

**ORDINANCE NO. \_\_\_\_\_**

**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**

**WHEREAS**, Section 36516 of the California Government Code establishes minimum compensation levels of council members based on the population of the City; and

**WHEREAS**, a City Council may increase the amount provided in subdivision (a)(1) by enacting an ordinance or amending an existing ordinance; and

**WHEREAS**, Section 36516 allows for a maximum five percent (5%) increase in the salary of a council member for each calendar year from the operative date of the last salary adjustment and such increases may only occur when at least one of the council members commences a new term; and

**WHEREAS**, although the statute allows for an increase of up to five percent per year since the previous increase, the Council may choose to approve an increase of a lesser amount at its discretion; and

**WHEREAS**, a general municipal election for two Emeryville City Council seats has been called for November 8, 2022; and

**WHEREAS**, the salaries of the City Council were last increased to \$1,157.39 per month effective January 5, 2017, pursuant to Ordinance No. 16-012, and pursuant to Government Code section 36516, the City Council may increase its salary by up to five percent (5%) for each calendar year since the last increase, or any lesser amount as directed; and

**WHEREAS**, 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, and the next such term would commence upon certification of results following the November 8, 2022 election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION ONE. PURPOSE AND INTENT.** The purpose and intent of this Ordinance is to increase the salaries of Council Members of the City of Emeryville to \$1,446 and 74/100ths dollars (\$1,446.74) per month effective as of January 1, 2023.

**SECTION TWO. AMENDING SECTION 2-2.201 OF ARTICLE 2 OF CHAPTER 2 OF TITLE 2 OF THE EMERYVILLE MUNICIPAL CODE.** Section 2-2.201 of Article 2, Chapter 2 of Title 2 of the Emeryville Municipal Code is hereby amended by deleting the first sentence in its entirety and inserting the following in its place:

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Pursuant to the provisions of California Government Code Section 36516, each Councilmember shall receive as salary the sum of \$1,446 and 74/100ths dollars (\$1,446.74) per month.

**SECTION THREE. SEVERABILITY.** The City Council hereby declares every section, paragraph, clause, and phrase of this Ordinance is severable. If for any reason, any section, paragraph, clause or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases.

**SECTION FOUR. EFFECTIVE DATE.** 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. The salary increase will go into effect on January 1, 2023

**SECTION FIVE. POSTING OF THE ORDINANCE:** The City Clerk shall cause this Ordinance to be posted or published pursuant to Government Code Section 36933.

**SECTION SIX. EXEMPTION FROM CEQA.** The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061 (b)(3) and 15378(a), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt under the definition of Project in Section 15378(b)(3) in that it concerns general policy and procedure making. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with Section 21152 of CEQA.

**SECTION SEVEN. CODIFICATION:** Section TWO of this Ordinance shall be codified in the Emeryville Municipal Code. Sections ONE, THREE, FOUR, FIVE SIX and SEVEN shall not be so codified.

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This Ordinance was **INTRODUCED AND FIRST READ** by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 6, 2022; **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 20, 2022, and will become **EFFECTIVE** on January 1, 2023, by the following by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

ATTEST:  
  
\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR  
  
APPROVED AS TO FORM:  
  
DocuSigned by:  
*John Kennedy*  
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\_\_\_\_\_  
CITY ATTORNEY