

ORDINANCE NO 2009-1315

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA AMENDING TITLE 2, CHAPTER 2 08 OF THE SAN MARCOS MUNICIPAL CODE BY AMENDING SECTION 2 08 030, COMPENSATION OF COUNCILMEMBERS AND MAYOR

WHEREAS, San Marcos Municipal Code section 2 08 30 establishes the salary of the members of the City Council, including the Mayor, and

WHEREAS, the City Council recognizes that the intent of section 2 08 030 (a) was to limit increases of City Council and Mayoral salaries to an amount not exceeding five percent (5%) per year and to set a base salary for the City Council and Mayor,

WHEREAS, the above-referenced section was adopted prior to the approval of charter city status for the City by a vote of the people in 1994, and

WHEREAS, the City Council seeks to provide uniformity to cost of living adjustments for City employees and elected officials, while ensuring that such adjustments, including City Council and Mayoral salary adjustments, are in conformity with the standards and limitations provided for all City of San Marcos employees and the five percent (5%) limitation referenced above, and

WHEREAS, in accordance with the authority reserved by the City under Section 100 of the Charter of the City of San Marcos, and in accordance with the City's authority under Article XI, Section 5 of the Constitution of the State of California, the City Council hereby declares that City Council compensation is a core municipal affair that is to be governed in accordance with the San Marcos Municipal Code as set forth herein

NOW, THEREFORE, the City Council of the City of San Marcos, California, in accordance with the freedom afforded to charter cities generally and by the Charter of the City of San Marcos, specifically does ordain as follows

SECTION 1. That Title 2, Chapter 2 08, Section 2 08 030, Compensation of Councilmembers and Mayor, is hereby amended to provide that the salaries of Council Members and the Mayor shall receive cost of living adjustments in accordance with and as limited by Section 2 08 030(a) with the addition of the following language

2.08.030 Compensation of Councilmembers and Mayor.

- (a) Each member of the City Council, including the Mayor, shall receive a salary in the sum of \$600 00 per month, as authorized by Section 36516 of the Government Code, payable at the time and in the manner as salaries are paid to other officials of the City. The salaries established by this Section are exclusive of any amounts payable to each member of the City Council, including the Mayor, as reimbursement for actual and necessary expenses incurred in the performance of the official duties for the City, or as received by the City Council, including the Mayor, acting in the capacity as members of the Legislative Body of the Redevelopment Agency, the Mobilehome Rent Review Commission, and the Industrial Development Authority. The salary established by this Section may be adjusted by ordinance of the City Council pursuant to the provisions of the State Government Code in an amount not to exceed 5% per year. **(Ord. 90-866, Approved by a Vote of the People on November 8, 1988)**

The salary established by this Section shall be effective for all members of the City Council, including the Mayor, as of the date that the term of office of the Mayor and Councilmembers elected at the November 8, 1988 election commences. **(Ord 90-866, Approved by a vote of the People on November 8, 1988)**

Annual adjustments have been periodically incorporated into the City Council Compensation. As of February 9, 2009, the City Council's monthly salary is \$977 64. In accordance with subsection (a), above, increases to City Council Compensation have been limited to an amount not to exceed five percent (5%) per year. Under the plenary authority granted it by Article XI, Section 5 of the Constitution of the State of California, and by Section 100 of the Charter of the City of San Marcos, and notwithstanding the provisions of Government Code section 36516(c), the compensation of the City's officers, officials and employees is declared to be a municipal affair, and the provisions of this section 2.08.030 shall govern with respect to the implementation of the limits on City Council Compensation increases set forth in subsection (a), above. The salary established by this Section shall be increased annually by an amount representing the upward adjustment in the Consumer Price Index (San Diego, All Items, Base Year 1982-84) for the prior calendar year, which amount is used as the basis of cost of living increases for City employees, provided, however, that such increase shall not exceed five percent (5%) per annum. As provided in subsection (a), above, cost of living adjustments that exceed five percent (5%) per annum must be submitted to the voters for approval prior to implementation (Ord 2009-1315)

- (b) Each member of the City Council, including the Mayor, shall receive a stipend in the amount of \$50 00 per meeting when acting in the capacity as members of the Legislative Body of the Redevelopment Agency, the Industrial Development Authority, San Marcos Public Facilities Authority, the Mobilehome Park Financing Authority, the San Marcos Fire Protection District, the Discovery Valley Utility and/or the City Council when holding hearings relating to Community Development Block Grant (CDBG) funds. The meeting stipend established by this Section shall be exclusive of any salary payable to each member of the City Council, including the Mayor, or received as reimbursement for any actual necessary expenses incurred in the performance of the official duties for the City. Said meeting stipend shall only be received by the City Council, including the Mayor, when the legislative body in question has an item on the agenda for that particular meeting, and that member attends such meeting. The stipend established by this Section may be adjusted by ordinance of the City Council in an amount not to exceed 5% per year.
- (c) Each member of the City Council, including the Mayor, shall receive an auto allowance in the amount of \$300 per month. The stipend established by this section may be adjusted by ordinance of the City Council in an amount not to exceed 5% per year.
- (d) The report published by the City Clerk pursuant to Section 2 08 050 (h) shall include the then-current amount of the salary and the meeting stipends paid to the City Council and Mayor.

SECTION 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance, or the title thereof, as a summary as required by state law.

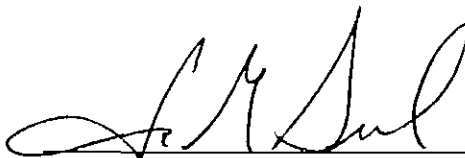
INTRODUCED at a regular meeting of the City Council of the City of San Marcos held on the 10th day of February, 2009 and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos held on the 24th day of February 2009, by the following roll call vote

AYES COUNCILMEMBERS JONES, MARTIN, ORLANDO, PRESTON, DESMOND

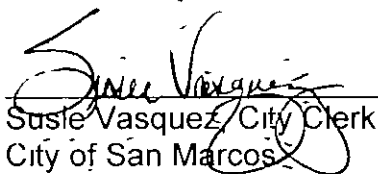
NOES COUNCILMEMBERS NONE

ABSENT. COUNCILMEMBERS NONE



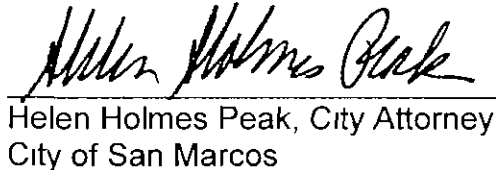
James M Desmond, Mayor
City of San Marcos

ATTEST



Susie Vasquez, City Clerk
City of San Marcos

APPROVED AS TO FORM



Helen Holmes Peak, City Attorney
City of San Marcos