



STAFF REPORT

December 06, 2023
File Number 0610-90

SUBJECT

COUNCIL COMPENSATION

DEPARTMENT

City Attorney

RECOMMENDATION

Request the City Council make factual findings supporting a salary increase and consider the adoption of Ordinance No. 2023-19 providing for an amendment to Escondido Municipal Code § 2-28(a) and § 2-28(b) increasing the salary for councilmembers and the mayor, respectively, as required by Government Code § 36516, as amended by Senate Bill (SB) 329, and Council Rules of Policy and Procedure Section B(9).

Staff Recommendation: Provide Direction (Department Name: Michael McGuinness, City Attorney)

Presenter: Michael McGuinness, City Attorney

FISCAL ANALYSIS

Depending on the amount of the increase approved by the City Council at its next meeting, if any, adoption of the salary adjustment would result in an annual increase to the General Fund budget as of December 2024.

PREVIOUS ACTION

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.

The Council considered but refused any compensation increase in December of 2019 (by vote of 4-1) and December 2021 (by vote of 3-2).



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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 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 SB 329, amending Government Code § 36516, the council will consider and potentially adopt a salary increase in two stages. First, pursuant to subsection (g)(2), the council must first hold 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.” As a result, the council should be prepared to address and make a record of the need to increase the salary from the current ordinance amounts during this meeting. Next, in a subsequent meeting not less seven days later pursuant to subsection (g)(3), the City Council will consider whether to adopt an amendment to the salary ordinance and the amount of any increase. Government Code § 36516(g).

The Future Agenda for the December 13, 2023 regular City Council meeting includes an item to address the Council’s interest in the adoption of an amendment to Escondido Municipal Code § 2-28(a) and (b). If the City Council does not make the findings and votes to not address a salary increase, the item on December 13 will be removed and the next opportunity to consider a salary increase will be in December 2025 under the current Rules.

Allowable Amount of Increase

The Escondido Municipal Code sets councilmember and mayoral compensation via the adoption of 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 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). This additional amount is intended to reflect the citywide responsibilities for the mayor. Consistent with



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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.

Pursuant to state law, the council has authority and discretion to increase its salary through the adoption of an amendment to the salary ordinance. Any increase approved shall not be greater than 5% for each calendar year since the operative date of the last adjustment to the salary. As of next year, the council may simply consider the amount of inflation since January 1, 2024, based upon the CPI, not to exceed 10% for each calendar year, and adopt the lower of that amount or 5% per year. No ordinance providing for automatic increases is permissible. A councilmember is also statutorily authorized to waive any or all compensation.

For purposes of discussion, certain factors may be relevant to the City Council's consideration including but not limited to:

- The amount of time spent by the City Council working on City business each week, including attending regional agency and subcommittee meetings; attending civic events and constituent meetings; reading and drafting district constituent communications; tasks related to mandatory training; reading council meeting agenda materials; preparing questions and comments for meetings; and, attendance at open and closed session meetings
- The amount of salary increases of other City employees since the last council salary increase in 2018 (See Attachment 1)
- The effects of inflation on salaries established in 2018
- The amount of education, training and experience required of persons exercising the same or similar job responsibilities
- The need to maintain adequate salaries to attract candidates of all employment and economic categories and allow for councilmembers to devote adequate time to the responsibilities of the office
- The need to currently address the salary shortfall to alleviate future city councils from having to make up even greater ground on setting a reasonable salary

Because the City Council has not increased its salary since December 2018, it has the authority, but is not required, to adopt an amendment to the salary ordinance increasing the amount of council and mayoral compensation by as much as 30% (December 2018 to December 2024).

In light of the foregoing, it is requested that the City Council consider, discuss, allow for public comment, make factual findings supporting a salary increase, and provide direction to the City Attorney on Ordinance No. 2023-19 increasing the current councilmember and mayoral compensation amounts to reflect an appropriate and lawful adjustment.



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ORDINANCES

- a. Ordinance No. 2023-19

ATTACHMENTS

- a. Attachment "1" - City Employee Compensation Increases Table for 2018-2023