

ORDINANCE NO. 25-016

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE REPEALING ORDINANCE NO. 25-007 INCREASING THE COMPENSATION OF THE MAYOR AND CITY COUNCILMEMBERS

FACTS

1. On May 7, 2025, the Council considered and discussed a potential ordinance increasing the compensation of the Mayor and City Councilmembers and providing medical benefits as available to City Management Employees. The issue of medical benefits was tabled and the Council introduced and held first reading of an Ordinance of the City Council of the City of Pacific Grove Increasing the Compensation of the Mayor and City Councilmembers.
2. On May 21, 2025, the Council held second reading and adopted an Ordinance of the City Council of the City of Pacific Grove Increasing the Compensation of the Mayor and City Councilmembers.
3. Absent the Referendum, Ordinance No. 25-007 would have become effective 30 days after adoption (Friday, June 20, 2025).
4. Article 16 of the City Charter states, "The right of initiative and referendum is hereby preserved to the citizens of the City to be exercised in accordance with the procedures prescribed by the Constitution and General Laws of this State."
5. For a Referendum to appear on a ballot, a petition must be submitted within 30 days of Proponent's receipt of the City Attorney's approved Summary of Referendum and be signed by Pacific Grove voters equaling 10% or more of the voter registration last officially reported to the Secretary of State. On February 10, 2025, the County report of City voter registration to the State was 10,601. Ten percent of 10,601 is 1060.
6. On May 23, 2025, the Referendum proponent presented to the City Clerk's Office a Request for an Approved Summary of Referendum Against Ordinance 25-007.
7. On June 5, 2025, City Attorney transmitted an approved Summary of Referendum to the Proponent; commencing the period to circulate petitions on June 6, 2025 and concluding on July 7, 2025.
8. On July 1, 2025, a Referendum petition was submitted to the City Clerk. A prima facie count was conducted by the City Clerk's office and it was established that there were 1773 signatures received. At the point the Referendum was accepted, Ordinance No. 25-007 was suspended pursuant to Elections Code Section 9237.
9. On July 2, 2025, the Referendum petition was delivered to the Monterey County Elections Department and Registrar of Voters for review of the petition signatures.
10. The City's instructions to the County requested examination of signatures and certification be accomplished by full check pursuant to Elections Code Section 9114.

11. On August 6, 2025, the Monterey County Registrar of Voters provided the City with its Certificate of Signature Verification resolving that the number of valid signatures on said petition exceeds 10% of the registered voters in the City of Pacific Grove.
12. On August 20, 2025, the City Council adopted Resolution No. 25-020 declaring the certification of sufficiency of the Referendum against Ordinance 25-007 increasing the compensation of the Mayor and City Councilmembers.
13. On August 20, 2025, the City Council approved a Motion to direct staff to return to the Council on September 3, 2025 with an ordinance repealing Ordinance No. 25-007 and to return to the Council at a future meeting for discussion of a possible ballot measure to be presented in 2026 for a public vote on an ordinance increasing the salary of the Mayor and City Councilmembers.
14. On September 3, 2025, the Council adopted Resolution No. 25-021 Amending Resolution No. 25-020 to correct the date of circulation of the Referendum petition to June 6, 2025 to July 7, 2025.
15. This action does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines Section 15378.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this Ordinance.

SECTION 2. Ordinance No. 25-007 Increasing the Compensation of Mayor and City Councilmembers is hereby repealed.

SECTION 3. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

Section 4. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption.

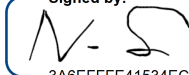
PASSED AND ADOPTED BY THE `COUNCIL OF THE CITY OF PACIFIC GROVE
this 17th day of September, 2025, by the following vote:

AYES: Mayor Smith, Councilmembers Garfield, McDonnell, Poduri, and Rau.

NOES: None.

ABSENT: Mayor Pro Tem Amelio and Councilmember Walkingstick.

APPROVED:

Signed by:

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Nick Smith, Mayor

ATTEST: **9/29/2025**
DATED: _____

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

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BRIAN A. PIERIK, City Attorney