

ORDINANCE NO. 2038

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL TO
ADJUST THE COMPENSATION FOR THE MAYOR AND CITY COUNCIL**

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. FINDINGS.

WHEREAS, pursuant to Article VI, Section 9 of the City of San Rafael Charter, Council compensation may be adjusted by ordinance in an amount not to exceed that allowed for by general state law. The last salary adjustment was adopted in April 1990.

WHEREAS, on June 29, 2023, the Governor approved Senate Bill No. 329 (Dodd) ("SB 329"), amending Government Code Section 36516, which permits a city council to set by ordinance their salaries up to a maximum amount, based upon the population of the city. The increases authorized by SB 329 are designed to address recent inflationary increases and economic realities, "enable city councilmembers to balance their careers and personal obligations with the calling to serve their community," and "also make it easier for members of marginalized communities to serve."

WHEREAS, in articles about the bill Senator Dodd said the following, "By allowing councils to adjust their maximum pay to reflect inflation, my bill will remove barriers to achieving more equitable representation in local government." The California Chapter of the NAACP also supported the bill.

WHEREAS, in accordance with Government Code Section 36516.1, and elected mayor may be provided compensation in addition to which they receive as a council member and that additional compensation may be provided by city council ordinance.

WHEREAS, in accordance with Government Code Section 36516.5, a change in compensation does not apply to a council member during the council member's term of office, but may take effect for all members of a council serving staggered terms whenever one or more members of the city council begins a new term of office. Additional compensation for an elected mayor may take effect during the mayor's current term.

WHEREAS, as part of its analysis, staff also looked at the compensation of mayors and city councilmembers in those jurisdictions considered "comparable" as defined in the labor agreements for the non-safety bargaining groups. It was determined that the "market" average for city council members was \$1,516 per month and \$2,357 per month for mayors.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES
ORDAIN AS FOLLOWS:**

DIVISION 2. ADJUSTMENT TO COMPENSATION.

1. The salary for each Councilmember shall be increased from \$468 to \$1,516 per month. This salary increase shall become effective the first pay period after one or more members of the City Council begins a new term of office.

2. The compensation of the Mayor shall increase from \$702 per month to \$2,357 per month. This salary increase shall become effective the first pay period after one or more members of the City Council begins a new term of office.
3. The City shall continue to offer a full flex cafeteria program for Councilmembers and the Mayor. This compensation shall be paid in the same manner as paid to other officers and employees of the City of San Rafael.
4. Thereafter, the salaries shall be adjusted by ordinance of the City Council in amounts not to exceed that allowed by general state law.

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. Section 15061(b)(3)).

DIVISION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION 5. EFFECTIVE DATE; PUBLICATION.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 17th day of June 2024, and was passed and adopted at a regular meeting of the San Rafael City Council on the 15th of July 2024 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL TO ADJUST THE COMPENSATION FOR THE MAYOR AND CITY COUNCIL

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2038 which will adjust the compensation of the Mayor and City Council. Ordinance No. 2038 is scheduled for adoption by the San Rafael City Council at its regular meeting of July 15, 2024. The City Clerk has been directed to publish this Summary pursuant to the San Rafael City Charter and California Government Code section 36933(c)(1).

For a complete copy of the text of the Ordinance, please contact the City Clerk's Office at city.clerk@cityofsanrafael.org or by phone at (415) 485-3066. Copies of the Ordinance containing this Municipal Code amendment are also available for public review at the San Rafael City Clerk's office, 1400 Fifth Avenue, 2nd Floor, Room 209, Monday through Thursday from 9:00 a.m. to 4:00 p.m., and on Fridays by appointment only.

/s/ _____
LINDSAY LARA, City Clerk
San Rafael City Clerk
Dated: 07/05/2024