

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** June 24, 2009 (CC Meeting of 7/1/09)

**SUBJECT:** Consider Ordinance Amending Section 2.04.055, Compensation and Benefits, of Chapter 2.04 City Council, of the Moorpark Municipal Code

**BACKGROUND AND DISCUSSION**

In January 2006, the City Council adopted Ordinance No. 333, which amended the compensation and benefits for City Councilmembers to be effective January 2007. Ordinance No. 333 included language that all sitting councilmembers shall be entitled to the same California Public Employees Retirement System (CalPERS) benefits afforded the City's competitive service employees.

Staff is recommending a change to the language in Section 2.04.055 to permit a Councilmember who is not eligible to receive a CalPERS retirement contribution to instead receive the same retirement benefit afforded the City's temporary part-time employees. As an example, a Councilmember who is already receiving a full-time employee CalPERS retirement contribution from another agency would not be eligible to also receive a CalPERS retirement contribution from the City of Moorpark.

Staff is also proposing minor edits to Section 2.04.055 to delete outdated references to 2005, 2006, and 2007. A draft ordinance is attached which shows the proposed revisions using legislative format. The final ordinance would have the legislative format removed.

The City Attorney's Office has reviewed the attached draft ordinance, concurs with the proposed amendments, and has given the opinion that this ordinance does not revise City Council compensation and may be effective 30 days following adoption.

**FISCAL IMPACT**

The proposed ordinance is intended to provide benefit clarification and delete outdated references to 2005, 2006, and 2007, and would not result in a fiscal impact.

Honorable City Council  
July 1, 2009, Regular Meeting  
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**STAFF RECOMMENDATION**

Introduce Ordinance No. \_\_\_\_ for first reading, waive full reading, and schedule second reading and adoption for July 15, 2009.

Attachment: Draft Ordinance

ORDINANCE NO. 333

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

WHEREAS, Ordinance No. 333, adopted in January 2006, established revised compensation and retirement, health, and welfare benefits for City Councilmembers in Section 2.04.055 of the Municipal Code, consistent with Government Code Sections 36516 and 53201 et seq.; and

WHEREAS, Section 2.04.055 is proposed to be amended to delete outdated references to past years and to provide an alternative retirement benefit if a sitting councilmember is not permitted to receive a California Public Employees Retirement System (CalPERS) contribution due to ineligibility.

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

SECTION 1. Section 2.04.055 of Chapter 2.04, Title 2, 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, t~~The compensation of each city councilmember shall be six hundred dollars (\$600.00) per month.

~~Effective January 1, 2005, a~~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.~~, with the exception that ~~Effective January 1, 2007, councilmembers will~~are not be eligible for a cash-back payment in lieu of health insurance.

~~Effective January 1, 2007, a~~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.~~ If a sitting councilmember is not eligible to receive a CalPERS retirement contribution, such councilmember will receive the same retirement benefit afforded the city's temporary part-time 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk