

ORDINANCE NO. 2428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, AMENDING SECTION 2.16.020 OF CHAPTER 2.16 OF THE VICTORVILLE MUNICIPAL CODE (“CITY COUNCIL COMPENSATION”) FOR THE PURPOSE OF ADJUSTING THE SALARIES OF THE MEMBERS OF THE VICTORVILLE CITY COUNCIL

WHEREAS, pursuant to California Government Code Section 36516, the City of Victorville (the “City”) enacted Section 2.16.030 of the Victorville Municipal Code (“VMC”), which provides that the salary payable to each member of the City Council of the City of Victorville (“City Council”) may from time to time be increased by ordinance or by an amendment to an ordinance of the City Council; and

WHEREAS, pursuant to Section 2.16.030 of the VMC, any increase in salary cannot exceed an amount equal to five percent (5%) for each calendar year from the operative date of the last adjustment of the salary; and

WHEREAS, Section 36516.5 of the California Government Code prohibits an adjustment in salary during a city council member’s term of office, but permits such adjustment in salary of all city council members serving staggered terms to take effect when at least one City Council member commences a new term; and

WHEREAS, the City Council members serve staggered terms and at least two members shall commence a new term in December 2022, following the certification of the November 8, 2022 election results and the swearing in of such new members at a meeting held in December specifically for that purpose; and

WHEREAS, the operative date of the last adjustment in salary was in December 2006, after certain City Council members commenced a new term, and the adjustment was an increase to an amount equaling nine hundred forty-two dollars and eighty-two cents (\$942.82) per month; and

WHEREAS, the City Council deems it desirable to adopt this Ordinance to increase by means of an amendment to the VMC, the amount of salary received by members of the City Council, which amount cannot exceed an increase of more than five percent (5%) over the amount currently being received, multiplied by the number of years since the last adjustment was made in December 2006, such increase to be effective only on or after the date such new City Council members assume office in December following certification of the November 2022 general municipal election results; and

WHEREAS, the City Council also deems it desirable to adopt this Ordinance to update various outdated provisions of VMC Chapter 2.16, align them with current State law and the City Council Policy and Procedures Manual, and provide for gender neutral terminology.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals

The recitals set forth above are true and correct and together with any definitions set forth therein are hereby incorporated into this Ordinance by this by this reference.

Section 2. Amendment of Chapter 2.16 (“City Council - Compensation”) of the Victorville Municipal Code.

CHAPTER 2.16 OF THE VICTORVILLE MUNICIPAL CODE, ENTITLED “CITY COUNCIL - COMPENSATION”, IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

Chapter 2.16 - CITY COUNCIL – COMPENSATION

Section 2.16.010 – Purpose and authority.

This Chapter is enacted pursuant to Section 36516 of the California Government Code authorizing the City Council to provide by ordinance that each member of the City Council shall receive a prescribed salary, the amount of which is based upon the population of the City and adjusted from time to time as specified in said section.

2.16.020 Salaries – Amount.

Each member of the City Council shall receive as salary the sum of One Thousand Two Hundred dollars (\$1,200.00) per month, which shall be payable at the same time and in the same manner as salaries are paid to other officers and employees of the City.

2.16.030 Salaries - Increase.

The salary payable to each member of the City Council as set forth in Section 2.16.020 may from time to time be increased by ordinance or by an amendment to an ordinance of the City Council; provided, however, that any increase cannot exceed an amount equal to five 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; provided, further, that the salary as so increased shall become payable only on and after the date upon which one or more members of the council become eligible therefor by virtue of beginning a new term of office following the next succeeding general municipal election held in the City.

2.16.040 Salaries - Exclusive of reimbursement.

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

2.16.050 Reserved.

2.16.060 Reimbursement for expenses.

In addition to the salary provided for in Section 2.16.020, City Council members may be reimbursed for the actual and necessary expenses incurred in the performance of their official duties, as such reimbursement has been established by the policies adopted by resolution of the City Council pursuant to the provisions of California Government Code Section 53232 *et seq.* and other applicable laws.

Section 3. Repeal of Conflicting Provisions

All the provisions of the Victorville Municipal Code as heretofore adopted by the City of Victorville that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentence, clause, phrase, or portion of this ordinance. The City Council hereby declared that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 5. Effective Date

This Ordinance shall take effect thirty days (30) days after its final passage by the City Council; however, the effective date of the increased salary amounts will be determined in accordance with Section 2.16.030 of the Victorville Municipal Code, but shall in no event occur prior to the first Council Member pay period which commences on or after the date the new Council Members are sworn into office in December of 2022.

Section 6. Certification

The City Clerk of the City of Victorville is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published in the manner required by law.


ORDINANCE NO. 2428

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON JULY 7, 2022.

PASSED, APPROVED AND ADOPTED THIS 7TH DAY OF JUNE 2022.


MAYOR OF THE CITY OF VICTORVILLE

ATTEST:


CITY CLERK

6/10/2022
DATE

APPROVED AS TO FORM:


CITY ATTORNEY

I, JENNIFER THOMPSON, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2428 which was introduced at a meeting held on the 17th day of May 2022 and duly adopted at a meeting held on the 7th day of June 2022 by the following roll call vote, to wit:

AYES: Mayor Jones, Councilmembers Becerra, Gomez, and Irving

NOES: None

ABSENT: None

ABSTAIN: None


CITY CLERK OF THE CITY OF VICTORVILLE