

ORDINANCE NO. 1981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA AMENDING SECTION 2.02.040 AND DELETING SECTION 2.02.050 OF CHAPTER 2.02 OF TITLE 2 OF THE UPLAND MUNICIPAL CODE TO INCREASE CITY COUNCIL COMPENSATION

WHEREAS, Government Code Section 36516(a)(2) and Upland Municipal Code Section 2.02.040 prescribe the amount of salary compensation to be paid to each member of the City Council as listed in Government Code Section 36516(a)(2); and

WHEREAS, Section 2.02.040 of the Upland Municipal Code was enacted by Ordinance in September 1985, thirty-seven (37) years ago, and at which time the City's population was over 50,000 but under 75,000. Consequently, the compensation was set at \$500 per month; and

WHEREAS, according to the 2020 Census, the City's population was 79,272, which triggered an increase in compensation to \$600 according to the statutory compensation schedule, notwithstanding the fact that Section 2.02.040 of the Upland Municipal Code was not amended; and

WHEREAS, Section 2.02.050 of the Upland Municipal Code allowed for the automatic increase in compensation as the population increased, which process follows that allowed by Government Code Section 36516(a)(2); and

WHEREAS, Section 2.08.010 of the Upland Municipal Code calls for the City Treasurer to receive a salary equal to two-thirds the compensation of a member of City Council as established in Upland Municipal Code Section 2.02.040; and

WHEREAS, the City Treasurer currently receives \$400 per month in salary compensation; and

WHEREAS, under the authority of Government Code Section 36516.1, Section 2.02.080 of the Upland Municipal Code authorizes the additional compensation of \$100 per month to be paid to the City's Mayor in addition to the compensation set for members of the city council due to the additional workload imposed upon the Mayor by virtue of the office's duties; and

WHEREAS, the City's Mayor currently receives \$700 per month in salary compensation; and

WHEREAS, Government Code Section 36516(a)(4) authorizes the City to increase the compensation for members of the City Council beyond those amounts established in the statutory compensation schedule provided that 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 was enacted; and

WHEREAS, 37 years since the enactment of the ordinance establishing Section 2.02.040, multiplied by 5%, equals a maximum 185% salary increase allowed under Government Code Section 36516(a)(4); and

WHEREAS, the current salary compensation paid to members of the City Council of \$600, multiplied by 185%, equals \$1,110; and

WHEREAS, the City Council desires to increase the monthly salary compensation to \$1,200 per month; and

WHEREAS, by increasing the monthly salary compensation by \$600 instead of the possible \$1,110, City Council is foregoing \$510 of eligible compensation from future City Councils; and

WHEREAS, if this Ordinance is passed, and due to Section 2.02.080 of the Upland Municipal Code, the Mayor would be entitled to receive \$1,300 per month; and

WHEREAS, if this Ordinance is passed, and due to Section 2.08.010 of the Upland Municipal Code, the City Treasurer would be entitled to receive \$800 per month.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated herein by this reference.

Section 2. Section 2.02.040 of Chapter 2.02 of Title 2 of the Upland Municipal Code is hereby amended as follows:

"Section 2.02.040 Salaries.

Each member of the city council shall receive, as salary, the sum of \$1,200.00 per month, which shall be payable from and after the operative date of this ordinance at the same time and in the same manner as the salaries are paid to other officers and employees of the city of Upland."

Section 3. Section 2.02.050 of Chapter 2.02 of Title 2 of the Upland Municipal Code is hereby deleted in its entirety and marked as "Reserved."

Section 4. Compliance with California Environmental Quality Act.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the

environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Ordinance is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 5. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 26th day of June, 2023.



Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 12th day of June, 2023, and was adopted at a regular meeting of the City Council of the City of Upland on the 26th day of June, 2023, by the following roll call vote:

AYES: Mayor Velto, Councilmembers Garcia, Breitling, Maust, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:



Keri Johnson, City Clerk