



**CITY OF SUNNYVALE**  
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**MEMORANDUM**

**TO:** 2011 Charter Review Committee  
**FROM:** David Kahn, City Attorney *DEK*  
**DATE:** March 3, 2011  
**RE:** Council Compensation; Charter Section 603

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The Sunnyvale City Council requested the 2011 Charter Review Committee to review Charter Section 603 on Council Compensation and to make recommendations to the Council on maintaining or amending Charter Section 603. To assist the Charter Review Committee, this memo provides the current Charter language on compensation and Committee options.

Current Charter Language

The current Charter language was adopted in the 1991 municipal election by a majority vote. A review of our files did not turn up a copy of the 1991 ballot arguments for and against the Charter amendment, and it would be instructive if those arguments can be located. Sunnyvale Charter Section 603 currently provides:

**Section 603. Compensation.**

In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, each member of the City Council shall receive as salary, each month, that sum which has been established by the State Legislature for members of the city councils of general law cities having the population range within which the City of Sunnyvale falls, all as is specified in Government Code Section 36515 as it now exists or may hereafter be amended to read, and the Mayor shall receive as salary, each month, a sum equal to one hundred thirty-three and one-third percent of that established herein for Councilmembers. In order to provide a cost of living adjustment, the salaries provided herein shall be increased annually, effective January 1 of each year, by the amount permitted for general law cities by Government Code Section 36516(c), as it now exists or may hereafter be amended. If a member of the City Council does not attend all meetings of the City Council called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum equivalent to twenty percent of the month's salary for each meeting not attended unless he/she is absent on official duty with the consent of or on order of the City Council or is granted an

excused absence by the City Council, or unless he/she is on personal leave. A member of the City Council shall be permitted four personal leave days per calendar year. (Amended effective May 20, 1957, January 23, 1967, December 31, 1975, December 21, 1976, March 15, 1985 and January 17, 1992: previously Section 702)

Note that the Charter references Government Code Section 36515<sup>1</sup>, applicable to General Law cities. However, the applicable provision based on the Charter language is Government Code Section 36516, which states:

(a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(F) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed an amount equal to 5 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. No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

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<sup>1</sup> The Charter reference is to GC 36515. This appears to be a typo on the original 1992 Charter amendment, as the section on council compensation based on city population is GC 36516.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a 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.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

Current Council compensation is based on the 1992 Charter amendment adopting the \$600 salary based on City population, adjusted annually since 1992 per Charter language by the authorized 5% increase in GC 36516 (4).<sup>2</sup> The current adjusted salary is \$2,088.64/month for Council Members, and \$2,784.86/month for the Mayor.<sup>3</sup>

#### Charter Committee Options

There are a number of options that the Charter Review Committee may consider recommending, including:

1. No change to current Charter language on Council compensation.
2. Setting Council compensation at current amount with annual CPI increase either limited to no more than 5% annually or without limit.
3. Setting Council compensation at current amount without 5% annual increase.
4. Setting new compensation baseline with or without annual CPI or other annual percentage increase.

Attached for the Committee's information is a spreadsheet showing the Charter or Municipal Code provisions on Council salaries for the other cities in Santa Clara County without full-time Councils<sup>4</sup>, as well as a number of Bay Area cities.

DEK:sam  
Attachment

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<sup>2</sup> A General Law city is not permitted to provide for automatic annual salary increases but as a Charter city Sunnyvale can adopt a Charter that provides for automatic annual salary increases, as it did in 1992.

<sup>3</sup> Some Council members have waived the 2010 salary increase and are receiving \$1,894.47/month.

<sup>4</sup> San Jose's full-time Council members receive \$7,500/month and the mayor receives \$10,583/month.

City	Municipal Code or Charter Amount <sup>(1)</sup>		Automatic Annual Adjustments <sup>(3)</sup>	2009 Information <sup>(2)</sup>	
	Compensation (\$/mo)			Compensation	
	Councilmembers	Mayor <sup>(5)</sup>		Councilmembers	Mayor <sup>(6)</sup>
<b>Santa Clara County</b>					
Campbell				\$750.33	\$750.33
Cupertino	\$730.24	\$730.24		\$730.58	\$730.58
Gilroy	\$656.08	<b>\$984.58</b>		\$729.00	<b>\$1,094.00</b>
Los Altos				\$300.00	\$300.00
Los Altos Hills	\$250.00	\$250.00		\$250.00	\$250.00
Los Gatos	\$300.00	\$300.00		\$150.00	\$150.00
Milpitas	\$861.30	<b>\$1,076.90</b>	retroactive 5% (annual increases effective upon next change in salary)	\$861.25	\$861.25
Monte Sereno	\$300.00	\$300.00		\$150.00	\$150.00
Morgan Hill	\$313.00	<b>\$834.00</b>		\$313.00	<b>\$834.00</b>
Mountain View	\$500.00	<b>\$625.00</b>		\$500.00	<b>\$625.00</b>
Palo Alto	\$600.00	\$600.00		\$601.42	\$601.42
Santa Clara	\$760.43	<b>\$1,267.39</b>	CPI increase (1999) - but no more than 5%	\$741.08	<b>\$1,235.25</b>
Saratoga	\$250.00	\$250.00		\$250.00	\$250.00
Sunnyvale <sup>(7)</sup>	\$600.00	<b>\$900.00</b>	as authorized under 36516(c)	\$1,894.42	<b>\$2,525.92</b>
<b>Average</b>	\$510.09	\$676.51		\$587.22	\$739.84

**Other Bay Area Cities**

City	Compensation (\$/mo)		Automatic Annual Adjustments <sup>(3)</sup>	Compensation	
	Councilmembers	Mayor <sup>(5)</sup>		Councilmembers	Mayor <sup>(6)</sup>
Albany	\$300.00	\$300.00		\$10.00	\$10.00
American Canyon	\$300.00	\$300.00	5%	\$0.00	\$0.00 \$1087 for 2009 W2 box
Antioch				\$941.17	\$941.17
Belmont	\$390.00	\$390.00		\$390.00	\$390.00
Benicia	\$418.00	<b>\$558.00</b>		\$413.00	<b>\$551.00</b>
Brentwood	\$569.25	\$569.25		\$569.25	\$569.25
Burlingame	\$590.00	\$590.00		\$590.00	\$590.00
Calistoga	\$300.00	\$300.00		\$200.00	\$200.00
Clayton	\$390.00	\$390.00		\$390.00	\$390.00
Cloverdale	\$300.00	\$300.00		\$350.00	\$350.00
Colma	\$884.00	\$884.00		\$884.00	\$884.00
Concord	\$1,300.00	\$1,300.00		\$1,300.00	\$1,300.00
Danville	\$675.00	\$675.00		\$0.00	\$0.00 \$675 for 2009 W2 Box
Dublin	\$758.06	<b>\$858.06</b>		\$835.75	<b>\$935.75</b>
East Palo Alto	\$300.00	\$300.00		\$366.67	\$366.67
El Cerrito	\$441.00	\$441.00	Up to 5%	\$441.00	\$441.00
Emeryville	\$768.40	\$768.40		\$768.33	\$768.33
Fairfield	\$500.00	<b>\$600.00</b>		\$500.00	<b>\$600.00</b>
Foster City	\$496.00	\$496.00		\$472.00	\$472.00
Fremont	\$1,407.00	<b>\$2,211.00</b>		\$1,407.00	<b>\$2,211.00</b>
Hayward	\$2,083.33	<b>\$3,333.33</b>	CPI increase, but no more than 5%	\$2,081.67	<b>\$3,333.17</b>
Hercules	\$831.60	\$831.60		\$912.00	\$912.00

Livermore	\$980.00	<b>\$1,400.00</b>		\$980.00	<b>\$1,400.00</b>
Martinez	\$585.00	\$585.00		\$585.00	\$585.00
Menlo Park	\$640.00	\$640.00		\$640.00	\$640.00
Mill Valley	\$350.00	\$350.00		\$350.00	\$350.00
Napa	\$1,214.00			\$1,214.00	<b>\$2,428.00</b>
Newark	\$1,134.00	<b>\$2,479.00</b>		\$1,134.00	<b>\$2,479.00</b>
Novato	\$400.00	\$400.00		\$400.00	\$400.00
Oakley	\$435.00	\$435.00		\$300.00	\$300.00
Pinole	\$250.00	\$250.00		\$300.00	\$300.00
Pittsburg	\$500.00	\$500.00		\$500.00	\$500.00
Pleasanton	\$950.00	<b>\$1,050.00</b>		\$950.00	<b>\$1,050.00</b>
Redwood City				\$750.00	\$750.00
Richmond				\$1,402.50	<b>\$3,875.00</b>
Rio Vista	\$300.00	\$300.00		\$300.00	\$300.00
Rohnert Park	\$400.00	\$400.00	cost of living, but no more than 5%	\$411.08	\$411.08
San Anselmo	\$300.00	\$300.00		\$90.75	\$90.75
San Carlos	\$300.00	\$300.00		\$300.00	\$300.00
San Leandro				\$1,260.00	<b>\$2,520.00</b>
San Mateo	\$600.00	\$600.00		\$600.00	\$600.00
San Pablo	\$702.00	\$702.00	no more than 5%	\$702.00	\$702.00
San Ramon	\$700.00	<b>\$800.00</b>	5% every other year	\$0.00	\$0.00
South San Francisco				\$500.00	\$500.00
Sonoma	\$300.00	\$300.00		\$300.00	\$300.00
Union City	\$1,625.00	<b>\$2,437.00</b>		\$1,625.00	<b>\$2,437.00</b>
Vacaville	\$829.00	\$829.00		\$829.00	\$829.00
Vallejo	\$1,225.00	<b>\$1,900.00</b>		\$1,225.00	<b>\$3,125.00</b>
Walnut Creek				\$650.00	\$650.00
<b>Average</b>	\$667.92	\$794.11		\$655.51	\$898.72
<b>Full Time Councils</b>					
Oakland				\$6,023.08	\$15,282.92
San Jose	\$7,500.00	\$10,583.33		\$6,875.00	\$9,583.33

2009 compensation higher than Charter/Code

2009 compensation lower than Charter/Code

(1) Compensation details were retrieved through the charter or municipal code

(2) Data obtained from the State Controller website (<http://lgcr.sco.ca.gov/EntityList.aspx?entity=City&load=ByDefault>)

(3) Blank indicates no annual increase or only as authorized by City Council under Government Code section 36516.

(4) Many cities allow additional compensation in the form of health, retirement, or other benefits, in addition to reimbursement of expenses.

(5) Bold indicates mayor has pay in excess of other council members.

(6) See FN5

(7) Estimated amount based on Government Code section 36516