AGENDA REPORT

Meeting Date: February 17, 2009

Item Number: E-3

To: Honorable Mayor & City Council

From: Scott Miller, Chief Financial Officer

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS **AMENDING THE CITY TREASURER'S COMPENSATION** AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

Attachments: 1. Ordinance

INTRODUCTION

The compensation for the City of Beverly Hills elected Treasurer is established in the City's Municipal Code in Section 2-3-1203. The City Treasurer's compensation was established as early as 1949 for One Dollar a Year ($1) and this amount has not been changed since. In addition to this compensation, the City Treasurer receives the same insurance and medical benefits that the City's other elected officials receive (i.e. health insurance, vision, dental and workers compensation benefits). After analysis by city staff due to conversations with the California Public Employee Retirement staff, we are recommending that the City Council update the City Treasurer's compensation from One Dollar ($1) a Year to Two Hundred Dollars ($200) a month to cover that individual's time and expenses when performing the duties of the City Treasurer as delineated in the City of Beverly Hills Municipal Code.

DISCUSSION

The City currently provides elected officials of the City certain compensation and benefits as authorized by the California State Government Code Sections 36000 et al. The City's elected officials include the five City Council Members and the City Treasurer. The five city councilmembers are the City's "legislative officers" and fall under

Government Code sections that prescribe the way councilmember compensation may be set.

The elected City Treasurer position is considered a non-legislative elected post. Compensation is set by the City's Municipal Code, not by the State Government Code.

The City Treasurer's compensation was set in approximately 1949 and has not been increased since. This was pointed out to us by the California Public Employee Retirement ("CalPERS") staff during recent meetings with them regarding other issues. CalPERS believes that $1 annual compensation is not sufficient to be considered compensation for CalPERS and should not be treated as compensation. While both staff and the city attorney's office whole heartedly disagree, staff believes an increase may be reasonable.

Currently elected city council members receive $785.81 per month. Staff is recommending an increase to the City Treasurer's Compensation to $200 per month.

No other changes in compensation or benefits are proposed for any elected official.

FISCAL IMPACT

There is no material fiscal impact if this recommendation is approved by the City Council. This increase, if approved, can be handled in this fiscal year's budget and will be incorporated in future budgets for Council consideration.

RECOMMENDATION

It is recommended that the City Council introduce the ordinance amending the City's Municipal Code as it relates to the City Treasurer's Compensation.

Scott Miller
Chief Financial Officer

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE CITY TREASURER'S COMPENSATION AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 2-3-1203 of Article 12 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code is hereby amended to read as follows:

"2-3-1203: Compensation

The city treasurer shall receive a monthly salary of two hundred dollars ($200.00)."

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, 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 remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in

the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

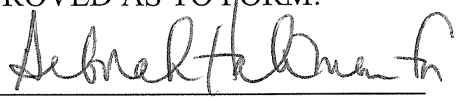
Adopted:
Effective:

_____
BARRY BRUCKER
Mayor of the City of Beverly Hills

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD
City Manager

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SCOTT G. MILLER
Director of Administrative Services/
Chief Financial Officer