Potential City Charter Amendment

Council Salaries and Competing Ordinances

ITEM 3.5

AUGUST 7, 2018

Background

1. Background and Direction
   - Removing Mayor & Council from Salary Setting Process
   - Allowing Competing Ordinances to be Placed on the Ballot
2. Survey Results
3. Recommendations and Next Steps

Council Direction – June 26, 2018

June 26, 2018

Direct the City Manager and City Attorney to:

- Bring forward a measure that included annual cost of living adjustments, but also included Salary Setting Commission review and setting of base salaries for the Mayor and Councilmembers every five to ten years.
- Return with information from other major cities.
- Conduct additional polling.

Council Salary Setting

BACKGROUND AND PROPOSED CHANGES

Salary Setting Process: Other Cities

Jurisdiction	Who Sets Salary	How Often?	Amounts
San Francisco	Civil Service Commission	Once every five years	Supervisors: $121,606 Mayor: $326,527
San Diego	Salary Setting Commission rec. + Council vote. Considering change to tie to judicial salaries	Every two years	Council: $75,386 Mayor: $100,464
Los Angeles	Controller ascertains & adjusts	Council: Equal to judges Mayor: 30% higher	Council: $189,464 Mayor: $246,303

Salary Setting Process: Other Cities (cont'd)

Jurisdiction	Who Sets Salary	How Often?	Amounts
Sacramento	Compensation Commission	Annually	Council: $63,272 Mayor: $127,732 (2017)
Fresno	City Council	Cannot increase or decrease during elected's term	Council: $65,000 Mayor: $130,000 (2016)
Oakland	Council: Public Ethics Commission Mayor: City Council	Council: Annual, CPI, up to 5%. Mayor: Every 2 years, within 70%-90% of City Managers/CEOs of six CA cities	Council: $91,018 Mayor: $202,999 (2017)

Proposed Process for Setting Mayor/Council Salaries

Next steps, if measure passes:

- **2019**: Salary Setting Commission sets 2019-2020 base salaries for Mayor and City Council without Council approval
- **2020-2021 to 2028-2029**: Adjustments to Mayor and Council salaries limited to CPI-U
- **2029**: Salary Setting Commission sets 2029-2030 base salaries for Mayor and City Council
- **2030-2031 to 2038-2039**: Adjustments to Mayor and Council salaries limited to CPI-U

Competing Ordinances

BACKGROUND AND RECOMMENDATION

Competing Ordinance Background & Recommendation

- When a voter-sponsored initiative qualifies for the ballot, California law allows city councils to submit an alternative ordinance to the voters. If both pass, the measure getting the highest number of affirmative votes becomes law.
- Under Section 1603 of the San Jose City Charter, the San Jose City Council may not submit an alternative ordinance on the same ballot as a voter-sponsored initiative.
- Staff recommends removing this limitation from the City Charter and aligning with State Law.

Survey Results

CHARTER AMENDMENT: MAYOR/COUNCIL SALARY SETTING & COMPETING ORDINANCES

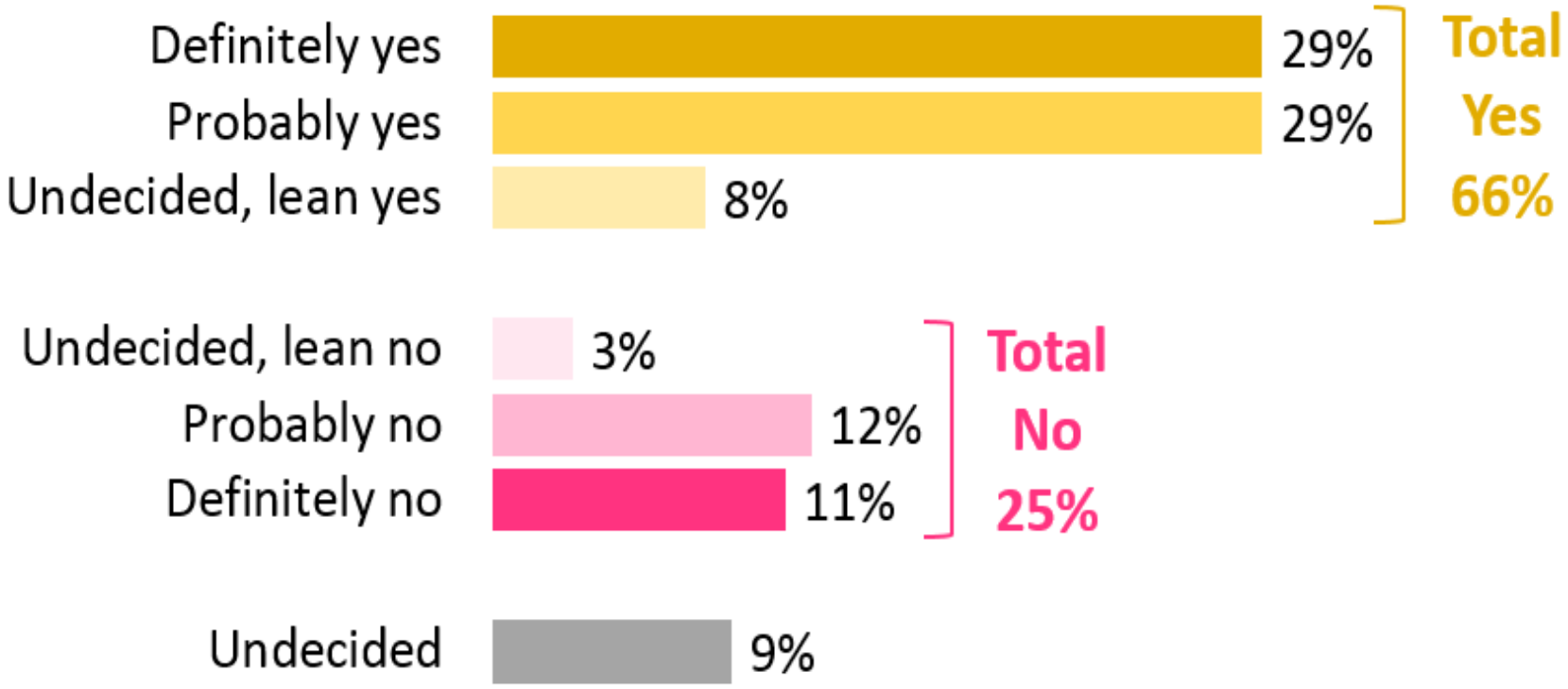
Ballot Question

2018 Charter Amendments.

Shall the City of San José's Charter be amended to:

- Remove the Mayor and Council's ability to approve their salaries;
- Require the Salary Setting Commission to adjust the base salaries for the Mayor and City Council once every 10 years;
- Limit base salary increases after each 10-year adjustment to annual adjustments for inflation; and
- Align the City Charter with State law to allow the City Council to place competing ordinances on the same ballot in Municipal Elections?

Survey Results



Q7. If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it? Split Sample

Timeline and Next Steps

- August 7, 2018 – Council decision on ballot measure & language
- August 10, 2018 – Registrar of Voters ballot measure deadline

<u>If Council places measure on ballot:</u>

- November 6, 2018 – Election Day

<u>If measure passes:</u>

- 2019: Convene Salary Setting Commission

Today's Action

A. Review & discuss survey results;
B. Adopt a resolution calling & giving notice of the election and approving ballot language;
C. Consider whether full text is printed in Voter's Sample Ballot;
D. Consider whether to print rebuttal arguments in Sample Ballot;
E. Consider whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure;
F. Consider whether to authorize the City Attorney to prepare an Impartial Analysis; and
G. Direct the City Clerk to take all actions necessary to place this measure for a November 6, 2018 Special Municipal Election.