

ORDINANCE NO. 22-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 2301 (COUNCILMANIC SALARIES) OF ARTICLE II (ADMINISTRATION) OF THE CARSON MUNICIPAL CODE REGARDING THE DETERMINATION OF COUNCIL MEMBERS' TOTAL WAGES/COMPENSATION AND TOTAL RETIREMENT AND HEALTH CONTRIBUTIONS

WHEREAS, Article 1, section 5 of the Constitution of the State of California grants charter cities plenary authority over the compensation of its municipal officers; and

WHEREAS, Section 304 of the City Charter and Carson Municipal Code Section 2301 address Councilmanic total wages/compensation by providing that all members of the City Council shall receive a salary set at the “Low Income Limits” for a family of four (4) as set forth by the U.S. Department of Housing and Urban Development for the Los Angeles County area for the year 2018; and

WHEREAS, Section 304 of the City Charter and Carson Municipal Code Section 2301 further provide that future adjustments to the salaries of City Council members shall be in accordance with, and limited by, Government Code Section 36516, which provides for up to a 5% annual increase in City Council member salaries from the operative date of the last adjustment; and

WHEREAS, since the adoption of the City Charter in 2018, the City Council and the Mayor have not had any salary adjustments; and

WHEREAS, due to the pandemic, the American Rescue Plan Act provides Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to local governments such as the City of Carson to address immediate and emergency needs related to COVID-19, including a one-time lump sum premium pay for employees and elected officials who worked during the pandemic, and

WHEREAS, the City Council adopted Resolution No. 22-039 on March 15, 2022 regarding expenditures of SLFRF funds to provide a one-time lump sum payment of premium pay for employees and elected officials who worked at City facilities during the pandemic and who are currently employed by the City; and

WHEREAS, this one-time lump sum payment of premium pay authorized under Resolution No. 22-039 for employees and elected officials is not considered pensionable compensation under CalPERS regulations, and is not considered an increase of ongoing salary or compensation; and

WHEREAS, nonetheless in an abundance of caution regarding the compensation limits set forth in Section 304 of the City Charter and Carson Municipal Code Section 2301, and to address the fact that there has been no salary adjustment since 2018, the City Council desires to amend Carson Municipal Code Section 2301; and

WHEREAS, the City of Carson, as a Charter City, is not subject to the timing requirements under Government Code Section 36516.5 delaying any compensation adjustment, insofar as the compensation of City Council members is considered a municipal affair, as confirmed by Attorney General Opinion, at 57 Ops. Cal. Atty. Gen. 11 (1974).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council further finds that the one-time lump sum payment of premium pay authorized under Resolution No. 22-039 for employees and elected officials is not considered pensionable compensation under CalPERS regulations, and is not considered an increase of ongoing salary or compensation, for attendance at other meetings of City or City-affiliated commissions, committees, subcommittees, and board of directors.

SECTION 3. Section 2301 (Councilmanic Salaries) of Article II (Administration) of the Carson Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold italics***):

“2301 Councilmanic Salaries.

A. All members of the City Council shall receive as total wages/compensation for their services a monthly salary which shall be set at the “Low Income Limits” for a family of four (4) as set forth by the U.S. Department of Housing and Urban Development for the area including Los Angeles County for the year 2018, which amounts to \$77,500 ***per year. As of the effective date of Ordinance No. 22-060, said annual salary shall be increased by five percent (5%).*** Total wages/compensation exclude total retirement and health contributions.

B. The City shall not provide any additional compensation to members of the City Council for attendance at other meetings of the City or City-affiliated commissions, committees, subcommittees, and boards of directors. Future adjustments to the salaries of City Council members shall be in accordance with, and limited by, the provisions of law as set forth in Government Code Section 36516 or any successor provision thereto.

C. The Council may, by resolution, establish in detail the total wages/compensation and any non-wage/compensation benefits including, but not limited to, retirement and health contributions.”

Payment of the foregoing adjustment, as amended in Section 2301 of the Carson Municipal Code shall commence January 1, 2023.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions

of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this _____ day of _____, 2022.

MAYOR LULA DAVIS-HOLMES

ATTEST:

DR. KHALEA K BRADSHAW, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY SUNNY K. SOLTANI

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss. CITY OF CARSON)

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. _____, adopted by the City of Carson City Council at its meeting held on April __, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

DR. KHALEA K BRADSHAW, CITY CLERK