

## ORDINANCE 1606

### **AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTION 2.04.030 OF THE BANNING MUNICIPAL CODE TO INCREASE THE SALARY OF EACH MEMBER OF THE CITY COUNCIL TO \$950 PER MONTH**

**WHEREAS**, Government Code Section 36516 provides that a City Council may enact an ordinance setting the salary for each member of the City Council, the amount of which shall be based upon population; and

**WHEREAS**, on October 24, 2006, the City Council adopted Ordinance 1354, setting City Councilmember compensation to \$300 per month; and

**WHEREAS**, Government Code Section 36516(a)(2)(A) provides that cities up to and including 35,000 in population may set City Councilmember salaries by ordinance up to and including \$950 per month; and

**WHEREAS**, Government Code Section 36516(a)(3) provides that the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance; and

**WHEREAS**, the City of Banning population as of the 2020 federal census was 29,505 and the California Department of Finance has estimated that the 2024 population for Banning is 31,213; and

**WHEREAS**, the time, commitment, and expense of serving on the Banning City Council has increased significantly since 2006; and

**WHEREAS**, pursuant to Government Code Section 36516.5, changes to city councilmember salaries may not take effect until a new city council term begins and, in the case of councilmembers serving staggered terms, all councilmembers may receive the salary increase once one or more councilmembers begin a new term in office; and

**WHEREAS**, the next General Municipal Election for the City of Banning is to be held on November 5, 2024, and the proposed salary increase set forth in this Ordinance shall not take effect until the start of a new city council term following the November 2024 election;

The City Council of the City of Banning does hereby ordain as follows:

**SECTION 1.** All of the above recitals are true and correct and are herein by reference.

**SECTION 2.** The Council hereby finds that increasing time commitments by the Council and increasing cost of living demonstrate the need for the increase in compensation.

**SECTION 3.** Section 2.04.03 ("Compensation") of Chapter 2.04 ("City Council") of Title 2 ("Administration and Personnel") of the Banning Municipal Code is hereby amended to read as follows:

**"2.04.030 - Compensation.**


- A. Pursuant to California Government Code section 36516(a)(2)(A), each council person shall receive a monthly salary of nine hundred fifty dollars.
- B. Pursuant to California Government Code section 36516.5 the salary provided for in subsection A shall take effect as to all members of the city council only upon the commencement of the new or re-elected term of office by any member of council following the November 2024 municipal election.
- C. Pursuant to California Government Code section 36516(a)(4), the City Council may increase the salary of each council person beyond the amount provided in subsection A by an ordinance or an amendment to an ordinance, provided the amount of the increase shall not exceed the greater of either of the following:
  - (1) An amount equal to five percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.
  - (2) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed ten percent for each calendar year."

**SECTION 4.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 5.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, or portion not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this 10th day of September 2024.

  
\_\_\_\_\_  
Alberto Sanchez, Mayor  
City of Banning

**ATTEST:**

  
\_\_\_\_\_  
Caroline Patton, Administrative City Clerk  
City of Banning

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Serita Young', written over a horizontal line.

Serita Young, City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

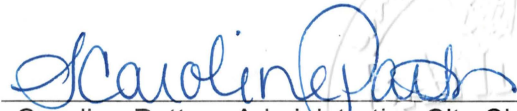
I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that Ordinance 1606 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 27th day of August 2024, and was duly adopted at a regular meeting of said City Council on the 10th day of September 2024, by the following vote, to wit:

AYES: Flynn, Happe, Minjares, Sanchez and Wallace.

NOES:

ABSENT:

ABSTAIN:



Caroline Patton, Administrative City Clerk  
City of Banning, California