



MEMORANDUM

DATE: September 6, 2022
TO: Adam Politzer, Interim City Manager
FROM: Sheri Hartz, City Clerk
SUBJECT: **An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-2.201 Of Article 2 Of Chapter 2 Of Title 2 Of The Emeryville Municipal Code To Increase City Council Member Salaries**

RECOMMENDATION

The City Council is asked to consider waiving the first reading and introducing by title only the attached Ordinance Amending Section 2-2.201 of Article 2 of Chapter 2 of Title 2 of the Emeryville Municipal Code to raise the salaries of City Council Members and provide direction to staff on any necessary revisions. If approved on first reading, the ordinance will be brought back for a second reading and adoption on September 20, 2022. The ordinance would not go into effect until January 1, 2023.

BACKGROUND

The City Council requested that an item to approve an increase in City Council Member salaries be placed on the agenda for the Council's consideration. The salaries of the Council Members were last increased to one thousand, one hundred fifty-seven dollars and thirty-nine cents (\$1,157.39) per month in January, 2017. (Ordinance 16-012). It should be noted that any amounts paid by the City toward retirement or medical/dental coverage will not be included for purposes of determining a Council Member's base salary.

Section 36516 of the California Government Code establishes the maximum compensation levels for council members based on the population of the city. A City Council may increase their salary authorized in the statute by enacting an ordinance or amending an existing ordinance. Further, any increase in a Council Member's monthly salary shall not to exceed five percent (5%) for each calendar year from the operative date of the last salary adjustment – which in this instance is January, 2017.

DISCUSSION

Salary increases for Council Members may only occur when at least one council member commences a new term. Since Council Member Donahue has officially announced that he will not seek re-election at the end of his current term, and, on November 8, 2022, a general municipal election will be held to contest two Council Member seats, it is appropriate to consider a salary adjustment for Council Members to become effective January 1, 2023.

Based on the statute maximum of 5%, the City Council has the ability to increase Council Member salaries by up to 5% for each of the five intervening years since the last increase in 2017. This increase will be calculated as a simple equation of the percentage increase designated for each year and is not compounded. The chart below demonstrates the potential monthly increases for percentages up to and including the maximum allowable per year of 5%.

| Current Monthly Salary | Multiplied by % Increase | Total Monthly Increase | Multiplied by 5 (Years) | Total Adjusted Monthly Salary |
|------------------------|--------------------------|------------------------|-------------------------|-------------------------------|
| \$1,157.39 | 1% | \$11.57 | \$57.87 | \$1,215.26 |
| \$1,157.39 | 2% | \$23.15 | \$115.74 | \$1,273.13 |
| \$1,157.39 | 3% | \$34.72 | \$173.61 | \$1,331.00 |
| \$1,157.39 | 4% | \$46.30 | \$231.48 | \$1,388.87 |
| \$1,157.39 | 5% | \$57.87 | \$289.35 | \$1,446.74 |

As noted, pursuant to Government Code section 36516.5, the salary adjustment may only become effective upon the beginning of a new term of office of one or more of the members of the Council. The new term would commence upon certification of results following the November 8, 2022, election, for which there are two Council seats being contested. The salary increases, if approved, would go into effect on January 1, 2023.

FISCAL IMPACT

There would be a fiscal impact from adopting this ordinance. Depending on which percentage increase level Council approves, the cost would be in the range of between \$3,475.00 and \$17,400.00 annually. These costs were not included when the current budget was adopted.

STAFF COMMUNICATION WITH THE PUBLIC

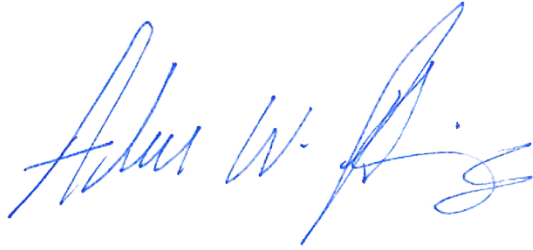
The City Council discussed whether to bring this matter forward at its regular City Council meeting on July 19, 2022 and received public comment.

CONCLUSION

Whether to take action to introduce and ultimately adopt the proposed ordinance is at the Council's discretion. If action is taken, staff recommends waiving the first reading of and introducing the ordinance attached hereto.

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Adam Politzer, Interim City Manager

ATTACHMENTS

1. Draft Ordinance
2. California Government Code Section 36516