

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 03/17/08

Reviewed by: JRL

SUBJECT: Charter Amendments for the November 2008 Ballot: Council
Compensation, Transition of Committee Members, and Bid Procedures

REPORT BY: Jacqueline L. Bucholz, City Clerk

STAFF RECOMMENDATION

Staff recommendation: Review the proposed ballot language, discuss placing before voters and if Council wishes the measures to be on the November 4, 2008 ballot, direct the City Attorney to prepare ballot measures on Section 2.01 – Council Compensation; Section 3.23 – Transition of Committee Members; Section 4.03 – Bid Procedures.

BACKGROUND

The City Council referred to the Charter Review Committee for review and recommendation the following three Sections of the City Charter: 1) Council Compensation, 2) Transition of Committee Members and 3) Bid Procedures.

DISCUSSION

The Charter Review Committee discussed the Charter language in October, 2007 and approved ballot language regarding Section 2.01, 3.23 & 4.03. Resolution #07-54 was submitted to the City Council on October 15, 2007 to approve the ballot language; however, at that time it was the consensus of the City Council not to hold a special election for these items, therefore the Resolution was not adopted. The October 15, 2007, minutes are attached.

The language of the three measures is as follows:

1) Section 2.01, as follows: *Effective January, 2008 each member of the City Council shall receive compensation and benefits to the maximum amount allowed pursuant to the Government Code Section 36516, or such other section if modified. Members of the City Council shall not be eligible to any other office or employment with the City, other than as in this Charter.*

2) Section 3.23, as follows: *to provide that members of commissions, boards, committees, task forces, or other similar bodies, appointed by the City Council, shall serve for an interim term of up to 45 days after certification of an election, or until they are reappointed or replaced.*

3) Section 4.03, as follows: *to provide that the City Council shall by ordinance set threshold limits for the requirements for formal competitive bidding and shall establish such other procedures as are necessary for undertaking the completion of any public projects.*

FINANCIAL IMPACT

The cost of the election has already been budgeted but there will be incremental expenses for printing, typesetting, translating and publication for each measure.

Attachment:

1. Resolution #07-54
2. October 15, 2007 minutes

1 during his or her absence or disability. The officials so chosen shall hold their respective
2 offices subject to the pleasure of the Council.

3 Effective January 1, 2008 each member of the City Council shall receive
4 compensation and benefits to the maximum amount allowed pursuant to Government
5 Code Section 36516, or such other section if modified. Members of the City Council
6 shall not be eligible to any other office or employment with the City, other than as in this
7 Charter expressly provides.

8 ~~Each member of the Council shall receive a compensation of Five Dollars (\$5.00)~~
9 ~~for each meeting attended, provided, however, that a councilmember shall not receive~~
10 ~~more than Twenty Five Dollars (\$25.00) in any one month, except as otherwise provided~~
11 ~~by Section 46 of this Charter. Members of the Council shall not be eligible to any other~~
12 ~~office or employment with the City, other than as in this Charter expressly provides.~~

14 No person not an elector of the City shall be eligible to hold office as a member of
15 the City Council, and no person shall be eligible for nomination for such office without
16 having been a resident of the city for thirty (30) days immediately preceding nomination.

special election.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

36513. (a) If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

(b) Notwithstanding subdivision (a), if a city council meets monthly or less frequently than monthly and a city councilmember is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

36515. The compensation of a city councilman appointed or elected to fill a vacancy is the same as that payable to the member whose office was vacated.

36516. (a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

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

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

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

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

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

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

For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, 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 compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but the amount of the increase may 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 salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

(d) 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) to (c), inclusive. 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.

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

(f) 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.

36516.1. A mayor elected pursuant to Sections 34900 to 34904, inclusive, of the Government Code may be provided with compensation in addition to that which he receives as a councilman. Such 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.

36516.5. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

36517. The city clerk and the city treasurer shall receive, at stated times, a compensation fixed by ordinance or resolution.

36518. Before entering upon the duties of their offices, the city clerk and city treasurer shall each execute a bond to the city. Except as otherwise provided, the bonds shall conform to the provisions of this code relating to bonds of public officers. The penal sum of the bond shall be in a reasonable amount recommended by the city attorney and fixed by the city council, by resolution, and may be changed during their terms of office.