



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Legislation Text

File #: CC-18-1059, **Version:** 1, **Agenda #:** TAB15

For City Council Meeting [November 13, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Ahmad R. Ansari, Interim City Administrator

FROM: Fred Galante, City Attorney

Request City Council to Introduce for First Reading **Ordinance No. 1611**, Amending Section 2.12.040 of the Rialto Municipal Code to Adjust the Compensation of Members of the Rialto City Council, Mayor, City Clerk and City Treasurer, and Approve **Budget Resolution No. 7426** to Authorize an Appropriation of Funds for the Adjustments.

(ACTION)

BACKGROUND:

Government Code Section 36516 controls the salary of council members in general law cities and provides for up to a five percent (5%) annual increase in city council member salaries from the operative date of the last city council salary adjustment. Government Code Section 36516.1 also provides that a directly-elected mayor may receive compensation in addition to that which he or she receives as a council member.

Government Code Section 36516.5 further provides that any change in City Council compensation adopted via ordinance pursuant to Section 36516 shall become effective whenever one or more members of the City Council begins a new term of office.

Currently, the City Council receives One Thousand One Hundred Four Dollars (\$1,104.00) per month in compensation, which was set in January 2009 by Ordinance No. 1437 and codified in Section 2.12.040 of the Rialto Municipal Code. The Mayor's compensation, according to Section 2.12.030 of the Rialto Municipal Code, is set at one hundred fifty percent (150%) of the compensation received by the City Council members, or One Thousand Six Hundred Fifty-Six Dollars (\$1,656.00) per month, in addition to the compensation the Mayor is entitled to receive as a person on the City Council, for a total of Two Thousand Seven Hundred Sixty Dollars (\$2,760.00) per month.

The City Clerk and City Treasurer's compensation is also tied to the compensation received by the City Council. Per Rialto Municipal Code sections 2.12.050 and 2.12.060, addressing the compensation for the City Clerk and City Treasurer, respectively, each receives 75% of the compensation paid to councilmembers.

ANALYSIS/DISCUSSION:

Such compensation was set in January 2009 and has not been adjusted since. Pursuant to Government Code Section 36516(a), the City Council members are eligible for a 5% adjustment for each year since the most recent adjustment. Thus, if the effective date of the compensation

adjustment is December 2018, the City Council members and Mayor are entitled to a 5% adjustment for the last 9 years. This amounts to \$1,600.80 (((\$1,104 x 5% x 9 years)+\$1,104) per month for the City Council members, and \$4,002.00 ((\$2,760 x 5% x 9 years)+\$2,760) per month for the Mayor.

The City Clerk and City Treasurer would receive 75% of this amount per Rialto Municipal Code sections 2.12.050 and 2.12.060, amounting to \$1,200.60 per month.

Government Code 36516(c) also caps the total compensation that a city council member may receive by including payments for service on a commission, committee, board, authority, or any other such body. However, since the City Council does not receive any extra compensation for their services on the Successor Agency Board or the Rialto Utility Authority Board, the salary adjustments in the above paragraph remain unchanged.

Additionally, the maximum allowable compensation per Government Code section 36516 includes any cash in-lieu payments received by councilmembers, including cash in-lieu of City-provided medical benefits. Cash in-lieu payments are not considered compensation for the purposes of Section 36516, however, if the Council members receive the cash in-lieu as part of their deferred compensation benefits. As such, by separate action, we can present an action item for Council consideration to confirm such payments as part of deferred compensation benefits and thus not be included in the Council member compensation provided by this action.

Such adjustment to City Council member and Mayor salaries would be implemented beginning January 2019.

ENVIRONMENTAL IMPACT:

The requested City Council action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: ... (5) 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 Principles 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 approved this staff report and ordinance.

FINANCIAL IMPACT:

Operating Budget Impact

The action will result in an increase in annual expenditure appropriations in the amount of \$53,100.

The General Fund impact in the current fiscal year 2018/2019 is \$26,210. An appropriation of General Fund reserves is necessary in the accounts below. Resolution 5169 set General Fund

ORDINANCE NO. 1611

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING SECTION 2.12.040 OF THE RIALTO MUNICIPAL CODE TO ADJUST THE COMPENSATION OF MEMBERS OF THE CITY COUNCIL OF THE CITY OF RIALTO

WHEREAS, Government Code Section 36516 controls the salary of council members in general law cities and provides for up to a five percent (5%) annual increase in city council member salaries from the operative date of the last city council salary adjustment; and

WHEREAS, Government Code Section 36516.1 provides that a directly-elected mayor may receive compensation in addition to that which he or she receives as a council member; and

WHEREAS, Government Code Section 36516.5 further provides that any change in City Council compensation adopted via ordinance pursuant to Section 36516 shall become effective whenever one or more members of the City Council begins a new term of office; and

WHEREAS, the City Council adopted Ordinance No. 1307, codified in Section 2.12.030 of the Rialto Municipal Code, allowing the directly-elected Mayor to receive compensation in an amount equal to one-hundred fifty percent (150%) of the compensation paid to council members; and

WHEREAS, the City Council last adjusted its salary to the sum of One Thousand One Hundred Four Dollars (\$1,104.00) per month by Ordinance No. 1437, adopted on January 13, 2009 and codified in Section 2.12.040 of the Rialto Municipal Code, and accordingly, the Mayor's adjusted salary was One Thousand Six Hundred Fifty-Six Dollars (\$1,656.00) per month; and

WHEREAS, by this ordinance, the City Council desires to increase City Council member and Mayor salaries to reflect cost of living adjustments and to provide continuous and adequate compensation to City Council members and the Mayor for their services; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS AND ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct and are incorporated herein by this reference.

1 **Section 2.** Section 2.12.040 of Chapter 2.12 of the Rialto Municipal Code is hereby
2 amended to read as follows (deleted text, if any, is show in ~~striketrough~~; new text, if any, is shown
3 in ***bold & italics***):

4 “2.12.040 - Councilmembers.

5 Under the California Government Code Section 36516(e), each member of the city
6 council (including the Mayor) shall receive compensation in the amount of one
7 ~~thousand one hundred four dollars (\$1,104.00)~~ ***One Thousand Six Hundred Dollars***
8 ***and Eighty Cents (\$1,600.80)*** per month.

9 **Section 3.** Section 2.12.040 of Chapter 2.12 of the Rialto Municipal Code, as amended,
10 shall become operative on the first day of the first month following the effective date of this ordinance.

11 **Section 4.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any
12 reason, held to be invalid or unconstitutional, such decision shall not affect the validity or
13 constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it
14 would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof,
15 irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be
16 declared unconstitutional.

17 **Section 5.** The City Clerk shall certify to the adoption of this Ordinance, and cause the
18 same to be published in the local newspaper, and the same shall take effect thirty (30) days after its
19 date of adoption:
20
21
22
23
24
25
26
27
28

1 **PASSED, APPROVED AND ADOPTED** this 27th day of November, 2018.

2

3

4



DEBORAH ROBERTSON, Mayor

5

ATTEST:

6

7



8

BARBARA MCGEE, City Clerk

9

10

APPROVED AS TO FORM

11

12



13

FRED GALANTE, City Attorney

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. 1611 was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the 27th day of November, 2018.

7 Upon motion of Councilmember Scott, seconded by Mayor Robertson, the foregoing
8 Ordinance No. 1611 was duly passed and adopted.

9 Vote on the Motion:

10 AYES: Mayor Robertson, Council Members Carrizales and Scott

11 NOES: Council Members Baca Jr. and Trujillo

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto, this 28th day of November, 2018.

15 *Barbara McGee*

16

Barbara A. McGee, City Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO. 7426

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING ITS 2018-2019 FISCAL BUDGET TO APPROPRIATE FUNDS FOR SALARY INCREASES FOR THE MAYOR, CITY COUNCILMEMBERS, CITY CLERK AND CITY TREASURER

WHEREAS, the budget for fiscal year 2018-2019 of the City of Rialto has been adopted by this Council in its original form, and said budget will need to be amended at times to fulfill the goals of the City; and

WHEREAS, the City departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and transfers, without the consent of the City Administrator; and

WHEREAS, the City Administrator may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Council; and

WHEREAS, the City of Rialto seeks to authorize an increase in salary for Mayor, Council Members, City Clerk, and City Treasurer.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

Section 2: To approve an appropriation of general fund reserves in Expenditure Account No. 010-500-1149-1001 in the amount of \$19,380.00; Account No. 010-500-1149-1030 in the amount of \$2,110.00; Account No. 010-500-3150-1005 in the amount of \$2,240.00; Account No. 010-500-9100-1005 in the amount of \$2,240.00; and Account No. 010-500-9100-1030 in the amount of \$240.00;.

\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PASSED APPROVED AND ADOPTED this 13th day of November, 2018.



DEBORAH ROBERTSON, Mayor

ATTEST:



BARBARA McGEE, City Clerk

APPROVED AS TO FORM:



FRED GALANTE, City Attorney

