

ORDINANCE NO. 2013-129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE APPROVING STATUTORY INCREASE IN COMPENSATION FOR MEMBERS OF THE CITY COUNCIL TO TAKE EFFECT AFTER 2014 MUNICIPAL ELECTION

WHEREAS, the City of Menifee ("City"), was incorporated effective October 1, 2008; and

WHEREAS, at the time of incorporation, the City's population was less than 75,000 residents; and

WHEREAS, in accord with the provisions of Government Code Section 36516 On October 1, 2008 the salaries for members of the City Council was set at \$500, the maximum amount allowed for cities with a population of 75,000; and

WHEREAS, the results of the 2010 decennial census indicate that the total population in the City of Menifee now exceeds 82,000 residents, and

WHEREAS, Government Code Section 36516 provides that the maximum base salary amount that may be paid to Council members in cities with a population of 75,000 or more is \$600, subject to annual increases of 5%; and

WHEREAS, the City Council has not considered or approved increases in salary for members of the City Council for the period from 2008 through 2013, and

WHEREAS, the uncompounded 5% annual increase allowed under the provisions of Government Code Section 36516 now permits the City to adjust compensation for members of the City Council by an increase of 30% for the time period from 2008 to 2014; and

WHEREAS, since incorporation of the City, the City has changed its organizational structure to include election of members of the City Council by districts and the separate election of the Mayor and the Mayor's salary has been established through the initiative process at a flat annual rate of \$8,000; and

WHEREAS, the terms of an initiative measure approved by a vote of the people may only be changed by resubmitting the matter to the electorate for approval; and

WHEREAS, the City of Menifee has a staggered system of electing members to the City Council in which districts one and three and the position of Mayor are up for election at the Presidential general election held in November of even numbered years and districts two and four and the Mayor are up for election at the non-Presidential general election held in November of even numbered years; and

WHEREAS, Government Code Section 36516.5 provides that no increase in compensation can apply to any member of a City Council during his or her term of office unless the terms of members of the City Council are staggered and there has been a municipal election to fill those seats up for election on a staggered basis, at which time any increase approved prior to such election to take effect after the election applies to all members of the City Council ; and

WHEREAS, in order to assure that members of the Menifee City Council are compensated in a manner that is consistent with California law and allowed the benefit of legally permitted increases an ordinance implementing such an increase must be adopted.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENIFEE ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated: The City Council of the City of Menifee finds that the above recitals are true and correct, and that the above recitals are incorporated herein by reference as if set forth in full.

SECTION 2. Findings:

- a. Because the compensation provided for the Mayor was set by an initiative measure adopted by the electorate, it can only be adjusted by another vote on that issue and may not be adjusted by an ordinance adopted by the City Council.
- b. California law permits the City of Menifee to increase compensation paid to members of the City Council other than the Mayor by 5% per year over the base salary of \$500 per month established in October of 2008.
- c. No adjustment to the base salary for eligible members of the City Council can take effect until after the City Council election scheduled to be held in 2014.
- d. In 2014, an increase of 5% per year for the six year period of time from 2008 to 2014 may be implemented.
- e. The legally permitted increase in salary for members of the City Council other than the Mayor that may be implemented is \$150 per month for the time period from 2008 to 2014.

SECTION 3. INCREASE IN COMPENSATION: Effective upon commencement of the term of office beginning after the general municipal election to be held in November of 2014, the base salary compensation payable to all members of the City Council other than the Mayor is increased to \$650 per month.

SECTION 4. Authority and Effect. This Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Menifee by Government Code Section 36516, and shall take full force and effect according to law.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Certification and Publishing. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be published in a manner prescribed by law.

APPROVED and ADOPTED this 6th day of August, 2013.



Scott A. Mann, Mayor

APPROVED AS TO FORM:



Julie Hayward Biggs, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, KATHY BENNETT, City Clerk of the City of Menifee, do hereby attest to and certify the attached Ordinance No. 2013-129 to be the original ordinance adopted by the City Council of the City of Menifee on August 6, 2013 and that said ordinance was published in accordance with the law.

Date: August 6, 2013



Kathy Bennett, City Clerk



Scott A. Mann
Mayor

Wallace W. Edgerton
Deputy Mayor

John V. Denver
Councilmember

Thomas Fuhrman
Councilmember

Greg August
Councilmember

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

I, Kathy Bennett, City Clerk of the City of Menifee, do hereby certify that the foregoing Ordinance No. 2013-129 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 6th day of August 2013 by the following vote:

Ayes: August, Denver, Edgerton, Fuhrman, Mann
Noes: None
Absent: None
Abstain: None



Kathy Bennett, City Clerk