



Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL

Meeting Date: July 30, 2020

Item Number: TBD

Item Description: **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Salaries for the Mayor and Councilmembers**

Submitted by: Councilmember Harrison

Revisions

1. Clarified that the measure would set the Mayor's compensation consistent with the Alameda County median income for a three-person household and maintaining Councilmember salaries at 63% of that amount, with annual adjustments based on adjustments to the area median income.
2. Clarified that in cases where the Mayor or Councilmember is prevented from attending a regularly scheduled Council meeting due to either their own illness or the illness or death of a "close family member" as defined in the City's bereavement policy, they shall be paid for up to two such meetings a year in an amount equal to the monthly remuneration divided by the number of regular meetings held during such month.
3. Replaced "his or her" with "their" and "himself or herself" with "themselves" pursuant to the Council's gender-neutral language policy.



Kate Harrison
Councilmember, District 4

ACTION CALENDAR

July ~~21~~30, 2020

(Continued from ~~June 30~~ July 21, 2020)

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Placing Charter Amendment Measure on the November 3, 2020 Ballot
Related to ~~Full-Time Status and~~ Salaries for the Mayor and
Councilmembers

RECOMMENDATION

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding ~~the full-time status and~~ salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

FISCAL IMPACTS OF RECOMMENDATION

The table below shows the year-by-year costs for elections since 2012. Significant cost increases occurred in 2012 and 2014 due primarily to general year-over-year increases, and the addition of two more required languages (Vietnamese and Tagalog). The cost increase in 2016 is due to a new, permanent surcharge from the Registrar of Voters to fund the County's voting equipment replacement account.

Date	Election				
	Nov. 2012	Nov. 2014	Nov. 2016	Mar. 2017	Nov. 2018
No. of Measures	10	7	11	0	4
No. of Candidates	26	23	29	2	30
General Costs	\$367,884	\$392,331	\$706,901	-	\$385,246
RCV Costs	\$101,041	\$189,148	\$181,954	-	\$185,578
Total Costs	\$468,925	\$581,479	\$888,855	\$85,628	\$570,824

CURRENT SITUATION AND ITS EFFECTS

At the May 29, 2018 City Council meeting, the council discussed the results of a second community survey and proposed language for an amendment to the City Charter regarding the salary and full-time status of the City Council. The Council directed the City Manager to return with draft ballot measure language for the November 6, 2018 General Election. The Council elected not to place this measure on the November 2018 ballot.

On February 4, 2020, during a City Council work session on potential ballot measures, a majority of the Council expressed interest in placing a measure on the ballot to amend the City Charter to ~~make thereflect the much more than part-time nature of the work of the~~ office of Mayor and City Councilmembers ~~s full-time positions~~, with remuneration set at a level reflecting ~~full-time employment~~ the time commitment and complexity of the positions. Currently, the Mayor is compensated at \$61,304 per year, approximating that for a of that of a very low income households of three persons. Councilmembers receive \$38,695, representing compensation approximating that of extremely low-income households.

~~The proposed Charter Amendment would~~ The measure would provide that the office of Mayor receive the average area moderate income as established each year by the California Department of Housing and Community Development (\$107,300 for 2020) and Councilmembers would are full-time positions receive compensation of \$67,599, between very low income and low income area median income, which maintains the current ratio between the Mayor's and Councilmembers' compensation, where councilmembers are compensated at 63% of the Mayor. The amount would be adjusted each year as the area median income (AMI) is adjusted.

The proposed Charter Amendment would recognize that the current compensation has not kept pace with increases in housing costs and the area median income since the compensation was set in December, 1998, Inflation adjustments provided for in the Charter rely on a cost of living index that significantly understates the increase in housing costs at time when the requirements of the positions have grown exponentially. and that the Personnel Board shall set the salary of the Mayor and Councilmembers initially after adoption and every five years thereafter based on a salary survey of other full-time Mayors and City Councils in California and it shall consider the Consumer Price Index (CPI).

Remuneration may be reduced in defined instances, including unexcused absences from Council meetings or negotiated salary reductions for City employees. If adopted, the attached resolution will request that the Registrar of Voters place the matter on the ballot for consideration by Berkeley voters.

Additionally, according to California Elections Code 9282(b), for measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and

associations, may file a written argument for or against any city measure.

BACKGROUND

The current Charter provisions ~~do not designate the offices of Mayor and Councilmember as full-time positions~~ have not allowed compensation for the Mayor and Councilmembers to keep pace with increases and do not reflect the increased complexity of the positions since the compensation was changed in 1998.. This amendment would ~~designate~~ recognize the offices as ~~full-time and more than part-time~~ task the Personnel Board with setting the and set the salary of the salaries of Mayor at 100% of area median income and maintain the ratio between the compensation for Councilmembers and that of the Mayor at 63%. Council based on surveys of other full-time Mayors and City Councils.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City Clerk is presenting this action in accordance with the direction given by Council.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Kate Harrison, (510) 981-7140

Attachments:

1: Resolution

Exhibit A: Text of Measure

RESOLUTION NO. -N.S.

SUBMITTING TO THE BERKELEY ELECTORATE AN AMENDMENT TO THE SALARY PROVISIONS IN ARTICLE V OF THE BERKELEY CITY CHARTER ON THE NOVEMBER 3, 2020 BALLOT

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 3, 2020 General Municipal Election, a measure to amend Article V of the Berkeley Charter related to the salary for Mayor and City Council; and

WHEREAS, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley General Municipal Election with the Statewide General Election to be held November 3, 2020; and

WHEREAS, the City of Berkeley hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to perform services in connection with said election at the request of the City Clerk. These services to include all necessary services related to official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, polling places, poll workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the consolidated election; and

WHEREAS, the Council desires to submit this measure to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that the full text of the measure shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services,

printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.

BE IT FURTHER RESOLVED that Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.

BE IT FURTHER RESOLVED that the City will reimburse the Registrar of Voters for the costs associated with placing the measure on the ballot.

BE IT FURTHER RESOLVED that said proposed Charter Amendment measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY CHARTER AMENDMENT	
<p>Shall the measure amending the City Charter to provide that the compensation for the offices of Mayor be set at Alameda County's median three-person household income from the California Department of Housing and Community Development and that of Councilmembers maintained at 63% of the Mayor's compensation, with annual increases based on changes in Area Median Income, -are full-time positions and shall receive a salary for performance of their official duties set by the Personnel Board based on salaries of other full-time California Mayors and Councils, but which may be lowered in defined instances, -including for unexcused <u>Council meeting</u> absences from Council meetings or negotiated salary reductions for City employees, be adopted?</p>	YES
	NO

BE IT FURTHER RESOLVED that the text of the Charter Amendment be shown as Exhibit A, attached hereto and made a part hereof.

Exhibits

A: Text of Charter Amendment

**AMENDMENTS TO ARTICLE V OF THE BERKELEY CITY CHARTER RELATED TO
~~FULL-TIME STATUS AND~~ SALARIES FOR THE MAYOR AND CITY COUNCIL**

The People of the City of Berkeley hereby amend Section 19 of the Charter of the City of Berkeley to read as follows:

Section 1. Section 19 of Article V of the Charter of the City of Berkeley is amended to read as follows:

Section 19. Salaries.

The ~~Mayor and Councilmembers~~ shall receive remuneration for the performance of their official duties at the Alameda County median income for a three-person household and Councilmembers at 63% of that amount, with annual adjustments based on adjustments to the area median income. ~~at the rate of up to \$1,800 per month, and the Mayor shall receive up to \$2,850 per month, effective the Council term beginning in December 1998. Such amount shall be adjusted upward by the increase in the cost of living for the San Francisco Bay Area as verified by official United States economic reports. ~~The office of Mayor and Councilmember are full-time positions. The Personnel Board shall set the salary of the Mayor and Councilmembers initially after the effective date of this Charter Amendment and every five years based on a salary survey of other full-time California Mayors and City Councils and it shall consider the Consumer Price Index (CPI).~~~~

~~The Personnel Board shall establish dates for an appropriate five-year cycle for making the determinations required by this Section, in order to efficiently coordinate with City budget processes and related procedures. In order to institute this five-year cycle, the initial determination may be for less than a five-year period, as determined by the Personnel Board.~~

If the City and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Personnel Board shall review and amend the Mayor and Councilmembers' salary as necessary to achieve comparable cost savings in the affected fiscal year or years.

Either the Mayor or any Councilmember may, at his or her ~~his or her~~ their sole discretion, reduce the remuneration paid ~~himself or herself~~ themselves. In any such case, the difference between the reduced amount actually paid to such Mayor or Councilmember and the amount of remuneration authorized by this Article shall be appropriated as part of the budget of the Mayor or Councilmember taking the voluntary reduction in remuneration and such differential may be expended for any purpose otherwise authorized for the expenditure of sums so budgeted. If the Mayor or any member of the Council is absent

from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, or unless excused by the Council as a result of their own illness or the illness or death of a "close family member" as defined in the City's bereavement policy from attending no more than two regular meetings in any calendar year, he or she shall be paid for each regular meeting attended during such months in an amount equal to the monthly remuneration divided by the number of regular meetings held during such month.

~~For each member of the Council and the Mayor, a sum, as established by the Personnel Board, shall be deducted from the salary of such member for each regular or special meeting of the full Council, which they fail to attend in each such calendar month; provided, however, that such deduction shall not be made for their failure to attend any meeting during which they are away on authorized City business, or from which they are absent because of their own illness or the illness or death of a "close family member" as defined in the City's bereavement leave policy.~~



Office of the City Manager

ACTION CALENDAR
July 30, 2020
(Continued from July 21, 2020)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Placing Charter Amendment Measure on the November 3, 2020 Ballot
 Related to Full-Time Status and Salaries for the Mayor and
 Councilmembers

RECOMMENDATION

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

FISCAL IMPACTS OF RECOMMENDATION

The table below shows the year-by-year costs for elections since 2012. Significant cost increases occurred in 2012 and 2014 due primarily to general year-over-year increases, and the addition of two more required languages (Vietnamese and Tagalog). The cost increase in 2016 is due to a new, permanent surcharge from the Registrar of Voters to fund the County's voting equipment replacement account.

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CURRENT SITUATION AND ITS EFFECTS

At the May 29, 2018 City Council meeting, the council discussed the results of a second community survey and proposed language for an amendment to the City Charter regarding the salary and full-time status of the City Council. The Council directed the City Manager to return with draft ballot measure language for the November 6, 2018 General Election. The Council elected not to place this measure on the November 2018 ballot.

On February 4, 2020, during a City Council work session on potential ballot measures, a majority of the Council expressed interest in placing a measure on the ballot to amend the City Charter to make the office of Mayor and City Councilmember full-time positions, with remuneration set at a level reflecting full-time employment. The proposed Charter Amendment would provide that the office of Mayor and Councilmember are full-time positions, and that the Personnel Board shall set the salary of the Mayor and Councilmembers initially after adoption and every five years thereafter based on a salary survey of other full-time Mayors and City Councils in California and it shall consider the Consumer Price Index (CPI).

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BACKGROUND

The current Charter provisions do not designate the offices of Mayor and Councilmember as full-time positions. This amendment would designate the offices as full-time and task the Personnel Board with setting the salaries of Mayor and Council based on surveys of other full-time Mayors and City Councils.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City Clerk is presenting this action in accordance with the direction given by Council.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

Exhibit A: Text of Measure

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	NO

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The Personnel Board shall establish dates for an appropriate five-year cycle for making the determinations required by this Section, in order to efficiently coordinate with City budget processes and related procedures. In order to institute this five-year cycle, the initial determination may be for less than a five-year period, as determined by the Personnel Board.

If the City and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Personnel Board shall review and amend the Mayor and Councilmembers' salary as necessary to achieve comparable cost savings in the affected fiscal year or years.

Either the Mayor or any Councilmember may, at his or her sole discretion, reduce the remuneration paid himself or herself. In any such case, the difference between the reduced amount actually paid to such Mayor or Councilmember and the amount of remuneration authorized by this Article shall be appropriated as part of the budget of the Mayor or Councilmember taking the voluntary reduction in remuneration and such differential may be expended for any purpose otherwise authorized for the expenditure of sums so budgeted. ~~If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, or unless excused by the Council as a result of illness from attending no more than two regular meetings in any~~

~~calendar year, he or she shall be paid for each regular meeting attended during such months in an amount equal to the monthly remuneration divided by the number of regular meetings held during such month.~~

For each member of the Council and the Mayor, a sum, as established by the Personnel Board, shall be deducted from the salary of such member for each regular or special meeting of the full Council, which they fail to attend in each such calendar month; provided, however, that such deduction shall not be made for their failure to attend any meeting during which they are away on authorized City business, or from which they are absent because of their own illness or the illness or death of a "close family member" as defined in the City's bereavement leave policy.

