

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 2.08, "CITY COUNCIL SALARIES" IN ITS ENTIRETY TO INCREASE COUNCIL SALARIES PURSUANT TO SB 329 AND TO ALLOW SALARY INCREASES TO BEGIN WITH THE DECEMBER 2024 COUNCIL TERM

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Purpose. The purpose of this Urgency Ordinance is to repeal and replace Lodi Municipal Code Chapter 2.08 in its entirety to increase Councilmember salaries to account for the significant rise in the cost of living since last adopted in 2008, and to encourage more public participation on the City Council that is representative of all City residents in accordance with revisions to California Government Code Section 36516.

SECTION 2. Findings. This Urgency Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b). The City Council makes the following findings supporting the adoption of this Urgency Ordinance:

- A. Under California Government Code Section 36516, cities may adjust councilmember compensation up to a specified maximum based on the city's population. Prior to the revisions in Senate Bill 329, which took effect January 1, 2024 ("SB 329"), the maximum Councilmember salary had not been increased since 1984. Senator Bill Dodd from Napa, author of SB 329, provided the following justifications in support of the need to raise Council salaries:
 - i. "low levels of pay make it much harder for [councilmembers] to balance their careers and personal obligations with the calling to serve their community. It's time those amounts caught up to the present economic reality, especially with the rapid increase in inflation we've seen recently."
 - ii. SB 329 was intended to "remove barriers to achieving more equitable representation in local government by making it easier for public servants to balance careers and personal obligations."
 - iii. "[r]aising the pay will also make it easier for members of marginalized communities to serve. City Councils should be reflective of the communities they represent and I believe raising their compensation is an important step to achieving that equitable outcome."
- B. Similarly, Lodi Councilmember salaries have not been increased since 2008, and such salaries have not kept pace with the rising cost of living and inflation, which have increased significantly in recent years.
- C. The responsibilities of City Councilmembers have also increased significantly over the years, driven by factors such as population growth, expanding municipal services, increased legislative mandates, and the growing complexity of issues that local governments now face. This increase in workload requires Councilmembers to dedicate more time to City business, making an updated salary structure necessary to compensate their service more equitably.
- D. Adjusting salaries in line with these economic realities ensures Councilmembers are fairly compensated without diminishing their standard of living and allowing for their full participation in civic duties.

- E. City Council has taken a series of actions to better represent Lodi's diverse community:
 - i. The City completed its last round of redistricting in 2021, which focused on public outreach and engaging all City communities in the redistricting process.
 - ii. In May 2023, Council adopted its Strategic Vision and eight initiatives to serve as the City Council's vision for the future of the City. Council initiatives, such as: economic development, housing, and public well-being, all state the desire to engage diverse cultures and gather perspectives from residents to identify new ideas and strategies to improve Lodi.
 - iii. The Council also approved and adopted its Housing Element in March 2024, which prioritized community engagement to ensure that the City meets the housing needs for Lodi residents and provides fair housing options for all. We are proud to recognize that Lodi was only the second City in the State to get its Housing Element certified by the California Department of Housing and Community Development.
- F. These examples show that Council is attempting to fully represent the diverse interests of all Lodi residents. By adopting this Urgency Ordinance and providing fair compensation going forward, Lodi may also foster a more inclusive Council, where financial barriers do not hinder qualified candidates from all income levels and backgrounds.
- G. The City's certified candidate lists from the current 2024 election back to 2016, show that the majority of City Council candidates have listed their Ballot Designations as business owner, incumbent or Councilmember, or such other positions with more flexible work schedules. Council finds that this narrow representation does not fully encompass the diverse occupations, lifestyles, or perspectives within the City.
- H. Council finds that by raising the Council salary, it may remedy part of the financial burden that discourages many residents from pursuing a role on Council. Thus, this Urgency Ordinance seeks to align Lodi Councilmember salaries with the revised state law, and to implement these salary adjustments at the December 2024 term so that there won't be a financial impediment going into the next election cycle.
- I. Council recognizes that if the salary increases are not adopted by Urgency Ordinance, the delay in salary implementation until the December 2026 term will have an immediate threat to public peace, health and safety of the City and its community due to the identified financial harms to current Councilmembers and deterrence to future candidates continuing into the City's 2026 election cycle and beyond.
- J. The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code section 36937(b).
- K. The Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety in order to update the existing City Councilmember salaries to take effect for the next election term scheduled to begin December 18, 2024. If this Urgency Ordinance were not adopted, any update to Council salary would be delayed until the next electoral term beginning in December 2026. This would continue to negatively impact current Councilmembers, discourage those diverse candidates from running for Council in the 2026 election cycle, and harm the City as a whole.
- L. Any urgency ordinance adopted pursuant to Government Code Section 36937(b) shall be effective immediately.
- M. Therefore, Council finds and determines that based on the foregoing findings, all of which are deemed true and correct, this Urgency Ordinance is urgently needed for the immediate preservation of the public peace, health, and safety, and it satisfies the findings requirement in Government Code Section 36516(g)(2) to demonstrate need for increased

compensation. This Urgency Ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code Section 36937.

SECTION 3. Repealed and Replaced. The Lodi Municipal Code Chapter 2.08 entitled "City Council Salaries" is hereby repealed and replaced in its entirety to read as follows:

Chapter 2.08 - CITY COUNCIL SALARIES

2.08.010 - Basis.

This Chapter is enacted pursuant to California Government Code Section 36516, authorizing the City Council to provide by ordinance that each member of the Council shall receive a prescribed salary based upon the population of the City of Lodi as determined by the federal census or estimate validated by the State Department of Finance.

2.08.020 - Amount.

Each member of the City Council shall receive, as salary, the sum of one thousand six hundred dollars (\$1,600) per month, as allowed in Government Code Section 36516(a)(2) for cities over fifty thousand and up to seventy-five thousand (50,001-75,000) in population. Council salary shall be payable from and after the operative date of this Chapter and at the same time and in the same manner as salaries paid to other officers and employees of the City.

2.08.030 - Future adjustments.

Councilmember salary may be adjusted (increased or decreased) by ordinance in accordance with Section 36516 of the Government Code, including the limitation that no ordinance may be enacted to provide automatic future increases in Council salary. Once a salary adjustment ordinance is in effect, any adjustment to Council salary shall begin on the first day of the next City pay period following the date upon which one or more members of the Council begin a new term of office in accordance with California Government Code Section 36516.5.

2.08.040 – Benefits separate.

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

2.08.050 - Expense reimbursement separate.

The salaries prescribed in this Chapter are and shall be exclusive of any amounts payable to each member of the Council as reimbursement for actual and necessary expenses incurred by each member in the performance of official duties for the City.

2.08.060 - Operative date.

This Chapter shall become operative only on and after the date upon which one or more members of the Council become eligible for the salary prescribed in this Chapter.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 7. Effective Date and Publication. This Ordinance is hereby declared an Urgency Ordinance under Government Code of the State of California, Section 36937, subsection (b) thereof, and it shall take effect immediately upon adoption and approval by at least four-fifths vote of the City Council. However, Council will continue to receive the previously approved \$860 per month salary until the next Council term begins on December 18, 2024, and the salary increases in the Urgency Ordinance begin to apply pursuant to Government Code Section 36516.5. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Urgency Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2024

Lisa Craig
Mayor

Attest:

OLIVIA NASHED, City Clerk
State of California
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2024, by at least a 4/5 vote of the City Council as follows:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

OLIVIA NASHED
City Clerk

Approved as to Form:

KATIE O. LUCCHESI
City Attorney