

ORDINANCE NO. 2250

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, SETTING THE COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS COMMENCING JANUARY 1, 2025 AND MAKING A FINDING OF EXEMPTION IN COMPLIANCE WITH CEQA IN CONNECTION THEREWITH.

WHEREAS, pursuant to California Government Code Section 36516, the City Council may enact an ordinance providing that each member of the City Council shall receive a salary based upon the population of the City; and

WHEREAS, California Government Code Section 36516.1 authorizes the City Council to modify the additional salary compensation for the elected Mayor position; and

WHEREAS, pursuant to Ordinance No. 2228, the City of Hawthorne Councilmember Salaries was set in January 11, 2022 at an amount of One Thousand and Two Hundred dollars (\$1,200) per month, which pursuant to Government Code Section 36516.5, took effect on January 1, 2023; and

WHEREAS, in 2023, the State of California passed Senate Bill 329 which amended California Government Code Section 36516 and increased the maximum salary for the city council members of general law cities with the population of 75,000 to 150,000 to one thousand nine hundred dollars (\$1,900) per month; and

WHEREAS, the April 1, 2020 United States Census provides that the population of the City of Hawthorne is 88,083; and

WHEREAS, California Government Code Section 36516.5 prohibits any change in compensation during the council member's term of office. Therefore, any increase in councilmember compensation will become effective on January 1, 2025, which is subsequent to the completion and installment of the new members of the City Council subsequent to November 2024 General Election, pursuant to California Elections Code Section 10262; and

WHEREAS, pursuant to Government Code Section 53208, no section 1090 violation occurs when council members approve salary or health benefits for themselves. City Council salary does not constitute an "economic interest in a source of income," because the Political Reform Act's definition of income expressly excludes salary and reimbursement for expenses and per diem received from a state, local, or federal government agency.

**THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. All of the recitals set forth above are true and correct, and are hereby incorporated herein.

SECTION 2. Pursuant to Government Code § 36516, Mayor and City Council member salaries are increased to \$1,900 per month.

SECTION 3. Pursuant to Government Code § 36516.5, the increase in compensation will become effective January 1, 2025.

SECTION 4. As authorized by Government Code § 53232.2 and 53232.3, the City Council, by its resolution No. 7719, adopted in 2015, has established a reimbursement policy for elected officials. Under this policy, the mayor and councilmembers receive reimbursement for certain actual and necessary expenses incurred in the performance of official duties. Pursuant to Government Code § 36514.5, reimbursements made pursuant to this policy are in addition to salaries and do not count against statutory salary limits.

SECTION 5. The City Council hereby finds that the adoption of this Ordinance is needed since the former compensation amount was based on the amounts set forth in Government Code Section 36516 before the passage of Senate Bill 329 which expressly found that city council compensation had not kept pace with inflation.

SECTION 6. The City Council hereby finds that the adjustment of compensation for inflation may help city council become more diverse because the increased compensation may lead to sufficient income for those with different income levels to serve the city.

SECTION 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. CEQA. The City Council hereby finds that the adoption of this Ordinance is not a “project” under the California Environmental Quality Act because the Ordinance does

not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

SECTION 9. Authorization To Publish Summary Of Ordinance. Pursuant to Government Code Section 36933(c)(1), the City Attorney is authorized to prepare a summary of this ordinance. The City Clerk is also authorized to publish a summary of the text of this ordinance in the Herald Tribune at least five days prior to the adoption of this ordinance. Within 15 days after adoption of the ordinance, the City Clerk is directed to publish a summary of this ordinance in the Herald Tribune.

PASSED, APPROVED AND ADOPTED THIS DAY ____ OF FEBRUARY, 2024.

ALEX VARGAS, Mayor
City of Hawthorne, California

ATTEST:

DAYNA WILLIAMS-HUNTER
City of Hawthorne, California

APPROVED AS TO FORM:

ROBERT M. KIM, City Attorney
City of Hawthorne, California