



# CITY OF CARSON

## Legislation Text

File #: 2022-278, Version: 1

### Report to Mayor and City Council

Tuesday, April 05, 2022

Discussion

#### SUBJECT:

**CONSIDERATION OF ORDINANCE NO. 22-060 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 (CITY COUNCIL)**

#### I. SUMMARY

The City Council adopted Resolution No. 22-039 on March 15, 2022 regarding expenditures of American Rescue Plan Act provides Coronavirus State and Local Fiscal Recovery Funds (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. The one-time lump-sum payment of premium pay is not considered pensionable compensation under CalPERS regulations, and is not considered an increase of ongoing salary or compensation. 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 the City Charter was adopted in 2018, this ordinance amends Carson Municipal Code Section 2301.

#### II. RECOMMENDATION

TAKE the following action:

INTRODUCE, for first reading by title only with further reading waived, Ordinance No. 22-060, entitled "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".

### **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

### **IV. BACKGROUND**

Article 1, section 5 of the Constitution of the State of California grants charter cities plenary authority over the compensation of its municipal officers. Section 304 of the City Charter and Carson Municipal Code Section 2301 set the City Council member compensation 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, which at the time amounted to \$77,500 per year. Since the adoption of the City Charter in 2018, the City Council and the Mayor have not had any salary adjustments.

According to Section 304 of the City Charter and Carson Municipal Code Section 2301, any future adjustments must be in accordance with 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, which was in 2018. Accordingly, any adjustment is limited to \$3,875 per year (\$77,500 x 5%).

On March 15, 2022, the City Council adopted Resolution No. 22-039, which authorized the City to utilize 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. This one-time lump-sum payment 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, as contemplated under Section 2301 of the Carson Municipal Code and Section 304 of the City Charter.

However, in an abundance of caution regarding the compensation limits, and in consideration that there has been no salary adjustment since the City Charter was adopted in 2018, the proposed ordinance adjusts the City Council member compensation in accordance with the requirements of Section 2301 of the Carson Municipal and Government Code Section 36516. The City Council desires to implement a 5% salary adjustment of \$3,875.

Furthermore, because the City of Carson is a charter city, it is not subject to the timing requirements under Government Code Section 36516.5 that delay any compensation adjustment, and the proposed ordinance becomes effective 30 days upon adoption after second reading.

Nonetheless, payment of the foregoing adjustment, as amended in Section 2301 of the

Carson Municipal Code, shall commence January 1, 2023.

## **V. FISCAL IMPACT**

There is no fiscal impact to the general fund in Fiscal Year 2021-2022. The amounts have been appropriated under Resolution No. 22-039 approved on March 15, 2022.

Starting in Fiscal Year 2022-2023, there will be a 5% cumulative cost-of-living adjustment increase as based on the current pay rate.

## **VI. EXHIBITS**

1. Ordinance No. 22-060 (pgs. 4 - 7)

Prepared by: City Attorney's Office