

To: Mayor and Members of the City Council

From: Barbara Thomas

Date: June 5, 2018

Re: Oral Communications

Request: Please consider placing the following Proposed Amendments to the City of Alameda Charter on the November 2018, ballot.

**PROPOSAL:**

**To amend the City of Alameda Charter as it pertains to the salaries of the Mayor and Councilmembers from that currently set forth in the City of Alameda Charter (as Adopted April 29, 1937, Approved May 5, 1937, Senate Concurrent Resolution No. 75, Amended to November 8, 2016, and updated May 2016) to that set forth for general law cities under California law as based on population of the city.**

**Existing Charter sections governing salaries of Mayor and Council:**

City of Alameda Charter Sections follow:

Sec. 2-1.1. Notwithstanding any other provision of this Charter to the contrary, the matters contained in this Section shall be controlling as to the office of the Mayor. Commencing April 20, 1971, and thereafter, the Mayor shall be an elective officer of the City, and shall hold office for a term of four years and until his or her successor is elected or appointed and qualified, unless sooner removed from office pursuant to Article XX of this Charter or otherwise. The method of nomination and election of the Mayor shall be as provided in this Charter for the nomination and election of other elective officers of the City. The office of Mayor shall be a separate office and be arranged on a ballot in a separate column and shall be first in order of arrangement. Eligibility for office of Mayor shall consist of the qualifications set forth in this Charter for other elective officers. The provisions of this Charter which provide for the manner of selecting a candidate to fill office in the event of a tie vote shall apply to the office of Mayor. A vacancy in the office of Mayor shall be filled in the manner set forth in Section 2-7 of this Charter. **The Mayor shall receive a monthly compensation of Two Hundred Dollars (\$200.00), payable at the time and in the manner as fixed by the Council, and shall be in addition to that provided in Sections 2-4 and 6-4.** The intent of this section is hereby declared to be only to make the Mayor an elective officer of the City and to provide the compensation therefor, as set forth herein. Except to the extent they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Mayor shall apply to the Mayor provided for by this section.

Sec. 2-4. The salary attached to the following offices shall be fixed by the Council: Auditor, Treasurer, City Manager, City Attorney, City Clerk. **Each Councilmember shall receive \$50.00 for each meeting of the Council which he shall attend; provided, that no Councilmember shall receive such fees for more than two meetings in any one calendar month.**

Sec. 6-4. There is hereby appropriated to the use of the Mayor in the discharge of his or her office the sum of fifty dollars each month for which he need furnish no vouchers.

*Submitted by Barbara Thomas  
under Oral Communication  
at the 6/5/18 meeting*

**Permissible pay for Mayor and Council set forth in the General Law:**

All sections below are from the California Government Code:

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

**(D) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.**

(E) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(F) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

**(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall 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 is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.**

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) 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 that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section. (Amended by Stats. 2009, Ch. 332, Sec. 68. (SB 113) Effective January 1, 2010.)

**36516.1. A mayor elected pursuant to Sections 34900 to 34904, inclusive, may be provided with compensation in addition to that which he or she receives as a council member. That additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election. (Amended by Stats. 2010, Ch. 699, Sec. 14. (SB 894) Effective January 1, 2011.)**

**City of Alameda Charter Sections with proposed changes in boldface:**

Sec. 2-1.1. Notwithstanding any other provision of this Charter to the contrary, the matters contained in this Section shall be controlling as to the office of the Mayor. Commencing April 20, 1971, and thereafter, the Mayor shall be an elective officer of the City, and shall hold office for a term of four years and until his or her successor is elected or appointed and qualified, unless sooner removed from office pursuant to Article XX of this Charter or otherwise. The method of nomination and election of the Mayor shall be as provided in this Charter for the nomination and election of other elective officers of the City. The office of Mayor shall be a separate office and be arranged on a ballot in a separate column and shall be first in order of arrangement. Eligibility for office of Mayor shall consist of the qualifications set forth in this Charter for other elective officers. The provisions of this Charter which provide for the manner of selecting a candidate to fill office in the event of a tie vote shall apply to the office of Mayor. A vacancy in the office of Mayor shall be filled in the manner set forth in Section 2-7 of this Charter. **The Mayor shall receive a minimum monthly compensation of One thousand dollars (\$1000.00) payable at the time and in the manner as fixed by the Council and as amended by Council vote of the electorate pursuant to the laws applicable to a General Law City in the State of California, and shall be in addition to that provided in Sections 2-4 and 6-4.** The intent of this section is hereby declared to be only to make the Mayor an elective officer of the City and to provide the compensation therefor, as set forth herein. Except to the extent they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Mayor shall apply to the Mayor provided for by this section.

Sec. 2-4. The salary attached to the following offices shall be fixed by the Council: Auditor, Treasurer, City Manager, City Attorney, City Clerk. **Each Council member shall receive the pay as set forth for a General Law City of the same population, and shall receive such increases as permitted under the General Law for a General Law City. The Mayor shall receive the pay as set forth for the Mayor of a General Law City of the same population, and shall receive such increases as permitted under the General Law for a General Law City. Each Mayor or Council member who serves on additional committees shall receive the pay set forth in the General Law for service on such committees for a General Law City, but not to exceed one hundred fifty dollars per month for each commission, committee, board, authority or similar body.** (Gov. Code Sec. 36516. (c) If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.)

Sec. 6-4. There is hereby appropriated to **the use of each Councilmember in the discharge of his or her office the sum of one hundred dollars each month for which he or she need furnish no vouchers.** There is hereby appropriated to the use of the Mayor in the discharge of his or her office the sum of one hundred fifty dollars each month for which he or she need furnish no vouchers.