

ORDINANCE NO. 2023 - XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE SECTION 2.04.070 MODIFYING THE CITY COUNCIL'S MONTHLY COMPENSATION

WHEREAS, the compensation for City Councilmembers is \$441 per month and has not been increased since 1991; and

WHEREAS, under the current provisions of Government Code section 36516, the base salary for members of a city council for a city with a population the size of El Cerrito's is \$300, The base salary may be increases by five percent for each year since the operative date of the last change. Under Government Code section 36516.5, any change to the salary for members of a city council can only go into effect after at least one member of the city council begins a new term; and

WHEREAS, the State Legislature recent approved and the Governor signed Senate Bill 329 (Dodd, 2023), which will amend Government Code section 36516 effective January 1, 2024. Among other changes, the amendment sets the base salary for members of a city council with a population the size of El Cerrito's at \$950 monthly. The bill states that increases in city council compensation "may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families;" and

WHEREAS, city council compensation is a municipal affair. The limits on city council salaries and procedural provisions of Government Code sections 36516 and 36516.5 apply only to general law cities, not to charter cities; and

WHEREAS, El Cerrito is a charter city. Pursuant to Section 100 of the Charter of the City of El Cerrito, the City Council may adopt ordinances with respect to municipal affairs, subject only to the limits of the Charter, the California Constitution and the United States Constitution. The City Council is not limited by Government Code section 36516.5 as to the operative date of a change in City Council salary; and

WHEREAS, the Financial Advisory Board reviewed the compensation of the City Council with comparable cities and determined that the salary should be increased to a sum of \$650 per month.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 2.04.070 is hereby amended to read as follows (additions in underline, deletions in strikethrough):

2.04.170 - Salary—Designated.

Each member of the council shall receive, as salary, the sum of ~~four hundred and~~

~~forty-one~~ six hundred and fifty dollars per month, which shall be payable at the same time and in the same manner as the salaries are paid for other officers and employees of the city. Such salary is prescribed exclusive of any reimbursement for expenses incurred in the performance of official duties for the city, or for any amounts contributed by the city for retirement, health and welfare and federal social security benefits.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 3: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. The amendment to the Municipal Code set forth in Section 1 of this Ordinance shall be operative on January 1, 2024. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on September 19, 2023 and passed by the following vote:

AYES: Mayor Motoyama; Mayor Pro Tem Rudnick; Councilmembers Quinto and Wysinger
NOES:
ABSENT:
ABSTAIN: Councilmember Fadelli

ADOPTED AND ORDERED published at a regular meeting of the City Council held on October 3, 2023 and passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Lisa Motoyama, Mayor

ATTEST:

Holly M. Charléty, City Clerk _____

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2023-XX of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on October 3, 2023; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California,
on_____.

Holly M. Charléty, City Clerk _____