



City of Grand Island

Tuesday, January 22, 2002

Council Session

Item F1

#8708 - Consideration of Salary Increase for City Council and Mayor

In accordance with direction provided from the study session of Tuesday, January 15, 2002, amendments to Sections 2-26 and 2-27 of the Grand Island City Code have been drafted increasing salaries of the Mayor and City Council by \$1,000 each to \$6,000 and \$13,000 per year, respectively. As outlined in a prior memorandum on this subject, (December 14, 2001, attached for your review) compensation for the Mayor may be increased only at the commencement of a new term and for the City Council when new terms start for one or more members. These amendments would be effective at the first regular meeting of the Council in December following the 2002 general election.

A suggestion was made that the amendments provide for periodic costs of living adjustments (COLA). Currently COLA's for city employees are implemented by the Mayor and City Council adopting a new salary ordinance. There is nothing in state statutes or the City Code which specifically provides for COLA's. Our recommendation is that because making a COLA adjustment to the Mayor's and City Council's compensation cannot be automatic and will require amendments to these two sections of Chapter 2 in the City Code, and because this legislative action would occur on a biennial basis for council members and quadrennial basis for the Mayor, the ordinance as drafted should not include language about periodic COLA adjustments. Aside from the fact that such a provision adds nothing to the legislative authority of the Mayor and City Council, I have a concern that including this language as part of the City Code may run afoul of constitutional and statutory provisions prohibiting increasing the compensation of an elected official during their term. Our recommendation is that the ordinance amending Sections 2-26 and 2-27 of the City Code be approved as drafted.

December 14, 2001 Memo to Mayor and City Council Regarding Salary Increase Proposal for Mayor and City Council

Elected officers in cities of the first class such as Grand Island may be paid such compensation as the mayor and city council fix by ordinance. (Neb. Rev. Stat. §16-310). Section 16-326 authorizes the compensation paid to the city council to be changed for the entire council at the commencement of the new term for one or more members, in the case of Grand Island, this being the first regular meeting in the month of December during evenly numbered years. The compensation for the mayor may be changed only at the time of the commencement of the new term. Section 16-502 prohibits any officer of the city from receiving any pay or perquisites other than their salary. These same statutory provisions are reiterated in the Constitution of Nebraska, Article III, Section 19.

In summary, the mayor and city council can enact a new compensation schedule to be effective at the first regular meeting in December, 2002. The amounts paid under any revised compensation schedule is within the discretion of the mayor and city council. The City Attorney's office makes no recommendation concerning this matter.

Staff Contact: Marlan Ferguson\Charlie Cuypers



ORDINANCE NO. 8708

An ordinance to amend Chapter 2 of the Grand Island City Code; to amend Sections 2-26 and 2-27 pertaining to salaries of elected officials; to repeal Sections 2-26 and 2-27 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 2-26 of the Grand Island City Code is hereby amended to read as follows:

§2-26. City Council Members; Compensation

The annual compensation for members of the city council shall be \$6,000 ~~\$5,000~~ per year, payable monthly in equal installments as required by law.

SECTION 2. Section 2-27 of the Grand Island City Code is hereby amended to read as follows:

§2-27. Mayor; Compensation

The annual compensation for the mayor shall be \$13,000 ~~\$12,000~~ per year, payable monthly in equal installments as required by law.

SECTION 3. Sections 2-26 and 2-27 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. The salary adjustments identified above shall become effective on December 1, 2002.

SECTION 5. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Approved as to Form	☐ _____
January 17, 2002	☐ City Attorney

ORDINANCE NO. 8708 (Cont.)

Enacted: January 22, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk