor or its successor index. The adjusted Wapello County hourly wage shall be announced by the Board of Supervisors by April 1 of each year.

(b) Every employer, as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, shall pay to each of the employer's employees, as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, the Wapello County hourly wage stated in paragraph "a", the current state hourly wage, pursuant to Iowa Code 91D.1, as amended, or the current federal minimum wage, pursuant to 29 U.S.C. 206, as amended, whichever is greater.

(c) For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than thirty dollars a month in tips is receiving the minimum hourly wage rate prescribed in this section, the amount

paid the employee by the employer shall be deemed to be increased on account of the tips by an amount determined by the employer, not to exceed forty percent of the applicable minimum wage.

(d) An employer is not required to pay an employee the applicable Wapello County hourly wage provided in paragraph “a” until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer prior to January 1, 2017, January 1, 2018, or January 1, 2019, shall earn the applicable Wapello County hourly minimum wage as of that date. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least \$6.35.

(e) Employees are covered by this ordinance for each hour worked within the geographic boundaries of Wapello County or one of the municipalities located therein, provided that an employee who performs work in the geographic boundaries of Wapello County or one of the municipalities located therein on an occasional basis is covered by this ordinance in a two-week period only if the employee performs more than two hours of work within Wapello County or an applicable municipality during that two-week period.

2) Exceptions. The exemptions from the minimum wage requirements stated in Iowa Code 91D.(2) shall apply to this ordinance.

3) Enforcement of Violations. Any violation of this ordinance shall be considered a county infraction, punishable as provided by Iowa Code Section 331.307. Additionally, this ordinance may be enforced pursuant to Iowa Code Chapter 91A.

4) Applicability. Notwithstanding the above, this ordinance shall not be applicable within the geographic boundaries of any Wapello County municipality that has adopted a conflicting ordinance, or to work performed by employees within said Wapello County municipality.

SECTION V. Repealer. All other ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI. Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not be adjudged invalid, illegal or unconstitutional.

SECTION V. Effective Date. This ordinance shall be in effect on the later of January 1, 2017, or after its final passage and publication as part of the proceedings of the Board of Supervisors.

ATTEST:








