

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FONTANA, CALIFORNIA AMENDING SECTIONS 2-39 OF THE
FONTANA MUNICIPAL CODE, REGARDING THE SALARY FOR
MEMBERS OF THE CITY COUNCIL AND MAYOR**

WHEREAS, the City of Fontana, California is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Article XI, section 7 of the California Constitution grants the City broad discretionary power to “make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws”; and

WHEREAS, Section 36516 of the Government Code provides the method by which salaries for members of a city council of a city are established and increased; and

WHEREAS, Section 36516(a)(4) of the Government Code provides that a city council of a city may, by ordinance, authorize an increase in salary to members of the city council, so long as such increase does not exceed an amount equal to five percent (5%) for each calendar year from the operative date of the last adjustment of salary; and

WHEREAS, the salary for the members of the City Council of the City pursuant to Ordinance No. 1786 adopted December 11, 2018, is currently set at \$1,755.00 per month, with an additional \$1,745 per month for the City’s directly elected Mayor in accordance with Government Code § 36516.1; and

WHEREAS, the salary for the members of the City Council was set in 2018; and

WHEREAS, the City Council wishes to enact a new ordinance superseding Ordinance No. 1786 and increasing the monthly salary of the members of the City Council and Mayor within the limitations of Government Code Section 36516(a)(4); and

WHEREAS, in order to encourage qualified persons to become members of the City Council and to assure that members of the City Council are compensated comparably to council members of other cities, it is in the best interests of the City to increase the salary of the members of the City Council; and

WHEREAS, a duly noticed public meeting was held at which time this ordinance was considered and at which time all persons wishing to be heard were afforded an opportunity to do so; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES
ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference as findings in support of this Ordinance.

Section 2. Amendment. Section 2-39 of Article II of Chapter 2 of the Fontana Municipal Code is hereby amended in its entirety to read as follows:

"Sec. 2-39. - Salaries—Generally.

As allowed in Government Code § 36516, each member of the council shall receive as salary the sum of \$2,106 per month and in addition to this sum the mayor shall receive an additional \$2,094 per month in accordance with Government Code § 36516.1, which shall be payable at the same time and in the same manner as the salaries are paid to other officers and employees of the city."

Section 3. CEQA. The City Council determines that this code amendment is not subject to environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines (Cal. Code Regs., § 15000 et seq.) sections 15060(c)(3) and 15061(b)(3). Pursuant to State CEQA Guidelines section 15060(c)(3) and Section 3.01(f) of the City of Fontana 2018 Local Guidelines for Implementing the California Environmental Quality Act, the proposed regulations do not constitute a project under CEQA and have no potential to result in a direct or reasonably foreseeable indirect physical change in the environment. .

Section 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The people of the City of Fontana hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6. Effective Date. This Ordinance shall be effective thirty days following its adoption. The increased salary for the Mayor shall be provided immediately following the effective date of this Ordinance. The increased salaries for members of City Council shall be provided immediately following the seating of one or more

members of City Council at the next municipal election following the effective date of this Ordinance.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Fontana, California, at a regular meeting of the City Council held on the [] day of [month], 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City of Fontana

Acquanetta Warren, Mayor

ATTEST:

Tonia Lewis, City Clerk

READ AND APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

Ruben Duran, City Attorney

CERTIFICATION

I, Tonia Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance No. _____ is the actual Ordinance No. _____ that was first introduced at a regular meeting of said City Council on the [] day of [month], 2022 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tonia Lewis, City Clerk