

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Deborah S. Traffenstedt, Administrative Services  
Director/City Clerk DST

**DATE:** December 15, 2005 (CC Meeting of 12/21/05)

**SUBJECT:** Consider an Ordinance Amending Section 2.04.055,  
Compensation, of Chapter 2.04, City Council, of Title 2  
of the Municipal Code

**BACKGROUND AND DISCUSSION**

At the December 7, 2005, City Council meeting, the Council discussed an agenda item pertaining to consideration of an adjustment to City Council monthly salary compensation and retirement benefit. The Council's decision was to direct staff to prepare an ordinance to approve an increase in compensation to \$600 per month and to revise the retirement compensation from a deferred compensation 457 plan to the California Public Employees Retirement System (CalPERS). The City Attorney stated at the December 7 meeting that the health insurance cash-back benefit might be considered salary compensation. During his review of the draft ordinance, he confirmed there is a State Attorney General Opinion that receiving cash in lieu of health insurance is considered salary compensation); therefore, the recommendation is to delete the cash-back benefit at the same time as the higher \$600 salary compensation amount becomes effective on January 1, 2007 (following the new Councilmember term of office beginning in December 2006). Further research by the City Attorney has also confirmed that there is a State Attorney General Opinion that a retirement payment is considered compensation, but not salary. As a result, the effective date of new CalPERS retirement benefit will need to be January 1, 2007, following the beginning of the new Councilmember term of office. The payment of the new CalPERS retirement benefit will not affect the salary limit.

A draft ordinance has been reviewed by the City Attorney, and is attached.

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**STAFF RECOMMENDATION**

Waive full reading and introduce Ordinance No. \_\_\_ for first reading.

Attachment: Draft Ordinance

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

AN ORDINANCE OF THE CITY OF MOORPARK,  
CALIFORNIA, AMENDING SECTION 2.04.055,  
COMPENSATION, OF CHAPTER 2.04 CITY COUNCIL,  
TITLE 2, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, at its meeting of December 7, 2005, the City Council determined that an amendment to Section 2.04.055 of Chapter 2.04, Title 2, of the Moorpark Municipal Code is appropriate to revise City Council salary compensation and retirement benefits and directed that an ordinance be prepared.

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

SECTION 1. Government Code Section 36516 establishes the salary ranges for City Councilmembers, and Government Code Sections 36516 and 53201 et seq. authorize the provision of retirement, health and welfare benefits to City Councilmembers. The City Council last set salaries in August 1990 through adoption of Ordinance No. 129, which established compensation at three hundred dollars (\$300.00) per month. Ordinance No. 307, adopted in October 2004, authorized the provision of health and life insurance benefits to City Councilmembers.

SECTION 2. Chapter 2.04, Title 2, Section 2.04.055, of the Moorpark Municipal Code is hereby revised in its entirety as follows:

**"2.04.055 Compensation and Benefits.**

The compensation of each city councilmember shall be three hundred dollars (\$300.00) per month through December 31, 2006. Effective January 1, 2007, the compensation of each city councilmember shall be six hundred dollars (\$600.00) per month.

Effective January 1, 2005, all sitting councilmembers shall be entitled to the same health insurance and life insurance benefits afforded the city's competitive service employees as such benefits exist on January 1, 2005, and as such may be amended from time to time for the city's competitive service employees. Effective January 1, 2007, councilmembers will not be eligible for a cash-back payment in lieu of health insurance.

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Effective January 1, 2007, all sitting councilmembers shall be entitled to the same California Public Employees Retirement System (CalPERS) benefits afforded the city's competitive service employees as such benefits exist on January 1, 2007, and as such may be amended from time to time for the city's competitive service employees."

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star, a weekly newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk

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