



STAFF REPORT

December 13, 2023
File Number 0610-90

SUBJECT

COUNCIL COMPENSATION

DEPARTMENT

City Attorney

RECOMMENDATION

Request the City Council adopt Ordinance No. 2023-19R providing for an amendment to Escondido Municipal Code § 2-28(a) and § 2-28(b) increasing the salary for councilmembers and the mayor, respectively, pursuant to Government Code § 36516 and Council Rules of Policy and Procedure Section B(9).

Staff Recommendation: Approval (City Attorney: Michael R. McGuinness, City Attorney)

Presenter: Michael R. McGuinness, City Attorney

FISCAL ANALYSIS

Adoption of the salary adjustment would result in an annual increase to the General Fund budget reflective of the salary increases of the councilmembers and mayor and will be effective in December 2024.

PREVIOUS ACTION

On December 6, 2023, the Council heard and considered staff's presentation on the potential adoption of Ordinance No. 2023-19 and thereafter, a majority of the council made factual findings demonstrating the need for increased city councilmember and mayoral compensation.

The last increase to the council's and mayor's salaries was approved in December 2017, in the amount of 10%, pursuant to Ordinance No. 2017-15R, with an effective date of December 2018. Prior to that, the Council approved a 10% salary increase in 2015, effective December 2016, pursuant to Ordinance No. 2015-24. The Council considered but refused any compensation increases in December of 2019 and December 2021.



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BACKGROUND

Council Compensation Amendment Procedure.

The City Council has discretion to increase its salary, within limits, pursuant to the Council Rules of Procedure and Policies, the Escondido Municipal Code, and state law. There is no other legislative body, committee, person or mechanism currently in place on a local or state level to make this salary decision.

Pursuant to the Council Rules last re-adopted in Resolution No. 2023-158R (Rules), the Council is required to have an agenda item during a meeting in December of odd-numbered years for the purpose of determining whether or not to act regarding City councilmember and mayoral compensation. Rules, Section B(9). The effective date of any increase is the following year after the new council is sworn in. In this case, any increase would be effective upon the swearing in of the new City Council on December 11, 2024. The underlying purpose of including this provision in the Rules was to ensure that the City Council addresses on a regular basis the politically sensitive issue of voting themselves a raise, to not allow compensation stagnation to negatively impact public interest in serving on the council, and to fairly compensate councilmembers for their services.

Pursuant to recently enacted Senate Bill 329, amending Government Code § 36516, the council has already considered the adoption of a salary increase at a first regular public meeting of the City Council. On December 6, 2023, pursuant to Government Code § 36516(g)(2), the council held an open regular council meeting to consider, discuss and take public comment on any proposed salary increase which must include “findings demonstrating the need for the increased compensation.”

The council made a record of the need to increase the salary from the current ordinance amounts during the meeting and directed the City Attorney to finalize Ordinance No. 2023-19 to include the increase of 7.5% for city councilmembers and 6% for the mayor. A majority of the council determined that a 1.25% increase per year for councilmembers and 1% per year for the mayor, since the salary was last adjusted, was a reasonable, appropriate and lawful salary increase.

This council meeting is being held not less seven days after the first consideration of a salary ordinance pursuant to Government Code § 36516(g)(3), and the City Council may now adopt an amendment to the salary ordinance increasing the amount of councilmember and mayoral salary as directed.

Allowable Amount of Increase.

The Escondido Municipal Code sets councilmember and mayoral compensation via the adoption of or amendment to an ordinance. Currently, pursuant to Section 2-28(a), the salary for all councilmembers is \$2,088.43 per month (\$25,016.16/year). Pursuant to § 2-28(b), the mayor



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receives the councilmember salary and an additional \$3,806.66 per month for a total of \$5,895.09 per month (\$70,741.08/year) consistent with Government Code § 36516.1. This additional amount is intended to reflect the citywide responsibilities for the mayor. Consistent with state law, the Council also receives the same benefits as other City employees and the value of those benefits are not included in the salary amount.

On December 6, 2023, the City Council directed the City Attorney by a vote of 3 - 2 (Deputy Mayor Garcia and Councilmember Martinez no) to bring back a final Ordinance for review and consideration and vote to adopt Ordinance No. 2023-19R.

Conclusion.

In light of the foregoing, it is requested that the City Council adopt Ordinance No. 2023-19R amending Escondido Municipal Code § 2-28 increasing the current councilmember and mayoral salary amounts by 7.5 % to \$2,242.06 per month, and by 6% to \$4,035.06 per month, respectively, effective at the time the next City Council is sworn into office in December 2024.

ORDINANCES

- a. Ordinance No. 2023-19R