

MEMORANDUM

To: Honorable Mayor & City Council

From: Toni Kunz, City Administrator

Date: August 25, 2026

Agenda Item: 5C City Council Pay

Action Requested: Discussion and consideration of action

Overview and Background:

Here is the applicable section for setting salaries of elected and appointed officials:

Texas Local Government Code § 141.001. ELECTED AND APPOINTED OFFICERS IN TYPE A GENERAL-LAW MUNICIPALITIES.

(a) On or before January 1 preceding a regular municipal election, the governing body of a Type A general-law municipality shall set:

- (1) the salary and any fees of office of the mayor to be elected at that election, if the office of mayor is to be filled at the election;
- (2) the compensation of each other elected officer to be elected at that election; and
- (3) the compensation of each officer appointed by the governing body.

(b) An officer's compensation set under this section may not be changed during the term for which the officer is elected or appointed.

Legal interpretation: If you, the Council, pass an ordinance prior to the next election for the salaries of the officers at the next election, Council can do this. The salary change is only effective for the Councilmembers that will be elected at the next election.

Additional consideration: Since we are a Type A general law municipality, the City Council can set compensation to \$0.00. However, there is case law that providing them with nominal compensation gives them employee status and offers protections under the Texas Tort Claims Act.