



AGENDA ITEM NO. 20

CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

For the meeting of *January 11, 2022*
Originating Department: City Attorney

City Manager: *Vontray Norris*
Vontray Norris

City Attorney: *Robert M. Kim*
Robert M. Kim

SUBJECT:

Ordinance No. 2228: An Ordinance of the City Council of the City of Hawthorne, California, Setting the Compensation of the Mayor and City Councilmembers Commencing January 1, 2023.

RECOMMENDED MOTION:

Introduce Ordinance No. 2228 on December 14, 2021 and Adopt Ordinance No. 2228 on January 11, 2022.

DISCUSSION:

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. Pursuant to Ordinance No. 1695, the City of Hawthorne Councilmembers salary was established in November 2001 at an amount of six hundred dollars (\$600) per month. California Government Code section 36516(a)(4) authorizes an increase in Council Salaries in an amount not to exceed 5% for each calendar year from the operative date of the last adjustment. The Mayor and City Council members may raise their monthly compensation 100% since they have not voted to increase it in twenty (20) years. California Government Code section 36516.5 prohibits any change in compensation during the council member's term of office. Therefore, the increase in councilmember compensation will become effective on January 1, 2023, subsequent to the November 2022 regular municipal election.

Elected officials receive reimbursement for actual and necessary expenses incurred in the performance of official duties. 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.

By adoption of Ordinance No. 2228, the Mayor and City Council member salaries are increased from \$600 to the amount of one thousand two hundred dollars (\$1,200) per month. The increase will not become effective until January 1, 2023.

FISCAL IMPACT:

A total increase in monthly expenditure of \$3,000 from the City's general fund commencing in January 2023.

NOTICING PROCEDURES:

72 hours posted notice pursuant to the Ralph M. Brown Act.

ATTACHMENT(S):

Ordinance No. 2228

ORDINANCE NO. 2228

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HAWTHORNE, CALIFORNIA, SETTING THE
COMPENSATION OF THE MAYOR AND CITY
COUNCILMEMBERS COMMENCING JANUARY 1, 2023.**

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, pursuant to 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. 1695, the City of Hawthorne Councilmember Salaries was established in November 2001 at an amount of six hundred dollars (\$600) per month; and

WHEREAS, California Government Code Section 36516(a)(4) authorizes an increase in Council Salaries in an amount not to exceed 5% for each calendar year from the operative date of the last adjustment; and

WHEREAS, the Mayor and City Council members may raise their monthly compensation 100 percent since they have not voted to increase it in twenty (20) years and thereby bringing the monthly compensation to one thousand two hundred dollars (\$1,200); and

WHEREAS, California Government Code § 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, 2023, which is subsequent to the completion and installment of the new members of the City Council subsequent to November 3, 2022, pursuant to California Elections Code Section 10262; and

WHEREAS, pursuant to Government Code § 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 \$1,200 per month.

SECTION 3. Pursuant to Government Code § 36516.5, the increase in compensation will become effective January 1, 2023.

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. 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 6. CEQA. The City Council hereby finds that 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 7. 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 11 OF JANUARY, 2022.

ALEX VARGAS, Mayor
City of Hawthorne, California

ATTEST:

DR. PAUL JIMENEZ, City Clerk
City of Hawthorne, California

APPROVED AS TO FORM:



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