

DATE SUBMITTED 6/30/2023  
 SUBMITTED BY City Manager  
 DATE ACTION REQUIRED July 5, 2023

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (X)  
 ORDINANCE 1<sup>ST</sup> READING (X)  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS OB

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: Resolution and Ordinance Regarding Compensation and Health Benefits for the Imperial City Council

1. Adopt Resolution No. 2023-29 Approving Health Benefits for the Imperial City Council.
2. 1<sup>st</sup> Reading in Title Only of Ordinance No. 827 Amending the Codified Ordinances of the City of Imperial Adjusting Imperial City Council Compensation to \$720.00

BACKGROUND/SUMMARY:

State law provides that a city can provide health and welfare benefits for council members provided such benefit is the "same" as that provided employees. The City's insurance consultant calculates a composite rate in crafting the health benefits available to employees. The composite amount currently stands at \$700.00. Staff recommends adopting a resolution to provide not to exceed the composite amount per month for those council members incurring a cost for their health care coverage. The California Attorney General has opined that a cash payment in lieu of health coverage is not permissible.

The amount of Council compensation and the manner in which Council compensation is amended is a matter of State Law. Compensation is based upon population. The initial compensation for Imperial was \$300.00. Compensation may be increased by 5% per year. Council compensation was last adjusted to \$360.00 in December of 2002. Any increase to compensation takes effect at the next municipal election; in our case 2024. Since it has been 20 full calendar years since the date of the last increase, the council could increase its compensation in an amount not to exceed \$720.00.

FISCAL IMPACT: As Proposed In FY 23-24 Municipal Budget - \$63,600.00

*\$42,000 per year plus de minimis incidental administrative costs assuming all council members participate.*

*A change to \$720.00 per month would impact the second half of the 2024-2025 fiscal year in the sum of \$21,600.00 plus incidental withholding.*

FINANCE INITIALS DP

STAFF RECOMMENDATION: approve

DEPT. INITIALS ATM

MANAGER'S RECOMMENDATION: Approve not to exceed \$700 per month (adjusted annually) per council member for health coverage.

CITY MANAGER'S INITIALS ATM

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ( )

DISAPPROVED ( )

REFERRED TO:

REJECTED ( )

DEFERRED ( )

**RESOLUTION 2023-29**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL  
AUTHORIZING HEALTH BENEFITS AND REIMBURSEMENT FOR THE CITY  
COUNCIL EQUAL TO UNREPRESENTED EMPLOYEES**

**WHEREAS**, it is prudent for the City to provide for all employees and elected officials of the City of Imperial certain health benefits; and

**WHEREAS**, California Government Code section 36516(d) authorizes members of City Councils, and other local governing bodies, be provided with health benefits if the same benefits are available and paid by the City for its employees. Pursuant to California Government Code section 53208.5, such benefits shall not exceed the amount not exceed the most generous schedule of benefits being received by any category of non-safety employees; and

**WHEREAS**, Exhibit A, attached herein, reflects the benefits made available to City Council members; and

**WHEREAS**, the City Council members shall be reimbursed for actual and necessary expenses incurred in the performance of official duties consistent with California Government Code section 36514.5 and consistent with Exhibit B.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES  
RESOLVE, DETERMINE, AND ORDERS AS FOLLOWS:**

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the City Council authorizes the same health benefits available to unrepresented employees be made available to City Council members as outlined on Exhibit A.

SECTION 3. That the City Council authorizes reimbursement pursuant to the terms of California Government Code section 36514.5. The reimbursement policy is set forth as Exhibit B.

SECTION 4. The City Clerk shall certify as to the adoption of this resolution.

PASSED AND ADOPTED by the City Council of the City of Imperial on the 5<sup>th</sup> day of July, 2023.

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Katherine Burnworth, Mayor

ATTEST:

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Kristina Shields, City Clerk

## **CITY COUNCIL BENEFITS**

**Health Benefits:** The City Council shall receive reimbursement for health benefits up to a total composite amount identified in the labor contracts for an employee of a city. The City Council shall not receive cash in lieu of health benefits.

## **CITY COUNCIL REIMBURSEMENT POLICY**

Out of County Travel: City Council members shall comply with and receive reimbursement in the same manner as City Officials and Department Heads as set forth in in Resolution 2014-42 for Out of County travel.

In County travel: City Council members shall be entitled up to \$50 per month for in County travel expenses (either at the IRS mileage rate or submission of actual gasoline, insurance and vehicle costs). All claims for in county travel shall be submitted on a claim for which shall be a public record.

**ORDINANCE NO 827**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL  
AMENDING THE CODIFIED ORDINANCES TO ADJUST THE SALARIES OF  
COUNCIL MEMBERS to \$720.**

The City Council of the City of Imperial does hereby ordain as follows:

**Section 1:** Amending Section 2-1.1 of the Municipal Code.

The present Section 2-1.1 is amended to read as follows:

“Section 2-1.1 City Council Salary.

1. Each member of the City Council shall receive a monthly salary in the sum of Seven Hundred and Twenty dollars (\$720.00) per month as authorized by California Government Code section 36516. Said sum is payable at the same time and in the same manner as payment to each of the officers and employees of the City. This amount was calculated based upon the California Government Code section 36516(a)(4) which authorizes an annual increase not to exceed 5% for each calendar year from the operative date of the last adjustment of the salary which was December 2002.

2. This Ordinance becomes operative upon the date when one or more members of the Council of the City become eligible for the salary prescribed herein by virtue of beginning a new term of office following the general municipal election.”

**Section 2:** Severability. If Any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**Section 3:** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to California Government Code section 36933.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Imperial held on July 5, 2023 and was finally adopted at a regular meeting of said Council on July 19, 2023, and said ordinance was duly passed and adopted in accordance with the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Katherine Burnworth, Mayor

ATTEST:

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Kristina Shields, City Clerk