

ORDINANCE NO. 2023-19R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING SECTIONS 2-28(a) and (b) OF THE ESCONDIDO MUNICIPAL CODE, AND AMENDING THE SALARY SCHEDULE FOR CITY COUNCIL MEMBERS AND THE MAYOR

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

WHEREAS, the privilege to serve on the City Council of the City of Escondido (City Council) requires the expenditure of significant time during weekdays and weekends, and at all times of the day at City Hall, at local public agency offices for meetings, and around the community for various civic events; and

WHEREAS, City Council service requires education, training and experience in numerous governmental issues including conflicts of interest, Ralph M. Brown Act compliance, budgets, labor negotiations, and often involves reviewing substantial staff reports and related legal documents; reviewing and considering local and state legislation; attending to representative assignments at regional government body meetings; staying informed on current local and state issues; and reviewing financial reference materials, budgets and reports; and

WHEREAS, 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; and

WHEREAS, 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. The effective date of any increase is the following year after the new council is sworn in consistent with Government Code § 36516.5. In this case, any increase would be effective upon the swearing in of the new City Council on December 11, 2024; and

WHEREAS, the purpose of including a Rules provision requiring review of council salaries 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; and

WHEREAS, the last increase to the council's and mayor's salaries was approved (by a vote of 3-2) 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; and

WHEREAS, from 2018 to present City employees have seen yearly average increases of between 1.42% and 3.55% per year, depending on classification and bargaining unit, and a total cumulative (but not compounded) increase of not less than 8.5% in their salaries over that same time period; and

WHEREAS, the current salary of Escondido city councilmembers is \$2,088.43 per month and the current salary of the mayor is \$5,895.09 per month pursuant to Escondido Municipal Code § 2-28(a) and (b) and Government Code § 36516.1; and

WHEREAS, pursuant to Government Code § 36516(a)(4)(A), the City Council may increase its salary by as much 5% for each calendar year from the operative date of the last adjustment of the salary which in this case would be up to 30% given no salary increase since December 2018; and

WHEREAS, a continuing failure or refusal to increase the City Council's salary will result in a significant departure from reasonable compensation putting future City Council's in the very difficult position of having to make up the difference; and

WHEREAS, low City Council compensation can hinder potential candidates from running for office or performing competently once in office given the high cost of living in San Diego County and the need for outside employment; and

WHEREAS, there is no other legislative body, committee, agency, person or mechanism currently in place on a local or state level to make this salary decision; and

WHEREAS, it is in the best interests of the residents of the City of Escondido that their councilmembers are adequately paid to perform the services that are required of this position and that Ordinance No. 2023-19 be adopted.

SECTION 2: That the above recitals are true and the City Council has reviewed and considered Ordinance No. 2023-19 and makes such factual findings as are required pursuant to Government Code § 36516(g).

SECTION 3. Proper notices of this regular City Council meeting have been given consistent with the Ralph M. Brown Act and Government Code § 36516.

SECTION 4. That Section 2-28 of the Escondido Municipal Code is hereby repealed in its entirety and replaced to read as follows:

(a) Effective on the date the city council members to be elected at the 2024 regular municipal election are sworn into office, the members of the city council shall receive a monthly salary of Two thousand, two hundred, forty-two dollars and six cents (\$2,242.06) per month in accordance with the provisions of section 36516 of the Government Code.

(b) In addition to the salary provided for council members in subsection (a), the mayor of the City of Escondido shall receive a monthly salary of Four thousand, thirty-five dollars and six cents (\$4,035.06), in accordance with the provisions of section 36516.1 of the California Government Code.

SECTION 5. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.