

**TOWN OF SAN ANSELMO  
STAFF REPORT  
May 7, 2008**

For the meeting of May 13, 2008

TO: Town Council

FROM: Debra Stutsman, Town Manager

SUBJECT: Town Council Salaries

RECOMMENDATION

That Council introduce and waive reading of the ordinance to increase the compensation of Councilmembers to \$300 per month.

BACKGROUND

Since April 1986 San Anselmo Councilmembers have received monthly compensation in the amount of \$99 per month. At the meeting of April 8, Council directed staff to come back with an ordinance increasing the Council's monthly compensation to \$300 per month.

DISCUSSION

The job of Councilmember requires the commitment of a tremendous amount of personal time. Council meetings are held twice a month, with occasional special meetings called. Each Councilmember serves on several subcommittees that require additional monthly meetings. Community projects, fundraising events (many of which require a donation), employee events, countywide Councilmember dinners, and other special projects all take up the time of a Councilmember.

Government Code 36516 (Attachment 2) sets a maximum Councilmember salary for cities of San Anselmo's size at \$300 per month. It says "A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office."

Councilmember compensation in other Marin cities and towns is widely divergent, as follows:

Belvedere	\$0
Corte Madera	\$300/month, \$350/month for Mayor
Fairfax	\$300/month,
Larkspur	\$275/month, \$330/month for Mayor
Mill Valley	\$350/month

Novato	\$400/month
Ross	\$0
San Rafael	\$468/month, \$702/month for Mayor,
Sausalito	\$300/month
Tiburon	\$0

A table of complete benefits for each Marin city/town is attached as Attachment 3.

The ordinance would be effective for all five members in December 2009, after the election held in November 2009.

FISCAL IMPACT

Increasing Councilmembers salaries to \$300 per month would have a total annual cost of \$19,377. The current cost at \$99/month is \$6,394.

Respectfully submitted,



Debra Stutsman  
Town Manager

Attachment 1 – Draft ordinance

Attachment 2 – Government Code §36516

Attachment 3 – Survey of Council compensation, Marin cities/towns

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO REVISING  
SECTION 2-1.02 OF THE TOWN OF SAN ANSELMO MUNICIPAL CODE  
TO INCREASE THE COMPENSATION OF COUNCILMEMBERS FROM \$99 PER  
MONTH TO \$300 PER MONTH**

The Town Council of the Town of San Anselmo does hereby ordain as follows:

**SECTION I:** Section 2 of Chapter 1 of Title 2 of the Town of San Anselmo Municipal Code is hereby amended to read as follows:

**2-1.02 Compensation of Councilmembers**

Each member of the Council shall receive compensation of Three Hundred and no/100ths (\$300.00) Dollars for each calendar month, effective December 2009.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the \_\_\_\_ day of \_\_\_\_\_ 2008 and thereafter adopted by the Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2008 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
TED FREEMAN  
Mayor

Attest:

\_\_\_\_\_  
BARBARA CHAMBERS  
Town Clerk

governing body which has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

36513. (a) If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

(b) Notwithstanding subdivision (a), if a city council meets monthly or less frequently than monthly and a city councilmember is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

36515. The compensation of a city councilman appointed or elected to fill a vacancy is the same as that payable to the member whose office was vacated.

36516. (a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

\* (1) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month;

(2) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month;

(3) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(4) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(5) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(6) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but the amount of the increase may 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 or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

(d) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) to (c), inclusive. For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(e) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

(f) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

36516.1. A mayor elected pursuant to Sections 34900 to 34904, inclusive, of the **Government Code** may be provided with compensation in addition to that which he receives as a councilman. Such additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.

\* 36516.5. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

**Marin Cities**  
**Survey of Council Compensation**  
 April 2008

City	Salary	PERS-able	Health Benefits	Retirement Health Benefits	Other Benefits	Comments
Belvedere	None	n/a	None	None	None	
Corte Madera	\$300/month plus extra \$50/month for mayor (non-PERS-able)	Yes	Council may opt into town's health insurance at own cost except town pays state required contribution	Can retain health insurance under same terms into retirement	Council can buy into other town insurance plans at their own cost (dental, vision, life, disability)	Town once paid for insurance, but moved to system where council pays for most of it themselves.
Fairfax	\$300/month	Yes	None	None	None	
Larkspur	\$275/month \$330/month for mayor	Yes	Council may opt into town's health insurance at town expense (contribution is capped at Kaiser Family Health Plan rate)	None	Computers and connection for council's homes;	While in office council members get the same medical benefit as other town employees
Mill Valley	\$350/month	No	None	None	None	
Novato	\$400/month	Yes	\$825/month contribution (for medical or dental plan only)	None	None	
Ross	None	n/a	None	None	None	
San Anselmo	\$99/month	No	None	None	None	
San Rafael	\$468/month \$702/month for mayor	Yes (County retirement system)	Health insurance fully paid by town up to full family rate	After 10 years of service, town pays full cost of health insurance; less than that, council can opt in at own cost	Council can buy into other town insurance plans at their own cost (dental, vision, life, disability)	
Sausalito	\$300/month	Yes	Approx. \$500/month toward cafeteria benefit that can be used on health or dental insurance; town pays state required contribution	Can retain health insurance into retirement at own cost; town pays state required contribution		Town spends about \$54,000/year for council salary and benefits
Tiburon	None	n/a	None	None	None	

**Notes:**

-- According to PERS, the ability to purchase health insurance, where offered, generally extends into "retirement" only if the member has served 5 years and is age 50 at the time the member leaves office and as long as the insurance is continuously maintained.

-- The state requires cities to make a minimum contribution to all recipients of health insurance, which is currently \$101/month ("state required contribution" below); there is no prohibition on requiring that this contribution be repaid by the member to make the coverage free to the town.