

CITY COUNCIL MEETING

FEBRUARY 3, 1982

cc-6

SALARIES OF
COUNCIL MEMBERS

The following report was presented by City Clerk Reimche:

As directed by Council, we have reviewed the City's ordinance and the State of California Government Code Sections relating to changes in compensation for Councilmen and find that "Compensation of Councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting any municipal election". Therefore, Council members will receive a salary of \$200.00 per month effective April 20, 1982, until such time as the electorate votes otherwise, or the City's population changes to either a lower or higher population group as set forth in the code.

P895

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

January 29, 1982

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Alice M. Reimche
City Clerk

Ronald M. Stein
City Attorney

Several years ago the legislature declared in the passage of Section 54970 et seq of the Government Code of the State of California that "All too frequently the citizens are not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions and committees and set forth a procedure to be followed in advising the public of local appointive offices to which appointments are to be made".

In reviewing this section of the Code it is felt that final appointment to the newly formed Economic Development Commission should not be made by the legislative body for at least ten (10) working days following the posting by the City Clerk of the appointive terms and the necessary qualifications for the positions.

It is therefore suggested that at the February 3, 1982 Council Meeting, the Clerk be directed to make the necessary posting. Appointments could be made at that time to serve on an acting basis. This then would allow sufficient time for the required posting, and for Council to review any and all applications received. The final appointments then could be made publicly at the February 17, 1982 Council Meeting.

Alice
ALICE M. REIMCHE
City Clerk

Ronald M. Stein
RONALD M. STEIN
City Attorney

AR/RS:d9

COUNCIL COMMUNICATION

TO THE CITY COUNCIL
FROM THE CITY MANAGER'S OFFICE

DATE

February 3, 1982

NO.

SUBJECT:

Salaries of Council Members

As directed by Council, we have reviewed the City's ordinance and the State of California Government Code Sections relating to changes in compensation for Councilmen and find that "Compensation of Councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election". Therefore, Council members will receive a salary of \$200.00 per month effective April 20, 1982, until such time as the electorate votes otherwise, or the City's population changes to either a lower or higher population group as set forth in the Code.



ALICE M. REIMCHE
City Clerk

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COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

DATE

January 14, 1982

NO.

SUBJECT:

Salaries of Council Members

Please be advised that Section 2-82 of the City Code of the City of Lodi provides that "each member of the Council shall receive, as salary, the sum of one hundred fifty dollars per month as prescribed in Section 36514 of the Government Code for cities over five thousand and up to and including thirty-five thousand in population, which shall be payable from and after the operative date of this Article at the same time and in the same manner as the salaries are paid to other officers and employees of the City."

Further, Section 2-84 of the City Code of the City of Lodi provides that "Following any new and later estimate of population made by the department of finance placing the city in a population group other than that set forth in section 2-83, the salary hereby payable to each member of the council shall be increased or decreased accordingly to equal the sum prescribed for that population group in section 36514 of the Government Code, as added by chapter 286 of the Statutes of 1965; provided, however, that the salary as so increased or decreased shall become payable only on and after the date upon which one or more members of the council become eligible therefor by virtue of beginning a new term of office following the next succeeding general municipal election held in the city."

The State Department of Finance in accordance with Section 10056, Revenue and Taxation Code, has certified to the Controller that the January 1, 1981 population estimate for the City of Lodi was 35,574.

Following a check of Government Code Sections, we find our City Code Section does not conflict with any recent changes in state law regarding this subject and that pursuant to Section 36516 of the State Government Code, Council members shall receive a salary of \$200.00 per month. The effective date of this adjustment is at such time as one Council member commences a new term of office; namely April 20, 1982.



Alice M. Reimche
City Clerk

Reimbursement Not Compensation. In this connection, it is important to note that reimbursement for actual and necessary expenses incurred in the performance of city business is not "comensation" and may be made to councilmen or other elective officers notwithstanding constitutional, statutory or character prohibitions against payment or increase of compensation. Elective officers or other officers or employees of a city may be reimbursed for out-of-pocket expenses incurred while engaged in authorized municipal business. This is directly recognized by Government Code sec. 36514. Municipal expenditures made for the purpose of improving municipal administration or for any proper municipal purpose authorized by the council are valid so long as they have a reasonable connection with the object sought to be obtained. It is the city council which must in the first instance determine the relationship of the expenditure to the purpose. Few, if any, persons would question the value of the city engineer of one city visiting another to determine how a sewage plant was constructed and operated. Many thousands of dollars have been saved the taxpayers by such conferences, and courts of this state have approved attendance officers at a conference of the League of California Cities (City of Roseville v. Tulley, 55 Cal. App. 2d 609; 169 ALR 1218). The courts will not generally interfere with the discretion of city officials in determining what is necessary and proper to carry out municipal functions.

Watch

In connection with reimbursement of municipal officials for out-of-pocket expenses, however, one word of caution as to procedure is offered. Authority to make such expenditure should always be given in advance. Such expenditures will normally be in an amount nominal enough to permit reimbursement upon filing of a claim by the officer or employee who has made an out-of-pocket expenditure while on municipal business. There are occasions, however, when the amount will be sufficient to warrant an advance. In this case, also, after the expenditure has been made by an officer a claim should be filed detailing actual and necessary expenditures and attaching such receipts as are ordinarily given in the course of normal business transactions.

The dangers of misappropriating city funds drawn for the purpose of paying expenses of trips taken on official business are clearly set out in People v. Byers, 5 Cal. 2d 676, where a city official was sent to prison for the filing of fraudulent expense claims.

sec. 36516. Councilmen; salary schedule; change in compensation.

A city council ~~shall~~ ^{may} enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

- (a) In cities up to and including 35,000 in population, up to and including one hundred fifty dollars (\$150) per month;
- (b) In cities over 35,000 up to and including 50,000 in population, two hundred dollars (\$200) per month;
- (c) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars (\$250) per month;
- (d) In cities over 75,000 up to and including 150,000 in population, three hundred dollars (\$300) per month.
- (e) Cities over 150,000 population up to and including a population of 250,000, four hundred dollars (\$400) per month.

(f) Cities over 250,000 population, five hundred dollars (\$500) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance. In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance or as provided in Sections 2107, 2107.1 and 2107.2 of the Streets and Highways Code.

Compensation of councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election.

Any amounts paid by a city for retirement, health, and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

sec. 36516.2 Councilmen; compensation; Increase by ordinance or amendment; prohibition against automatic increases.

Notwithstanding the limitations contained in Section 36516 with respect to increases or decreases in councilmen's salaries, the compensation of councilmen may be increased beyond the amount provided in Section 36516 by an ordinance or amendment thereto enacted by the city council but the amount of such increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment thereto is enacted; provided that no salary ordinance shall be enacted which provides for automatic future increases in salary.

Compensating Elective Officials for Added Burdens. While Art. XI, Sec. 5 prohibits increasing the compensation of elective officers during their term of office, it is not an absolute bar to increasing the "take home" amount paid to all elective city officials as compensation for their services. City councilmen in general law cities may not be paid any compensation other than that voted for them by the electorate for their councilmen duties and may not be paid for any other city employment (sec. 36514, Gov. C.); however, elective city clerks and city treasurers are not so limited.

A court-made exception has developed which allows additional compensation to be paid to public officers for the performance of new and additional duties outside the scope of their office, provided further that such duties are compatible and in no way conflict with the performance of their normal official duties. When such compatible added duties are assumed by an elective officer, he may be given additional compensation therefor without violating the prohibition against increasing the compensation of an elective officer during his term (Mousseau v. Garey, 200 Cal. 201; San Luis Obispo v. Felts, 104 Cal. 60; Abbott v. McNutt, 218 Cal. 225; Kilraoy v. Whitmore, 115 Cal. App. 43).

In utilizing this exception, extreme care should be taken to avoid the assumption by an officer of a second public office which is incompatible with his primary office, since acceptance of the second incompatible office renders the first office held vacant by operation of law (People ex rel Bagshaw v. Thompson, 55 Cal. App. 2d 147).

Prohibition Against Gifts and Retroactive Pay. Another common pitfall is the payment of retroactive pay increases to city officers or employees. While this is apparently no problem in chartered cities (Tevis v. City and County of San Francisco, 43 Cal. 2d 190), Art. XI, Sec. 32 of the State Constitution specifically prohibits payment of compensation for past services by general law cities. The Attorney General has ruled that the Constitution is not violated if a general law city increases salaries by a resolution which provides that such increase will be ineffective after the date of the resolution but before the date upon which the actual raise will be determined (33 Ops. Cal. Atty. Gen. 143)

Art IV, Sec. 31 prohibits all gifts of public funds. The greatest danger of violating this section occurs when an attempt is made to be "fair" and pay out city money to a contractor when the city's obligation is not legal. In the following cases, expenditures were held to be invalid as gifts because they were not based upon a legal obligation: Robinson v. Dunn, 77 Cal. 473 (relating to a retroactive increase in pay of state employees); Bourn v. Hart, 93 Cal. 321 (relating to an appropriation to compensate a state employee for personal injuries sustained while in the service of the state); Conlin v. Board of Supervisors, 99 Cal. 17 (relating to an appropriation for the relief of a street contractor who had a moral but not a legal claim against the city); Buck v. City of Eureka, 109 Cal. 504 (relating to extra compensation to a city attorney for services he was already bound to perform); and City of Ojai v. Chaffee, 60 Cal. App. 2d 54 (relating to the cancellation of taxes). These cases are to be distinguished from those cases cited below under "Public Purpose" in which moneys were appropriated for the benefit of the general public to specific individuals. Here, the expenditure is to a specific individual for that individual's benefit (not the general public's benefit) and must, consequently, be supported by a legal obligation.

Public, Municipal and State Purposes. All expenditures of locally levied tax moneys must be a public and a municipal purpose. Generally, the line between a public purpose and a non-public purpose is the line between a public and a private purpose. If the expenditure is for something which will substantially benefit the general public rather than an identifiable group of individuals, it will generally be upheld as public. In addition to the public purpose requirement, there is more specific "municipal purpose" requirement of Art. XI, Sec. 12 of the California Constitution. The public which benefits from the expenditures must be that portion of public comprising the citizens of the municipality.

The corollary of the requirement that local tax revenues be expended for a "municipal purpose" is that state tax levies which are expended by cities or other local agencies must be expended for a "state purpose." Examples of the various situation in which expenditures have been held to be for a "public," a "municipal" or a "state" purpose are rather numerous in the appellate decisions of our state courts. Discussion of a few may be helpful.

Sec. 2-79. Qualifications for use of firearms.

No member of the police auxiliary shall carry any firearm until he has qualified for, and received permission from the chief of police. (Ord. No. 741, § 10.)

Sec. 2-80. Impersonation of members prohibited.

It shall be unlawful for any person to impersonate or falsely represent himself to be a member, or to wear, use or possess a badge, cap or insignia used by the police auxiliary. (Ord. No. 741, § 11.)

Article IX. Salaries of Council Members.**Sec. 2-81. To be based on population.**

This article is enacted pursuant to section 36514 of the Government Code, as added by chapter 286 of the Statutes of 1965, authorizing the council to provide by ordinance that each member of the council shall receive a prescribed salary the amount of which is based upon the population of the city as determined by estimate made by the state department of finance. (Ord. No. 804, § 1.)

Sec. 2-82. Population of city.

As of the date of passage⁴ of this article, the latest estimate of population of the city made by the department of finance is twenty-seven thousand, two hundred. (Ord. No. 804, § 2.)

Sec. 2-83. Established.

Each member of the council of the city shall receive, as salary, the sum of one hundred fifty dollars per month, as prescribed in section 36514 for cities over five thousand and up to and including thirty-five thousand in population, which shall be payable from and after the operative date of this article at the same time and in the same manner as the salaries are paid to other officers and employees of the city. (Ord. No. 804, § 3.)

Sec. 2-84. Increase or decrease.

Following any new and later estimate of population made by the

⁴ Editor's note. The ordinance from which this article derives was passed November 17, 1965, to become effective thirty days thereafter.

§ 2-84

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department of finance placing the city in a population group other than that set forth in section 2-83, the salary hereby payable to each member of the council shall be increased or decreased accordingly to equal the sum prescribed for that population group in section 36514 of the Government Code, as added by chapter 286 of the Statutes of 1965; provided, however, that the salary as so increased or decreased shall become payable only on and after the date upon which one or more members of the council become eligible therefor by virtue of beginning a new term of office following the next succeeding general municipal election held in the city. (Ord. No. 804, § 4.)

Sec. 2-85. To be exclusive of reimbursement for necessary expenses.

The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the city. (Ord. No. 804, § 5.)

Sec. 2-86. Operative date.

This article shall become operative only on and after the date upon which one or more members of the council become eligible for the salary prescribed herein by virtue of beginning a new term of office following the general municipal election next succeeding its effective date. (Ord. No. 804, § 6.)

Article X. Hearing Procedures.

Sec. 2-87. Findings of fact.

In proceedings where findings of fact are required, the hearing body shall make its findings in writing, if a written request is filed by any interested person with the hearing body within ten days of its decision. (Ord. No. 1102, § 1.)

Sec. 2-88. Preparation and adoption.

Where findings are requested, they shall be prepared within fifteen days of the date of receipt of the request. Thereafter, the

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there was a vacancy in such office, within Stats.1971-72, p. 246, § 13, authorizing the board of trustees of the city to appoint a chief in case of a vacancy in the office, and providing that the appointee shall hold the office until the next city election; and Pol.C. § 098 (repealed) declaring that an office becomes vacant on "the decision of a competent tribunal declaring void his election," etc. People ex rel. Drew v. Rodgers (1907) 50 P. 668, 115 C. 393.

Provisions of the Brown Act, Gov.C. §§ 54950-54960, requiring public meetings of legislative bodies of local agencies, do not apply to appointment to fill city council vacancy, which falls within exception contained in § 54957, and appointment made at executive session of council is valid. 40 Ops.Atty.Gen. 4.

A public board has no power to confer an appointment on one of its own members. 23 Ops.Atty.Gen. 75.

Where city council of sixth class city was composed of five members, and first

member held a term of office expiring in April 1954, and second member held term expiring in April 1956, and second member resigned, and subsequently first member submitted his resignation, remaining members of council could not appoint first member to vacancy created by second member's resignation. Id.

2. Writs

Manuamus cannot be used to compel a municipal board to fill a vacancy unless fact of vacancy is not disputed. Klose v. Superior Court In and for San Mateo County (1950) 217 P.2d 97, 98 C.A.2d 913.

Where part of vacancy is in dispute, quo warranto gives a plain, speedy and adequate remedy to determine who is entitled to public office. Id.

Where no substantial question existed as to validity of appointment to city council, application for leave to sue in quo warranto to determine right of appointee to hold the office would be denied by the attorney general. 25 Ops.Atty.Gen. 223.

§ 36513. Councilmen; vacancy for absence

If a city councilman absents himself without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he attended, his office becomes vacant and shall be filled as any other vacancy. (Added Stats.1949, c. 79, p. 144, § 1.)

Derivation: See Derivation under § 36512.

§ 36514. Councilmen; compensation; submission to electors; alternative provisions

At any municipal election, the question of whether city councilmen shall receive compensation for services, and the amount of such compensation, may be submitted to the electors. If a majority of the electors voting at the election favors it, all of the councilmen shall receive the compensation specified in the election call. Compensation of councilmen may be increased or diminished at any municipal election, in the same manner as it was originally established.

It is hereby declared that it was the intent of the Legislature in the repeal of this section and the enactment of other provisions relating to city councilmen's salaries at the 1965 Regular Session of the Legislature not to invalidate the payment of compensation to councilmen approved by the electorate prior to September 17, 1965, pursuant to Section 36514 as it existed before that date; and any past or future pay-

§ 36514

CITY GOVERNMENT

Title 4

Div. 3

ment of compensation pursuant thereto is hereby confirmed, validated, and declared legally effective.

The provisions of this section shall be alternative to those of Section 36516. (Added Stats.1966, 1st Ex.Sess., c. 12, p. 275, § 2, urgency, eff. April 11, 1966.)

Historical Note

Former section 36514, relating to compensation of councilmen, added by Stats. 1965, c. 266, p. 1287, § 2, was repealed by Stats.1966, 1st Ex.Sess., c. 12, p. 275, § 1.

c. 49, p. 268, § 853; Stats.1909, c. 100, p. 148, § 1; Stats.1931, c. 132, p. 190, § 6; Stats.1933, c. 516, p. 1322, § 8; Stats. 1941, c. 180, p. 1177, § 1.

Original section 36514, relating to compensation of councilmen, added by Stats. 1949, c. 79, p. 144, § 1, amended by Stats.1957, c. 1362, p. 2697, § 1; Stats. 1963, c. 1098, p. 4077, § 1, was repealed by Stats.1965, c. 266, p. 1287, § 1, the original section was derived from Stats.1883,

Prior laws: Former section 36514, added by Stats.1949, c. 79, p. 144, § 1, amended by Stats.1957, c. 1362, p. 2697, § 1; Stats.1963, c. 1098, p. 4077, § 1.

Former section 36514, added by Stats. 1965, c. 266, p. 1287, § 2.

Library References

Municipal Corporations ⇨108.2.

C.J.S. Municipal Corporations § 454.

Notes of Decisions

1. Construction and application

Section 36516 and this section relating to compensation of city councilmen, preclude a city council, which has declared itself to be the governing board of a redevelopment agency, as authorized by Health

and S.C., §§ 83007 and 83200, from increasing the compensation of its members for their service as members of the governing board of the redevelopment agency. 44 Ops.Atty.Gen. 170, 12-22-64.

§ 36514.5 Councilmen; reimbursement for expenses

City councilmen may be reimbursed for actual and necessary expenses incurred in the performance of official duties. (Added Stats. 1966, 1st Ex.Sess., c. 12, p. 276, § 3, urgency, eff. April 11, 1966.)

Library References

Municipal Corporations ⇨163.

C.J.S. Municipal Corporations § 535.

§ 36515. Councilmen; compensation; filling vacancies

The compensation of a city councilman appointed or elected to fill a vacancy is the same as that payable to the member whose office was vacated. (Added Stats.1949, c. 79, p. 145, § 1.)

Derivation: See Derivation under § 36514.

§ 36516

A citizen member of the council shall be determined by the following:

- (a) one hundred dollars (\$100)
- (b) one hundred dollars (\$100)
- (c) two hundred dollars (\$200)
- (d) two hundred dollars (\$200)
- (e) (\$300) For

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§ 36512.1 Vacancies; special election to fill; ordinance

Notwithstanding the provisions of Section 36512, a city may enact an ordinance requiring that a special election be called immediately to fill every city council vacancy. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than . . . 90 days from the call of the special election. A city may also enact an ordinance requiring that a special election be held to fill a city council vacancy when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than . . . 90 days from the filing of the petition. However, a governing body which has enacted such an ordinance may also call a special election pursuant to Section 36512 without waiting for the filing of a petition.

(Added by Stats.1973, c. 488, p. 959, § 1. Amended by Stats.1975, c. 283, p. 703, § 2; Stats.1977, c. 1205, p. 4076, § 90.)

§ 36512.2 Vacancies; special election to fill after term of temporary appointee; ordinance

Notwithstanding the provisions of Section 36512, a city may enact an ordinance providing that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. Such a special election may be held on the date of the next regularly scheduled election to be held throughout the city not less than . . . 90 days from the call of the special election, unless such an election date falls more than 270 days from the call of the special election. In which case the special election shall be held on the next regularly established election date not less than . . . 90 days from the call of the special election.

(Added by Stats.1973, c. 488, p. 959, § 2. Amended by Stats.1975, c. 283, p. 703, § 3; Stats.1977, c. 1205, p. 4077, § 91.)

§ 36512.3 Repealed by Stats.1977, c. 750, p. 2347, § 4

The repealed section, added by Stats.1973, c. 488, p. 960, § 3, amended by Stats.1974, c. 1244, p. 2697, § 3, relating to ballot designation at next election for one appointed to fill vacancy for remainder of a term of office. See, now, Elec. C. § 16211.

§ 36512.5 Repealed by Stats.1977, c. 750, p. 2347, § 4, eff. Sept. 12, 1977

§ 36514. Councilmen; compensation; submission to electors; alternative provisions

1. Construction and application
It would be improper for any city to pay for fines assessed by the fair political practices commission against city council members pursuant to § 91013, relating to penalties for late filing of statements or reports. 61 Ops.Atty.Gen. 342, 7-26-78.

§ 36514.5 Councilmen; reimbursement for expenses

1. In general
Payment to city councilmen and mayor of monthly flat sums as reimbursement for miscellaneous unitemized expenses incurred in the performance of their official duties. In addition to reimbursement for itemized expenses, was improper, where there was no valid ordinance or resolution authorizing such payments and actuality and necessity of the claimed expenses were not subject to verification. Albright v. City of South San Francisco (1975) 118 Cal.Rptr. 901, 44 C.A.3d 866.
It would be improper for any city to pay for fines assessed by the fair political practices commission against city council members pursuant to § 91013, relating to penalties for late filing of statements or reports. 61 Ops.Atty.Gen. 342, 7-26-78.

✓ § 36516. Councilmen; salary schedule; change in compensation

A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

- (a) In cities up to and including 35,000 in population, up to and including one hundred fifty dollars (\$150) per month;
(b) In cities over 35,000 up to and including 50,000 in population, two hundred dollars (\$200) per month;

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§ 36516

GOVERNMENT CODE

(c) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars (\$250) per month.

(d) In cities over 75,000 up to and including 150,000 in population, three hundred dollars (\$300) per month.

(e) Cities over 150,000 population up to and including a population of 250,000, four hundred dollars (\$400) per month.

(f) Cities over 250,000 population, five hundred dollars (\$500) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance.

In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance or as provided in Sections 2107, 2107.1 and 2107.2 of the Streets and Highways Code.

Compensation of councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election.

Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

(Amended by Stats.1972, c. 591, p. 1053, § 1; Stats.1974, c. 1378, p. 3000, § 2.)

1. Construction and application

It would be improper for any city to pay for fines assessed by the fair political practices commission against city council members pursuant to § 91013, relating to penalties for late filing of statements or reports. 61 Ops.Atty.Gen. 342, 7-26-78.

The effective date of an adjustment in the salaries of city council members is de-

layed pursuant to § 36516.5 until one council member commences a new term of office when such adjustment is by an ordinance adopted in accordance with this section and is based on an increase in the city's population. 54 Ops.Atty.Gen. 112, 6-30-71.

§ 36516.2 Councilmen; compensation; increase by ordinance or amendment; prohibition against automatic increases

Notwithstanding the limitations contained in Section 36516 with respect to increases or decreases in councilmen's salaries, the compensation of councilmen may be increased beyond the amount provided in Section 36516 by an ordinance or amendment thereto enacted by the city council but the amount of such increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment thereto is enacted; provided that no salary ordinance shall be enacted which provides for automatic future increases in salary.

(Added by Stats.1972, c. 591, p. 1054, § 2.)

Library references

Municipal Corporations § 164.
C.J.S. Municipal Corporations § 537.

§ 36516.5 Prohibition against change in compensation during term of office; staggered terms

1. In general

A charter city has the authority to adopt an ordinance to increase compensation for city council members which would become effective at a time different from that provided by this section. 57 Ops.Atty.Gen. 11, 1-10-74.

The effective date of an adjustment in the salaries of city council members is delayed pursuant to this section until one council member commences a new term of office when such adjustment is by an ordinance adopted in accordance with § 36516, and is based on an increase in the city's population. 54 Ops.Atty.Gen. 112, 6-30-71.

§ 36517. Clerk and treasurer; compensation

The city clerk and the city treasurer shall receive, at stated times, a compensation fixed by ordinance or resolution. * * *

(Amended by Stats.1971, c. 275, p. 580, § 1.)

Forms: See West's California Code Forms, Government.

Underline indicates changes or additions by amendment

Chapter
7. Park and Pl

Sec.
36812.1 Election
36815. Council n

§ 36812.1 Electio

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(Added by Stats.

Library reference:
Elections § 278
C.J.S. Elections

§ 36815. Council

Any reference
"councilwoman"
designate herself
(Added by Stats.

Library reference
Municipal Corps

§ 36900. Violati

(a) Violation
an infraction.
of the people of

(b) Every vio
exceeding fifty
dred dollars (§

(3) a fine not ex
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(Amended by S

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