



City of Rialto

Legislation Text

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For City Council Meeting [September 14, 2021]

TO: Honorable Mayor and City Council
FROM: Marcus Fuller, City Manager
Eric S. Vail, City Attorney

Request that the City Council Introduce for First Reading **Ordinance No. 1661**, Amending Sections 2.12.030, 2.12.040, 2.12.050 and 2.12.060 of the Rialto Municipal Code to Adjust the Salary of the Mayor, City Councilmembers, City Clerk and City Treasurer of the City of Rialto.

(ACTION)

BACKGROUND

The City of Rialto is a general law city that may adopt an ordinance providing for salaries to the Councilmembers. Government Code section 36516.5 provides that any change in Councilmember salary must be adopted by ordinance pursuant to Section 36516. Changes to the salary become effective whenever one or more Councilmembers begin a new term of office.

The authorized salary amount is initially determined by a statutory formula based on city population and thereafter adjustments are authorized in increments of five percent (5%) for each calendar year from when the last salary adjustment was adopted by ordinance. The California Attorney General's Office has opined that this calculation is on a simple, non-compounded, basis (California Attorney General Opinion No. 06-504).

When a City provides any type of compensation or payment of expenses to Councilmembers, then all council members are required to have two hours of ethics training pursuant to California Government Code §§ 53234 - 53235. The City is compliant with this requirement.

Currently, the City Councilmembers, other than the Mayor, receive a salary of \$1,600.80 per month. This amount was established by the adoption of Ordinance 1611 on November 13, 2018, and codified in Rialto Municipal Code (RMC) section 2.12.040. The Mayor's salary, in accordance with RMC section 2.12.030 and Government Code section 36516.1, is set at one hundred fifty percent (150%) of the salary received by Councilmembers.

The City Clerk and City Treasurer's salary is also tied to the salary received by Councilmembers. RMC sections 2.12.050 and 2.12.060, authorize the City Clerk and City Treasurer, respectively, to receive a salary equal to seventy-five (75%) of the salary received by Councilmembers, other than the Mayor.

ANALYSIS/DISCUSSION

Compensation for the City's elected officials was last set in 2018 and has not been adjusted since. Pursuant to Government Code Section 36516(a), the Council members are eligible for a five percent

(5%) adjustment for each year since the most recent adjustment. Therefore, the statutorily authorized adjustment is 20% based on the passage of four years from the last adjustment.

APPLICATION

This statutory process results in adjusted salaries of \$1,920.96 per month for each Councilmember other than the Mayor, \$2,881.44 per month for the Mayor, and \$1,440.72 per month for both the City Clerk and the City Treasurer. The text of the proposed ordinance amendment is attached to this staff report as Attachment "A".

An ordinance changing elected official salaries only applies to Councilmembers, and other elected officials, whenever one or more members of the Council is newly elected or re-elected, seated and sworn into office. The next regular municipal election for Councilmembers is November of 2022. Given the time required for certification of the election results and the seating and swearing in of the elected officials, the effective date of the proposed salary adjustment will be December 15, 2022, the first full day following the anticipated seating and swearing in of newly-elected or re-elected incumbent Councilmembers

ENVIRONMENTAL IMPACT

The proposed actions do not constitute a "project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(b), a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY

This action is consistent with Guiding Principle 3A of the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW

The City Attorney prepared and supports this staff report, resolution, and ordinance.

FINANCIAL IMPACT

Operating Budget Impact

Adopting the Ordinance as proposed will have no impact on the Fiscal Year 2021-2022 operating budget. If the salaries of City Council members, Mayor, City Treasurer and City Clerk are increased as proposed, the resulting annual salary increases will be incorporated in the applicable future year annual budgets.

Capital Improvement Budget Impact

This action will have no impact on the current capital improvement budget.

RECOMMENDATION

Staff recommends that the City Council Introduce for First Reading an Ordinance entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING

SECTION 2.12.030, SECTION 2.12.040, SECTION 2.12.050 AND 2.12.060 OF THE RIALTO MUNICIPAL CODE TO ADJUST THE SALARIES OF THE MAYOR, CITY COUNCILMEMBERS, CITY CLERK AND CITY TREASURER.”

ATTACHMENT “A”

For reference only, below are RMC sections 2.12.030 through 2.12.060 showing the proposed amendments with ***bold italicized*** text representing added language and strikethrough text representing removed language. All unmarked text shall remain unmodified and in full force and effect:

“2.12.030 - Mayor.

The ***salary*** ~~compensation~~ of the mayor, as authorized by California Government Code Section 36516.1, shall ***be one hundred fifty percent (150%) of the salary paid to councilmembers pursuant to Section 2.12.040 below.*** ~~and, in addition thereto, an amount equal to one hundred fifty percent of such compensation paid to councilmembers. (Ord. 1307 § 1 (part), 2000: Ord. 1074 (part), 1989: Ord. 1049 (part), 1989: 1965 code Title I, Ch. 11, § 3). As of December 15, 2022, the mayor's compensation is two thousand eight hundred eighty-one dollars and forty-four cents (\$2,881.44) per month.”~~

2.12.040 - Councilmembers.

Under the California Government Code Section 36516, each member of the city council, ***other than the Mayor,*** ~~(including the mayor)~~ shall receive ~~a salary compensation~~ in the amount of ~~one thousand six hundred dollars and eighty cents~~ ***one Thousand Six nine hundred twenty dollars and Eight ninety-six cents (\$1,920.96 600.80)*** per month ***commencing on December 15, 2020.***”

“2.12.050 - City clerk.

The ***salary compensation*** of the city clerk shall be an amount equal to seventy-five percent (75%) of the ***salary compensation*** paid to councilmembers. ***As of December 15, 2022, the city clerk's salary is one thousand four hundred forty dollars and seventy-two cents (\$1,440.72) per month.***”

“2.12.060 - City treasurer.

The ***salary compensation*** of the city treasurer shall be an amount equal to seventy-five percent (75%) of the ***salary compensation*** paid to councilmembers. ***As of December 15, 2022, the city treasurer's salary is one thousand four hundred forty dollars and seventy-two cents (\$1,440.72) per month.***”

