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**Chapter 1 CITY COUNCIL ORGANIZATION AND PROCEDURE**

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**2-1.01 Regular Meetings.**

- (a) Time. Regular meetings of the City Council shall be held on the first, second, and fourth Tuesday of each month, except for the month of December when meetings shall be held on the first and second Tuesdays only. The meetings shall commence at the hour of 5:30 p.m. Whenever the day fixed for any regular meeting of the Council falls upon a day designated by the City of Modesto as a holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.
- (b) Place. All regular meetings of the Council shall be held in the Council Chambers at 1010 10th Street, Modesto, California. If, due to an emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor.

- (c) Public. All meetings of the Council shall be open to the public; provided, however, the City Council may hold executive sessions as provided by the laws of the State of California.

*(Ord. 1084-N.S., amended by Ord. 1128-N.S., Ord. 204-C.S., Ord. 216-C.S., Ord. 363-C.S., Ord. 432-C.S., Ord. 11-30-C.S., Ord. 1549-C.S., Ord. 1786-C.S., § 1, Ord. 2709-C.S., § 1, Ord. 2892-C.S., § 1, Ord. 2930-C.S., § 1, Ord. 3159-C.S., § 1, Ord. 3183-C.S., § 1, Ord. 3258-C.S., § 1, and Ord. 3261-C.S., § 1, effective 7-11-02)*

### **2-1.02 Special Meetings.**

A special meeting may be ordered at any time by the Mayor whenever in his opinion the public business may require it, or upon the written request of any four (4) members of the Council. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally or by mail by the City Clerk to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council. The written notice may be dispensed with as to any member of the Council who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

*(Ord. 1084-N.S., amended by Ord. 59-C.S., and Ord. 1130-C.S., effective 8-25-71)*

### **2-1.03 Agenda.**

In order to facilitate the orderly conduct of the business of the Council, the City Clerk shall be notified no later than 5:00 p.m. of the Wednesday immediately preceding a regular Council meeting of all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at such meeting. Immediately thereafter the City Clerk shall arrange a list of such matters according to the order of business and furnish each member of the Council, the City Manager, and the City Attorney and each department head with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.

The City Clerk shall mark with the word "Consent" those items on the agenda regarding which it can reasonably be expected that there will be no discussion by members of the City Council, the City staff or interested persons in the audience. At any time prior to the meeting or at any time during the meeting prior to Council action on the consent agenda any member of the City Council or the City staff or any interested person may request that a consent item be removed from the list of consent items, such item shall be taken up for consideration and disposition separately from the remainder of the consent items not so removed. In order to make clear that the vote on consent items is about to occur, the City Clerk shall read out the title or brief summary of each item marked "Consent" on the agenda to those present at the Council meeting. The presiding officer will immediately upon the conclusion of this reading advise those present that the appropriate time has come to speak on any item so read out from the consent calendar. Those wishing to speak will then confirm the consent item number or numbers they wish to address. Any such item shall be separately taken up for consideration in numerical order prior to the Unfinished Business portion of the agenda. All other consent items, whether previously removed from the consent calendar or not, shall then be considered at one time by a roll call vote after a motion duly made and seconded.

*(Ord. 1084-N.S., amended by Ord. 313-C.S., Ord. 444-C.S., Ord. 1130-C.S., Ord. 1896-C.S., Ord. 2892-C.S., § 1, and Ord. 3094-C.S., § 1, effective 8-6-98)*

### **2-1.04 The Presiding Officer.**

The Mayor shall be the President of the Council and shall preside at all its meetings and perform such other duties consistent with his office as may be imposed by the Council or by vote of the people. He shall be entitled to, and must vote, but shall possess no veto power. He shall be recognized as the official head of the City for all ceremonial purposes by the courts for the purpose of serving civil process, and by the Governor for military purposes. In the time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce laws.

The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the Council during his presence. In the event of the absence of the Mayor, the Vice-Mayor shall sign ordinances as then adopted.

*(Ord. 1084-N.S.)*

### **2-1.05 Call to Order.**

The Mayor, or in his absence, the Vice-Mayor, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Vice-Mayor, the City Clerk or the Acting City Clerk shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present. Upon the arrival of the Mayor or Vice-Mayor, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

*(Ord. 1084-N.S.)*

### **2-1.06 Roll Call.**

Before proceeding with the business of the Council, the City Clerk or the Acting City Clerk shall call the roll of the members; and the names of those present shall be entered in the minutes.

*(Ord. 1084-N.S.)*

### **2-1.07 Quorum.**

A majority of the members of the Council shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn from time to time. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place. If he does, he shall cause written notice of the adjournment to be given in the same manner as provided in [Section 2-1.02](#) for special meeting unless the notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment. Whenever a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is

a regular meeting for all purposes. When an order of adjournment of any meetings fails to state the hour at which the adjourned meeting shall be held, it shall be held at the hour specified for regular meetings by [Section 2-1.01](#) of this Code.

*(Ord. 1084-N.S., amended by Ord. 59-C.S., and Ord. 632-C.S., effective 1-22-64)*

## **2-1.08 Order of Business.**

Promptly at the hour set by law on the date of each regular meeting, the members of the Council, the City Clerk, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition. The order of business shall be set forth by Council resolution from time to time, with the exception that the Mayor or other presiding officer may take any item out of order as the public necessity and convenience may require.

*(Ord. 1084-N.S., amended by Ord. 1130-C.S., Ord. 2007-C.S., Ord. 2487-C.S., § 1, Ord. 2892-C.S., § 1, Ord. 2907-C.S., § 1, Ord. 3094-C.S., § 1, Ord. 3183-C.S., § 1, Ord. 3221-C.S., § 1, Ord. 3233-C.S., § 1, Ord. 3254-C.S., § 1, Ord. 3273-C.S., § 1, Ord. 3292-C.S., § 1, and Ord. 3412-C.S., § 1, effective 7-6-06)*

### **2-1.08.1 Matters Too Late for the Agenda.**

*(Ord. 1130-C.S., amended by Ord. 1896-C.S., § 1, repealed by Ord. 2892-C.S., § 2, effective 5-5-94)*

## **2-1.09 Reading of Minutes.**

Unless the reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.

*(Ord. 1084-N.S.)*

## **2-1.10 Procedural Rules for Council Meetings.**

- (a) Rules of Debate. The Mayor or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. The Mayor shall not be deprived of any of the right and privileges of a Councilmember by acting as the Presiding Officer.
- (1) Getting the floor. Every member desiring to speak shall address the chair, and, upon recognition by the Presiding Officer, shall address only the question under debate, avoiding all personalities and indecorous language.
  - (2) Interruptions. A member, once recognized, shall not be interrupted when speaking other than by the Presiding Officer to call the member to order, or as herein otherwise provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order be determined, and, if in order, the member shall be permitted to proceed.
  - (3) Privilege of closing debate. The Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
  - (4) Remarks of Councilmember. A Councilmember may request, through the Presiding Officer, the privilege of having an abstract of the member's statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

- (5) Synopsis of debate. The Clerk may be directed by the Presiding Officer, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.
- (b) Rules for Processing of Motions.
  - (1) Making and withdrawing motions. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without the consent of the remaining Councilmembers.
  - (2) Divisible propositions. If the question contains two (2) or more divisible propositions, the Presiding Officer may, and upon request of a Councilmember shall, divide the same.
  - (3) Precedence of motions. When a motion is before the Council, no motion shall be entertained except (precedence in order indicating):
    - (aa) To adjourn.
    - (ab) To fix hour of adjournment,
    - (ac) To lay on the table.
    - (ad) For the previous question.
    - (ae) To postpone to a certain day.
    - (af) To refer.
    - (ag) To amend.
    - (ah) To postpone indefinitely.
  - (4) Motion to adjourn. A motion to adjourn shall be in order any time except as follows:
    - (aa) When repeated without intervening business or discussion.
    - (ab) When made as an interruption of a member while speaking.
    - (ac) When the previous question has been ordered.
    - (ad) While a vote is being taken.

A motion to adjourn to "another time" is debatable only as to the time to which the meeting is adjourned.
  - (5) Motion to table. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by a successful motion to add it to the agenda at a subsequent meeting, to be discussed at the following regular meeting.
  - (6) Motion for previous question. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Councilmember "I call for the question" does not accomplish the same purpose. If a motion fails, debate is reopened, if motion passes, then vote shall be taken on the main motion.
  - (7) Motion to amend. A motion to amend shall be in order and is debatable only as to the proposed amendment. A motion to amend an amendment shall not be in order. Amendments are to be voted first, then the main motion as amended.
  - (8) Motion to postpone. A motion to postpone indefinitely shall be fully debatable, and if the same is adopted the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
  - (9)

Motion to refer. A motion to refer to staff or to a Council committee shall not be debatable except for the propriety of referring.

- (10) Motion to reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and shall be debatable. Nothing herein shall be construed to prevent a Councilmember of the prevailing side from remaking the same motion at a subsequent meeting of the Council. In such an event, the person desiring to remake the motion for reconsideration shall submit a written request for reconsideration to the City Clerk, who shall place the matter on the agenda for the next regular meeting of the Council.

When any ordinance is put upon its final passage and falls to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council held not less than one (1) week after the meeting at which such motion was made.

- (c) Parliamentarian. The Mayor, acting with the advice of the City Attorney, shall decide all questions of interpretation of these rules and any other questions of a parliamentary nature which may arise at a City Council meeting.

*(Ord. 1084-N.S., amended by Ord. 1323-C.S., Ord. 1363-C.S., and Ord. 2892-C.S., § 1, effective 5-5-94)*

## **2-1.11 Addressing the Council.**

Any person desiring to address the Council at a meeting shall first secure the permission of the Presiding Officer so to do; provided, however, that under the following headings of business, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the Presiding Officer:

- (a) Written Communications. Interested persons or their authorized representatives may address the Council by written communications on any matters concerning the City's business, or any matters over which the Council has control. Such written communications shall be delivered to the City Clerk no later than 5:00 p.m. of the Wednesday immediately preceding the regular Council meeting the agenda for which such written communications are intended.
- (b) Submission of Written Material for Council Consideration. Written material to be submitted to the City Council regarding any item on the Council agenda, including items for which a public hearing is required, must be submitted to the City Clerk no later than 5:00 p.m. of the Wednesday immediately preceding the regular Council meeting at which such item will be considered. If the material is not received by that time, the City Council may exercise its discretion to either continue the item in order that the written material can be considered at a future meeting or, alternatively, consider the item without reference to the written material in which case the written material will not be made part of the administrative record.
- (c) Submission of Council Reports and Comments to the City Clerk. Councilmembers who desire discussion or action on any matter brought before the Council under the "Council Comments and Reports" portion of the agenda shall notify the City Clerk of any subjects they wish to be listed under the "Council Comments and Reports" portion of the agenda no later than 5:00 p.m. of the Wednesday immediately preceding the regular Council meeting at which said items are to be discussed so that these matters can be properly noticed on the agenda.

- (d) Public Comment Period. Interested persons in the audience or their authorized representatives may address the Council orally on any matters concerning the City's business or any matters over which the Council has control under the "Public Comment Period" portion of the regular Council agenda.
- (e) Procedures for Persons Addressing the Council. The following procedures shall be applicable to persons addressing the Council whether during the "Public Comment Period" portion of the agenda or at any other time:
  - (1) Persons shall not address the Council on matters over which the Council has no jurisdiction.
  - (2) During public hearings and discussions of other matters where numerous persons wish to address the same or similar point of view, the Mayor may request that one (1) or more spokespersons be selected to speak for all of said persons. The spokesperson(s) may ask for a show of hands to indicate others in the audience who support the point of view of the spokesperson(s).
  - (3) The Mayor may, "by order of the chair," limit the total amount of time that will be allocated for persons who wish to speak at a public hearing or discussion of an issue being considered by the Council. The Mayor may also, "by order of the chair," limit the total amount of time that individual speakers may use while speaking at a public hearing or discussion of an issue being considered by the Council. The amount(s) of time set by the Mayor shall take into account the number of persons who want to speak on the issue, the complexity of the issue, the length of the Council's agenda, the hour at which the issue is being heard and other relevant considerations.
  - (4) Persons addressing the Council during public hearings and discussions of other matters shall be allowed to address the Council only once during the hearing or discussion unless the Mayor allows them to speak more than once; provided, however, that spokespersons shall be allowed to address the Council twice during the hearing or discussion, once to initially address the issue(s) under consideration and a second time to address issues raised by other speakers. When unusual circumstances exist, the Mayor may allow persons to speak additional times during a public hearing or discussions of other matters.
  - (5) The Mayor may, "by order of the chair," limit the total amount of time that persons addressing the Council under "written communications" may use while speaking on the issue(s) raised by the written communications.
  - (6) Persons addressing the Council under the "Public Comment Period" may speak only once and shall speak no longer than a total of three (3) minutes.
  - (7) During the discussion of any matter under consideration by the Council, the amount of time spent answering questions asked by members of the Council or when directed by the Mayor to answer questions asked by other persons shall not be counted against such person(s) under the provisions of the above-listed procedures.
  - (8) The Council may, by four (4) affirmative votes, modify any "order of the chair" made by the Mayor under the provisions of the above-listed procedures.

*(Ord. 1084-N.S., amended by Ord. 1130-C.S., Ord. 2323-C.S., § 1, Ord. 2487-C.S., § 1, Ord. 2892-C.S., § 1, Ord. 3183-C.S., § 1, and Ord. 3477-C.S., § 1, effective 4-3-08)*

## **2-1.12 Addressing the Council After Motion Made.**



After a motion is made by the Council, no person shall address the Council without first securing the permission of the Council so to do.

*(Ord. 1084-N.S.)*

### **2-1.13 Manner of Addressing Council.**

Each person addressing the Council shall stand and give the person's name and address in an audible tone of voice for the records. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Councilmember except through the Presiding Officer.

*(Ord. 1084-N.S., amended by Ord. 2892-C.S., § 1, effective 5-5-94)*

### **2-1.14 Voting.**

- (a) All members of the Council, when present, must vote, except as hereinafter provided.
- (b) A member of the Council who has a conflict of interest regarding any matter being considered by the Council shall declare the conflict and abstain from participating in the Council's deliberations and decision regarding that matter. A councilmember so abstaining may either temporarily leave the Council Chambers or take a seat in the audience during the Council's deliberations and decision and shall not be required to vote on such matter.
- (c) Any member of the Council, once having answered the call of the roll or having been noted by the City Clerk as being present at a meeting, shall advise the Presiding Officer prior to leaving the Council Chambers for the remainder of a meeting.
- (d) A member of the Council, once having answered the call of the roll or having been noted by the City Clerk as being present at a meeting, and not excused as herein provided, has an obligation to vote on each and every matter considered by the Council even though that member may temporarily be absent from the Council Chambers.
- (e) The vote on any matter being considered by the Council may be delayed by the Presiding Officer until all members of the Council present for a meeting, and not excused as herein provided, are present at the Council table.

*(Ord. 1084-N.S., amended by Ord. 1197-C.S., and Ord. 2892-C.S., § 1, effective 5-5-94)*

### **2-1.15 Order and Decorum.**

- (a) By Council Members. While the Council is in session, the members must preserve order and decorum; and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
- (b) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council or who shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.
- (c) Enforcement of Order and Decorum. The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Council meetings.



He or they shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, as to any person who violates the order and decorum of the meeting, either to remove and bar such person from the Council meeting, or to place such person under arrest and cause him to be prosecuted under the provisions of this Code, or both. Violation of the order and decorum of a Council meeting is a misdemeanor.

*(Ord. 1084-N.S., amended by Ord. 1279-C.S., effective 9-5-73)*

### **2-1.16 Persons Authorized to be Within Rail.**

No person, except City Officials, their representatives and newspaper and radio reporters, shall be permitted within the rail in front of the Council Chamber, without the express consent of the Council.

*(Ord. 1084-N.S.)*

### **2-1.17 Special Committees.**

All special committees shall be appointed or removed by the Mayor.

*(Ord. 1084-N.S., amended by Ord. 3301-C.S. § 1, Ord. 3304-C.S. § 1, and Ord. 3341-C.S., § 1, effective 2-25-04)*

### **2-1.18 Standing Committees.**

The standing committees of the Council shall be a Safety and Communities Committee, an Economic Development Committee, a Finance Committee, and an Audit Committee, each of which committees shall consist of three (3) members of the Council appointed by the Mayor. The responsibilities of the Audit Committee shall be established by resolution of the City Council.

*(Ord. 1084-N.S., amended by Ord. 1130-C.S., Ord. 2892-C.S., Ord. 3184-C.S. § 1, Ord. 3258-C.S., § 1, Ord. 3301-C.S. § 1, Ord. 3304-C.S. § 1, and Ord. 3341-C.S., § 1, effective 2-25-04)*

### **2-1.19 Protests.**

Any Council member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

*(Ord. 1084-N.S.)*

### **2-1.20 Reports and Resolutions to be Filed with the Clerk.**

All reports and resolutions shall be filed with the Clerk and entered on the minutes.

*(Ord. 1084-N.S.)*

### **2-1.21 Adjournment.**

*(Ord. 1084-N.S., repealed by Ord. 2892-C.S., § 1, effective 5-5-94)*

### **2-1.22 Council Not to Interfere in Administrative Service.**

Neither the Council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the City Manager or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager; and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

*(Added by Ord. 190-C.S., effective 9-12-57)*

### **2-1.23 Council Chambers: Smoking.**

*(Ord. 385-C.S., repealed by Ord. 2892-C.S., § 1, effective 5-5-94)*

### **2-1.24 Compensation of Mayor.**

The annual salary of the Mayor shall be forty-three thousand two hundred dollars (\$43,200.00), pursuant to the recommendation of the Citizens' Salary Setting Commission. In accordance with [Section 703](#) of the Charter, the Mayor's compensation and appropriate benefits shall be reviewed by the Citizens' Salary Setting Commission biannually, and a recommendation made to the City Council as to the appropriate compensation. The annual salary shall be payable from and after the operative date of the ordinance at the same time and in the same manner as the salaries are paid to other officers and employees of the City.

*(Added by Ord. 3487-C.S., § 1, effective 6-26-08)*

### **2-1.25 Benefits of Mayor.**

The Mayor shall receive those benefits as recommended by the Citizens' Salary Setting Commission, and adopted by ordinance of the City Council after a duly noticed public hearing, pursuant to [Section 703](#) of the Charter. The Mayor shall also receive reimbursement for expenses incurred while performing official duties of the Mayor's Office only so long as evidence of such expenses incurred is presented to the City pursuant to the Administrative Directive on Reimbursement of Conference and Business Expenses.

*(Added by Ord. 3487-C.S., § 1, effective 6-26-08)*

### **2-1.26 Compensation of City Councilmembers.**

The annual salary of each member of the City Council, except the Mayor, shall be twenty-four thousand dollars (\$24,000.00). In accordance with [Section 703](#) of the Charter, the Councilmember's compensation and appropriate benefits shall be reviewed by the Citizens' Salary Setting Commission biannually, and a recommendation made to the City Council as to the appropriate compensation. The annual salary shall be payable from and after the operative date of the ordinance at the same time and in the same manner as the salaries are paid to other officers and employees of the City.

*(Added by Ord. 3487-C.S., § 1, effective 6-26-08)*

### **2-1.27 Benefits of City Councilmembers.**

Members of the City Council shall receive those benefits as recommended by the Citizens' Salary Setting Commission, and adopted by ordinance of the City Council after a duly noticed public hearing, pursuant to [Section 703](#) of the Charter. The members of the City Council shall also receive reimbursement for expenses incurred while performing official duties of their office only so long as evidence of such expenses incurred is presented to the City pursuant to the Administrative Directive on Reimbursement of Conference and Business Expenses.

*(Added by Ord. 3487-C.S., § 1, effective 6-26-08)*