

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING CHAPTER 2.09, CITY COUNCILMEMBERS-COMPENSATION, OF THE NEWARK MUNICIPAL CODE TO INCREASE THE SALARIES OF CITY COUNCILMEMBERS AND MAYOR BY TEN PERCENT (10%)

WHEREAS, Chapter 2.09 ("City Councilmembers-Compensation") of the Newark Municipal Code provides for the payment of salaries and benefits to Newark City Councilmembers and the Mayor; and

WHEREAS, Section 2.09.010 authorizes the City to pay Councilmembers a salary of one thousand two hundred forty-seven dollars (\$1,247) per month; and

WHEREAS, said section authorizes the City to pay the Mayor a salary of two thousand seven hundred twenty-seven dollars (\$2,727) per month; and

WHEREAS, said salaries took effect January 1, 2019; and

WHEREAS, City Councilmembers and Mayor have not received an increase in salary since January 1, 2019; and

WHEREAS, the City Council is authorized by Government Code Section 36516 to increase the salary of Councilmembers and the Mayor in an amount not to exceed five percent (5%) per calendar year from the operative date of the last adjustment of salary; and

WHEREAS, the City Council is authorized by Government Code Section 36516.1 to pay an elected Mayor salary in excess to that which they receive as a Councilmember; and

WHEREAS, at the City Council meetings held on May 26, 2022 and June 23, 2022, City staff presented to the Council regarding the Mayoral and City Council Member salary and benefits; and

WHEREAS, the City Council desires to increase salary of the Councilmembers and Mayor by ten percent (10%) starting January 1, 2023.

NOW, THEREFORE, the City Council of the City of Newark does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Amendment of Section 2.09.010 the Newark Municipal Code. Subsections (A) and (B) of Section 2.09.010 ("Salary") of Chapter 2.09 ("City Council") of Title 2 ("Administration and Personnel") are hereby amended as follows (replacements in double underline; deletions in ~~strikethrough~~):

2.09.010 Salary.

- A. Pursuant to Government Code Sections 36516 and 36516.5, each councilmember, other than the mayor, shall receive a salary of ~~one thousand two hundred forty-seven dollars~~ one thousand three hundred seventy-one dollars per month commencing ~~January 1, 2019~~ January 1, 2023.
- B. Pursuant to Government Code Section 36516.1, the elective mayor shall receive compensation in the amount of ~~two thousand seven hundred-twenty-seven dollars~~ two thousand nine hundred ninety-nine dollars per month commencing ~~January 1, 2019~~ January 1, 2023.

SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. CEQA. Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. Publication and Effective Date. In accordance with Government Code section 36516.5, this ordinance shall take effect January 1, 2023. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in the Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Vice Mayor Hannon at the regular meeting of the City Council of the City of Newark held on July 14, 2022.

This ordinance was read at the regular meeting of the City Council held July 28, 2022. Council Member Freitas moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES: Council Members Bucci, Freitas, and Vice Mayor Hannon

NOES: None

ABSENT: Council Member Collazo and Mayor Nagy

SECONDED: Council Member Bucci

APPROVED:



s/MICHAEL K. HANNON

Vice Mayor

ATTEST:



s/SHEILA HARRINGTON

City Clerk

APPROVED AS TO FORM:



s/KRISTOPHER J. KOKOTAYLO

City Attorney