REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
ORDINANCE NO. 25-007
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE INCREASING THE COMPENSATION OF THE MAYOR AND CITY COUNCILMEMBERS

We, the undersigned registered, qualified voters of the City of Pacific Grove, hereby protest and petition the City Council of the City of Pacific Grove to submit Ordinance No. 25-007, entitled, "Ordinance of the City Council of the City of Pacific Grove Increasing the Compensation of the Mayor and City Councilmembers," to a vote of the electors of the City of Pacific Grove at an election, as provided by law pursuant to Elections Code section 9241, or, in the alternative, to reconsider and repeal said ordinance. A summary of Ordinance No. 25-007 approved by the City of Pacific Grove City Attorney pursuant to Elections Code section 9238, subdivision (b)(2)(B)(ii) is attached.

NOTICE TO THE PUBLIC: SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH.

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

OFFICIAL TOP FUNDERS. Valid only June 2025.

Petition circulation paid for by Transparent Pacific Grove

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Declaration of Circulator (to be completed in the circulator's own hand after all signatures on this and the foregoing pages of this section of the petition have been obtained):

I, _____, circulated this section of the petition and witnessed each
print full name here

of the appended signatures being written. Each signature on this petition is to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of____/____/____ and ____/____/____.
month / day / year month / day / year

I am 18 years of age or older. My residence address is:

_____.
No. & Street City State/Zip

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on ___/___/ ___, at _____, California.
month / day / year City where signing

Signed: _____
Complete signature of circulator, including middle name or initial

REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
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Summary Of Referendum

This is a referendum against Ordinance No. 25-007 passed by the Pacific Grove City Council on May 21, 2025 entitled: "Ordinance of the City Council of the City of Pacific Grove Increasing the Compensation of the Mayor and City Councilmember", hereafter referred to as "Ordinance 25-007." The full text of Ordinance 25-007 is set forth at the end of this Summary.

Ordinance 25-007 increases the compensation of the Mayor from $700 a month to $1610 a month and increases the compensation of each Councilmember from $420 a month to $966 a month. The increased compensation under Ordinance 25-007 is based upon California Government Code Section 36516 which allows for a compensation increase in an amount up to 5 percent for each calendar year from the operative date of the last adjustment of the compensation in effect when the ordinance is enacted. The operative date of the last adjustment of compensation for the Mayor and City Councilmembers in Pacific Grove was December 1, 1998 and the period through December 1, 2024 is 26 years multiplied by 5 percent equals 130 percent.

The Ordinance also repeals City Ordinance No. 1872 which allowed the Mayor and Councilmembers to decline all of their compensation, but may not decline the compensation in part or accept in part. Ordinance 25-007 allows the Mayor and/or individual Councilmembers to waive any or all of their compensation.

This petition requests that the City Council either repeal Ordinance 25-007 or submit Ordinance 25-007 to the voters. Signing this petition supports this request.

A link to the City's website containing the text of Ordinance No. 25-007, which is the subject of this referendum, is provided below:

https://files.cityofpacificgrove.org/Document_Center/Resolutions%20&%20Ordinances/Ordinances/2025/25-007%20Council%20Salary%20Increase%20Ord.pdf

Full Text of Ordinance No. 25-007

ORDINANCE NO. 25-007

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE INCREASING THE COMPENSATION OF THE MAYOR AND CITY COUNCILMEMBERS

FINDINGS

WHEREAS, Article 11 of the Charter of the City of Pacific Grove provides that the Mayor may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by State Law for General Law cities of comparable size to Pacific Grove; and

WHEREAS, Article 12 of the Charter of the City of Pacific Grove provides Councilmembers may receive compensation as provided by ordinance, but in no case shall the

compensation exceed that amount which is permitted by the State Law for General Law cities of comparable size to Pacific Grove.

WHEREAS, by Ordinance No. 1682 N.S., passed and adopted by council on July 19, 1989, compensation for Pacific Grove Councilmembers was set at $300.00/month and compensation for the Pacific Grove Mayor was set at $500.00; and

WHEREAS, the most recent increase in salaries for the Mayor and City Councilmembers was by Ordinance No. 98-24 adopted on August 19, 1998 (effective December 1, 1998), 26 years ago as of December 1,2024, which increased the compensation of the Mayor from $500 a month to $700 a month and increased the compensation of City Councilmembers from $300 a month to $420 a month; and

WHEREAS, on June 29, 2023, Senate Bill No. 329 was adopted by the California State Legislature and approved by the Governor pertaining to the compensation of City Councilmembers and became effective on January 1, 2024; and

WHEREAS, the findings in SB 329 regarding the permitted compensation increases for the Councilmembers included the following:

SECTION 1. The Legislature finds and declares all of the following:

(a) The compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation.

(b)Allowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families.

WHEREAS, the changes made by SB 329 to Government Code Section 36516 included the following permitted compensation increases for City Councilmembers:

1. For cities with a population of 35,000 or less, the compensation permitted increased from $300 dollars to $950 dollars.

2. In the alternative, the compensation of City Councilmember could be increased by the greater amount of:

   (A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the compensation in effect when the ordinance or amendment is enacted.

   (B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

WHEREAS, the California Consumer Price Index increased from December 1998 to December 2024 by 107.9 percent; and

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WHEREAS, the cost of living in the City of Pacific Grove is 19% higher than the California state average, due in large part to the cost of housing; and

WHEREAS, Government Code Section 36516(f) states: "A city council member may waive any or all of the compensation permitted by this section."; and

WHEREAS, City Ordinance No. 1872 was adopted on December 16, 1992 which allowed for the mayor and council members to decline all of their compensation, but may not decline the compensation in part or accept in part; and

WHEREAS, Government Code Section 36516.5 provides for general law cities that an increase in compensation shall be become effective whenever one or more members of the city council becomes eligible for a salary increase by virtue of the council member beginning a new term of office which would be in December 2026; and

WHEREAS, the California Attorney General has determined in 57 Ops. Cal. Atty. Gen 11 that where a city charter provides that members of the city council shall receive salary in such amount as the city council may approve by ordinance that the increase may become effective at a time different from that provided in Government Code Section 36516.5; and

WHEREAS, there are no provisions in the Government Code which specify the amount of the additional compensation which may be received by an elected mayor, but since the Pacific Grove Mayor also serves as a member of the City Council, the percentage for compensation increases specified in Government Code Section 36516 as described above can be applied for the Mayor's compensation; and

WHEREAS, applying the 5% per year formula of Government Code Section 36516, there would be a compensation increase for City Councilmembers from the current $420 a month to $966 a month using 5% annual increase for the 26 year period from December 1998 (the last compensation increase) through December 2024 which is 26 years. 5% of $420 is $21 multiplied by 26 years is a $546 increase. $420 plus $546 equals $966; and

WHEREAS, applying the 5% per year formula of Government Code Section 36516, there would be a compensation increase for the Mayor from the current $700 a month to $1610 a month using 5% annual increase for the 26 year period from December 1998 (the last compensation increase) through December 2024 which is 26 years. 5% of $700 is $35 multiplied by 26 years is a $910 increase. $700 plus $910 equals $1610; and

WHEREAS, this City Council desires to increase City Councilmember compensation for the reasons stated in the Findings by the Legislature for adoption of SB 329 as recited above by the allowable five percent per calendar year, and, further, to increase the Mayor's compensation by using the same formula.

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

SECTION 1. Findings. The foregoing Findings are hereby incorporated by reference in full.

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SECTION 2. Effective Date. This Ordinance shall become effective 30 days after the second reading of this Ordinance ("Effective Date").

SECTION 3. Repeal of Ordinance No. 1872 N.S. Ordinance No. 1872 N.S. is hereby repealed in its entirety.

SECTION 4 Compensation of Councilmembers and Mayor. As of the Effective Date of this Ordinance, the compensation for City Councilmembers and the Mayor shall be as follows:

Council Members .....$966 per month
Mayor.....$1610 per month

SECTION 5. Waiver of Compensation. The Mayor and/or individual Councilmembers may waive any or all of the compensation permitted by this Ordinance.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this **21st** day of **May**, by the following vote:

AYES: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, Poduri and Rau
NOES: Councilmembers McDonnell and Walkingstick
ABSENT: None

APPROVED:

/s/
NICK SMITH, Mayor

ATTEST:
DATED: 5/22/2025

/s/
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

/s/
BRIAN A. PIERIK, City Attorney