

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING SECTION 2.44.020(B) OF THE SAN PABLO MUNICIPAL CODE LIMITING RETIREMENT AND HEALTH AND WELFARE BENEFITS FOR CITY COUNCIL MEMBERS

THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES ORDAIN AS FOLLOWS:

Section 1: Section 2.44.020, subsection B of the San Pablo Municipal Code is amended to read as follows:

"B. The city shall pay for the benefit of each member of the council, health and welfare, retirement, and/or federal social security benefits, if any, provided the same benefits are available and paid by the city for its employees, as required by Government Code Section 36516(d); and provided further that the maximum retirement and health and welfare benefits received by the Council shall be no greater than the most generous schedule of benefits granted to any category of non-safety employees, as required by Government Code Section 53208.5. Payments "in lieu of" medical coverage, as provided in the Memoranda of Understanding and Terms and Conditions of Employment for city employees, shall be made to deferred compensation and shall be capped at \$500 per month for family or two party coverage and \$350 per month for single coverage. Each member of the city council who retires on or after the effective date of the ordinance codified in this section, who has served at least two complete terms of office, is fifty years of age or older, is a member of the Public Employees' Retirement System (PERS) and is eligible to receive service retirement benefits through PERS, shall upon retirement from the city and upon receipt through PERS service retirement benefits, receive city-paid medical insurance pursuant to the Public Employees' Medical and Hospital Care Act (PEMHCA); provided, however, that the council member shall have applied for PERS medical coverage through the city at least one year prior to retirement, and begun receiving such benefits as soon as possible thereafter. The city shall pay one hundred percent of the premiums required to provide medical benefits under PEMHCA for the retired city council members for those elected prior to November, 2012. For city council members elected on or after the November 2012 election, the city shall provide a supplement to PEMHCA coverage no greater than the most generous supplemental coverage being received by any category of non-safety employees, as set forth in Government Code section 53208.5."

Section 2: Pursuant to Government Code section 36516.5, any change in compensation may not take effect until the next term of office commences. However, section 36516(f) now authorizes the city council to waive compensation. By adoption of this ordinance, the City Council hereby authorizes the decrease in the "in-lieu" benefit immediately.

Section 3: Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

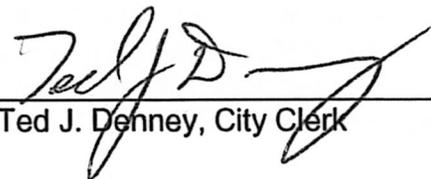
Section 4: This ordinance shall become effective thirty (30) days following its adoption and shall be published once within fifteen (15) days after adoption in the West County Times, a newspaper of general circulation in the City of San Pablo, or, in the alternative, the City Clerk may cause to be published a summary or display advertisement prepared by the City Attorney's office of this ordinance, and shall post a certified copy of the text of this ordinance, in the office of the City Clerk, five (5) days prior to the date of adoption of this ordinance, and, within 15 days after adoption, the city clerk shall publish a summary of the ordinance with the names of those city council members voting for and against the ordinance and the city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment.

First read at a regular meeting of the City Council of the City of San Pablo on June 20, 2011, and finally passed and adopted at a second meeting of said City Council held on the 5th day of July, 2011, by the following vote:

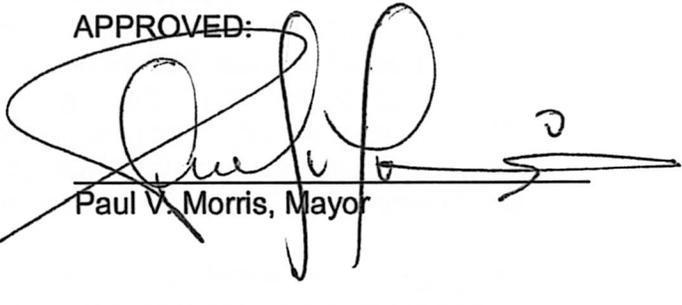
AYES:	COUNCILMEMBERS:	McNeil, Valdez and Morris
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Calloway and Cruz

ATTEST:

APPROVED:



Ted J. Denney, City Clerk



Paul V. Morris, Mayor

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO COMBINING CHAPTERS 2.40 AND 2.44 OF THE SAN PABLO MUNICIPAL CODE REGARDING SALARIES AND HEALTH AND WELFARE COVERAGE FOR ELECTED OFFICIALS, DELETING HEALTH COVERAGE FOR FUTURE RETIRED ELECTED OFFICIALS, AND INCREASING CITY COUNCIL SALARIES AS AUTHORIZED BY LAW

THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.40 of the San Pablo Municipal Code is amended to read as follows:

**"CHAPTER 2.40
ELECTED OFFICIAL SALARY AND BENEFITS**

2.40.010 City Clerk and City Treasurer Salary.

A. The compensation and salary of the elected city clerk shall be the sum of two hundred dollars per month; provided, however, if the position of city clerk is appointive, the salary, if any, for same shall be established by resolution.

B. The compensation and salary of the elected city treasurer shall be the sum of two hundred dollars per month; provided, however, if the position of city treasurer is appointive, the salary, if any, for same shall be established by resolution.

2.40.020 City Clerk/Treasurer - Medical coverage during office.

The city shall pay for the health and welfare coverage of each city clerk and city treasurer, elected prior to November 2010, during their terms of office, to the same extent as provided for members of the City Council.

2.40.030 City Clerk/Treasurer - Retiree Medical Coverage.

A. Each elected city clerk and elected city treasurer first elected prior to November 2010, who has served at least two complete terms of office, is fifty years of age or older, is a member of the Public Employees' Retirement System (PERS), is considered an "employee" or "annuitant" by PERS under Government Code Section 22574, is eligible to receive service retirement benefits through PERS and is not excluded from PERS membership by Government Code Section 20322, shall upon receipt of PERS service retirement and medical coverage under the Public Employees' Medical and Hospital Care Act (PEMHCA), in addition to the minimum monthly employer contribution as determined by CalPERS, receive a monthly supplemental allowance to a Health Reimbursement Account (HRA), resulting in full payment of medical premiums by the City for so long as PEMHCA coverage is maintained; provided, however, that the elected official shall have applied for PERS medical coverage through the city at least one year prior to retirement, and begun receiving such benefits as soon as possible thereafter. It is not the intent of this section to provide coverage to any former retired elected officials who have not already been receiving such coverage.

B. Other than any portion of medical coverage that may be required under PEMHCA, no city clerk or city treasurer first elected on or after November, 2010 shall be entitled to any city-paid health or welfare benefits during retirement, including but not limited to any city-paid supplement to PEMHCA medical coverage, other medical coverage, life insurance, dental coverage, or any other health and welfare benefit.

2.40.040 City Council Salaries

A. This section is enacted pursuant to Government Code Section 36516(b), which authorizes an increase in the compensation of council members in an amount not to exceed five percent for each calendar year from the operative date of the last adjustment of salary in effect when the ordinance codified in this chapter is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.

B. Each member of the council of the city shall receive as salary the sum of nine hundred twelve (\$912) dollars per month, which is calculated pursuant to Section 36516(c) of the Government Code and which is a five percent increase allowed for each calendar year from the operative date of the last adjustment in 2008. Said salary shall be payable as of the beginning of the new terms of office in or around December 2014, and in the same manner as the salaries are paid to other officers and employees of the city. Preexisting salaries shall remain in effect until the effective date of this increase.

C. The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties for the city.

2.40.050 City Council Health and Welfare Benefits - During Office. The city shall pay health and welfare and/or federal social security benefits, and PERS contributions, if any, for the benefit of each member of the council, provided the same benefits are available and paid by the city for its employees, and that the maximum retirement and health and welfare benefits received by the council shall be no greater than the most generous schedule of benefits granted to any category of non-safety employees, as required by Government Code Sections 36516(d) and 53208.5. Payments "in lieu of" medical coverage, as provided in the memoranda of understanding and terms and conditions of employment for city employees, shall be made only to deferred compensation and shall be capped at the level capped for non-safety employees, currently five hundred dollars per month for family or two party coverage and three hundred fifty dollars per month for single coverage.

2.44.060 City Council - Retiree Medical Coverage.

A. Each member of the city council first elected prior to January 1, 2013, who has served at least two complete terms of office, is fifty years of age or older, is a member of the Public Employees' Retirement System (PERS, shall upon retirement from the city, receipt through PERS of service retirement benefits, and receipt of medical coverage under the Public Employees' Medical and Hospital Care Act (PEMHCA), in addition to the minimum monthly employer contribution as determined by CalPERS, receive a monthly supplemental allowance to a Health Reimbursement Account (HRA) for so long as PEMHCA coverage is maintained, resulting in full payment of medical premiums by the City; provided, however, that the council member shall have applied for PERS medical

coverage through the city at least one year prior to retirement, and begun receiving such benefits as soon as possible thereafter. This city supplement to PEMHCA coverage shall be no greater than the most generous supplemental coverage being received by any category of non-safety employees, as set forth in Government Code Section 53208.5. It is not the intent of this section to provide coverage to any former retired councilmembers who have not already been receiving such coverage.

B. Other than any portion of medical coverage that may be required under PEMHCA, no retired member of the city council, first elected on or after January 1, 2013, shall be entitled to city-paid health or welfare benefits, including but not limited to any city-paid supplement to PEMHCA medical coverage, life insurance, dental coverage, or any other health and welfare benefit during retirement.

C. Following termination of city council service, any member of the council who has served at least one entire term of office shall be entitled to continue his or her group health and welfare benefits offered under the authority of Government Code Section 53201, to the extent allowed by such plans, at the city's group rates, so long as the recipients participate on a self-pay basis. Participation in health plans governed by the Public Employees' Medical and Hospital Care Act (Government Code Section 22751 et seq.) shall be as otherwise provided by such law.

D. Pursuant to Government Code Section 53201, each member of the city council first elected prior to January 1, 2013, whose total service at the time of retirement is not less than twelve years, shall continue to receive city-paid dental coverage up to the amounts paid by the City for its employees; provided, that the council member shall have applied for such benefits for at least one year prior to retirement, and begun receiving such benefits as soon as possible thereafter."

Section 2. Chapter 2.44 of the San Pablo Municipal Code is hereby deleted. It has been amended and relocated into Chapter 2.40, as amended herein.

Section 3. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 4: This ordinance shall become effective thirty (30) days following its adoption and shall be published once within fifteen (15) days after adoption in the West County Times, a newspaper of general circulation in the City of San Pablo, together with the names of those council members voting for or against; or, in the alternative, a summary prepared by the City Attorney's Office shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance, the city clerk

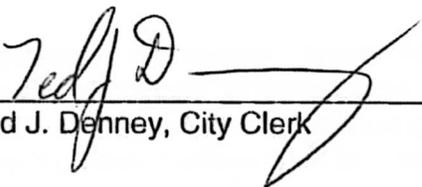
shall publish a summary of the ordinance with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment.

If the city clerk determines that it is not feasible to prepare a fair and adequate summary of the ordinance, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city shall be published at least five days prior to the city council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the ordinance, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

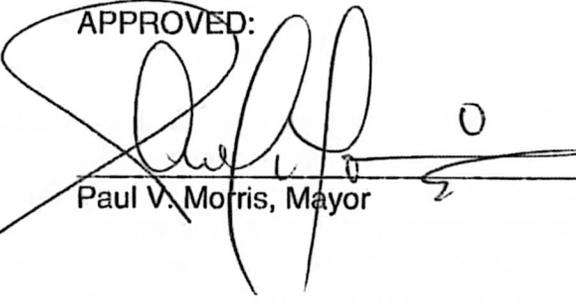
First read at a regular meeting of the City Council of the City of San Pablo on September 15, 2014, and finally passed and adopted at a regular meeting of the City Council held on October 6, 2014, by the following vote:

AYES:	COUNCILMEMBERS:	Calloway, Valdez, Kinney, Chao Rothberg and Morris
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:



Ted J. Denney, City Clerk

APPROVED:


Paul V. Morris, Mayor

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING
SECTION 2.40.010 SUBSECTION A OF THE SAN PABLO MUNICIPAL CODE
INCREASING SALARY OF THE ELECTED CITY CLERK

THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.40.010, subsection A, of the San Pablo Municipal Code is amended to read as follows:

“

“A. Effective with the beginning of new terms of office in or around December, 2014, the compensation and salary of the elected city clerk shall be the sum of four hundred dollars per month, effective for the 2014-2018 term of office, and shall be two hundred dollars per month thereafter; provided, however, if the position of city clerk is appointive, the salary, if any, for same shall be established by resolution.”

Section 2. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 3: This ordinance shall become effective thirty (30) days following its adoption and shall be published once within fifteen (15) days after adoption in the West County Times, a newspaper of general circulation in the City of San Pablo, together with the names of those council members voting for or against; or, in the alternative, a summary prepared by the City Attorney's Office shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance, the city clerk shall publish a summary of the ordinance with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment.

If the city clerk determines that it is not feasible to prepare a fair and adequate summary of the ordinance, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city shall be published at least five days prior to the city council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the ordinance, including information sufficient to enable the

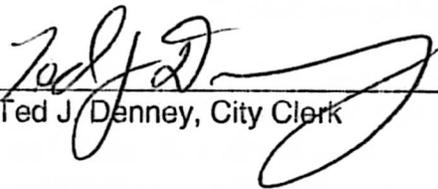
public to obtain copies of the complete text of the ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

First read at a regular meeting of the City Council of the City of San Pablo on October 6, 2014, and finally passed and adopted at a regular meeting of the City Council held on October 20, 2014, by the following vote:

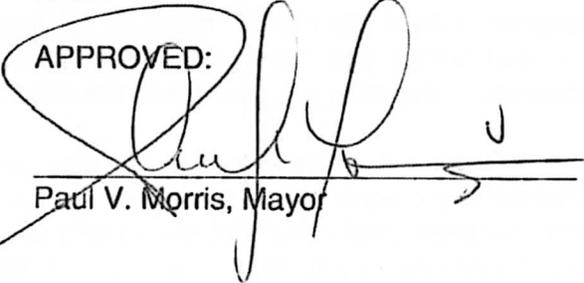
AYES:	COUNCILMEMBERS:	Calloway, Kinney, Chao Rothberg and Morris
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Valdez
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:



Ted J. Denney, City Clerk



Paul V. Morris, Mayor

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTER 2.40 OF THE SAN PABLO MUNICIPAL CODE TO INCREASE THE SALARIES OF ELECTED OFFICIALS

THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.40.010, "City Clerk and City Treasurer Salary," of the San Pablo Municipal Code is amended in its entirety to read as follows:

2.40.010 City Clerk and City Treasurer Salary.

A. Effective with the beginning of new terms of office in or around December, 2018, the compensation and salary of the elected city clerk shall be two hundred forty dollars (\$240) per month, effective for the 2018-2022 term of office; provided, however, if the position of city clerk is appointive, the salary, if any, for same shall be established by resolution."

B. The compensation and salary of the elected city treasurer shall be two hundred forty dollars (\$240) per month; provided, however, if the position of city treasurer is appointive, the salary, if any, for same shall be established by resolution.

SECTION 2. Section 2.40.040, "City Council Salaries," of the San Pablo Municipal Code is amended in its entirety to read as follows:

2.40.040 City Council Salaries

A. This section is enacted pursuant to Government Code Section 36516(a), which authorizes an increase in the compensation of council members in an amount not to exceed five percent for each calendar year from the operative date of the last adjustment of salary in effect when the ordinance codified in this chapter is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.

B. Each member of the council of the city shall receive as salary one thousand ninety-four dollars (\$1,094) per month, which is calculated pursuant to Section 36516(a) of the Government Code and which is a five percent increase allowed for each calendar year from the operative date of the last adjustment in 2014. Said salary shall be payable as of the beginning of the new terms of office in or around December 2018, and in the same manner as the salaries are paid to other officers and employees of the city. Preexisting salaries shall remain in effect until the effective date of this increase.

C. The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties for the city.

SECTION 3. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

SECTION 4. CEQA. This ordinance is not a project under CEQA pursuant to Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. If a project, then the ordinance is exempt from the provisions of the California Environmental Quality Act, (CEQA), under CEQA Guidelines § 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City Manager is directed to ensure that a notice of exemption is filed immediately with the County Clerk.

SECTION 5. Effective Date; Publication. This ordinance shall become effective thirty (30) days following its adoption. The City Clerk’s Office shall publish and post the ordinance in accordance with California Government Code section 36933.

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First read at a regular meeting of the City Council of the City of San Pablo on September 4, 2018 and finally passed and adopted at a regular meeting of said City Council held on September 17, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney and Calloway
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Valdez and Morris
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST: APPROVED:

/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, City Clerk

/s/ Genoveva Garcia Calloway
Genoveva Garcia Calloway, Mayor