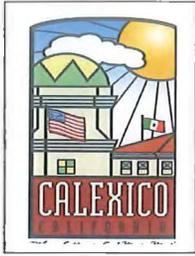


AGENDA
ITEM

14



AGENDA STAFF REPORT

DATE: September 1, 2021

TO: Mayor and City Council

PREPARED BY: Best Best & Krieger, LLP, City Attorney

SUBJECT: Introduction and First Reading by Title Only of an Ordinance Reinstating City Council Compensation and Benefits

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Recommendation (by Mayor Javier Moreno):

That the City Council introduce and conduct first reading, by title only, of Ordinance No. _____, entitled An Ordinance of the City Council of the City of Calexico, California, Reinstating Calexico Municipal Code Chapter 2.06 Regarding City Council Salaries and Reinstating City Council Benefits

Background:

In general law cities, city council member salaries are controlled by California Government Code section 36516(a), which allows cities to establish, by ordinance, a salary as determined by the city's population. The City Council adopted Calexico Municipal Code ("CMC") Chapter 2.06 in 1975 to establish a city council salary in compliance with the Government Code. (CMC, § 2.06.030.)

The City has also paid for city council benefits, which are not included as part of the state-regulated salary. However, these benefits must be, and are in Calexico, the same as those paid to City employees. (Gov. Code, § 36516(d).)

On July 21, 2021 the City Council adopted Ordinance No. 1217 which temporarily suspended City Council salary and benefits for twelve months.

Discussion and Analysis:

Mayor Moreno is recommending that the City Council reinstate City Council salaries and benefits. City Council members may waive their salaries and benefits if desired. The proposed Ordinance would reinstate City Council salaries pursuant to Calexico Municipal Code

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Chapter 2.06 and would also reinstate benefits, which are the same as those provided to City employees.

Fiscal Impact:

The proposed Ordinance would reinstate payments of City Council salary and benefits in the amount of approximately \$157,440 annually from the City's general fund.

Coordinated with:

Mayor's Office.
City Manager's Office.

Attachment(s):

1. Ordinance No. _____ - An Ordinance of the City Council of the City of Calexico, California, Reinstating Calexico Municipal Code Chapter 2.06 Regarding City Council Salaries and Reinstating City Council Benefits.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, REINSTATING CALEXICO MUNICIPAL CODE CHAPTER 2.06 REGARDING CITY COUNCIL SALARIES AND REINSTATING CITY COUNCIL BENEFITS

WHEREAS, pursuant to California Government Code Section 36516, cities are authorized to establish city council salaries as determined by city population; and

WHEREAS, the Government Code also allows cities to provide benefits to City Council members as long as the benefits are equal to those offered to City employees; and

WHEREAS, the City Council of the City of Calexico ("City Council") adopted Ordinance No. 1217 on July 21, 2021 temporarily suspending City Council salary and benefits for twelve months; and

WHEREAS, the City Council desires to reinstate implementation of Calexico Municipal Code Chapter 2.06 regarding City Council salaries and to also reinstate City Council benefits; and

WHEREAS, City Council members may waive their salaries and benefits if so desired.

The City Council of the City of Calexico, California, does hereby ordain as follows:

SECTION 1. Reinstatement of Calexico Municipal Code Chapter 2.06 entitled City Council—Salaries. Calexico Municipal Code Chapter 2.06 *City Council—Salaries* is hereby reinstated and in full force and effect. Payment of City Council salaries will resume when this Ordinance becomes effective.

SECTION 2. Reinstatement of Benefits to City Council Members. Benefits provided by the City to City Council Members consisting of payments for CalPERS Unfunded, CalPERS Employer Contribution, FICA and Medicare, Medical Insurance, Workers Compensation Insurance and State Unemployment Insurance are hereby reinstated. Benefits to City Council members will resume when this Ordinance becomes effective.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase

thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

SECTION 5. Certification and Publication. The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

SECTION 6. CEQA. The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Calexico, California on the _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAVIER MORENO, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Imperial) s.s.
City of Calexico)

I, Gabriela Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. _____, introduced at a regular meeting held on the 1st day of September 2021, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the _____ day of _____, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

GABRIELA GARCIA, CITY CLERK