

REQUEST FOR COUNCIL ACTION

SUBJECT: Discussion and possible action regarding the salaries of the Mayor and City Council Members [Mayor Rolfe]

1-7B-4: COMPENSATION:

The mayor shall be paid an annual salary of eighty nine thousand five hundred dollars (\$89,500.00). This salary will be distributed to the mayor over twenty six (26) pay periods through the city's regular payroll system, including the withholding of state and federal taxes and state pension plan assessments. The mayor will not be required to submit time sheets. The mayor will also receive the standard benefits provided by the city to appointed officers of the city; provided that the mayor will be allocated no executive or compensatory leave. (2001 Code § 2-4-404; amd. Ord. 13-24, 7-31-2013)

1-6-4: COMPENSATION OF MEMBERS OF CITY COUNCIL:

Each member of the city council, other than the mayor, shall be paid a monthly salary of eight hundred fifteen dollars (\$815.00). (2001 Code § 2-3-105)

The Council and staff clarified that the proposed revision to the City of West Jordan Policy for *Accepting Dedication of Private Streets* (July 31, 2013), with the addition of the language in item 6 ‘The road must have a Pavement Condition Index (“PCI”) of a minimum of 75 out of 100...’, fulfilled the City Council’s intention relating to the dedication of private streets.

MOTION: Councilmember Stoker moved to approve Ordinance 13-29, repealing and replacing the City of West Jordan Policy for Accepting Dedication of Private Streets (October 24, 2012) with the attached City of West Jordan Policy for Accepting Dedication of Private Streets (July 31, 2013), with the addition of the language in item 6 ‘The road must have a Pavement Condition Index (“PCI”) of a minimum of 75 out of 100...’ The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

CONSENT ITEM 6.e –

APPROVE ORDINANCE 13-24, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 1, CHAPTERS 6 AND 7, ADDRESSING THE MAYORS DUTIES AND COMPENSATION, AND THE ELECTION OF THE CITY COUNCIL

Jeff Robinson recapped that the City Council voted to approve a full-time Mayor with an approved full time salary. That action necessitated amendments to the duties of the Mayor and the compensation of the Mayor in the 2009 City Code. The review of those Code provisions also suggested to staff the benefit of clarifying and eliminating duplication of sections of the 2009 City Code dealing with election of the City Council. The proposed changes were in the nature of “clean up” changes. No substantive changes to City Council elections were proposed.

Staff believed there would be no new fiscal impact from the proposed text amendments other than already approved with respect to the higher Mayor salary.

Staff recommended adoption of the proposed changes.

The Council addressed and clarified their concerns with the proposed amendments to the duties of the Mayor and the compensation of the Mayor, which included: 1) 1-7B-2 - rather than the full time position “requiring” at least forty (40) hours of service, suggested changing to “approximately”; 2) 1-7B-2A7 - cross referencing the *Emergency Policy* code; 3) 1-7B-2A8 – rather than “Be available during regular posted business hours...”, preferred “Should keep regular posted business hours...”; 4) what the City’s standard benefits entailed; 5) the definition of appointed officers; 6) the process for alternate representation of the Mayor; 6) if the Council had the power to change the yearly amount of the Mayor’s compensation, and the process involved; 7) a provision be added to the duties of the Mayor/Council in relation to the outcome of Regional meetings needing to be reported promptly to other members of the City Council and the City Manager, and 8) 1-7B-4 – to read “...the Mayor will be allocated no executive leave or comp leave.”

MOTION: Councilmember Stoker moved to approve Ordinance 13-24, amending the 2009 West Jordan Municipal Code, Title 1, Chapters 6 and 7, addressing the Mayor’s duties and compensation, and the election of the City Council all as provided in the City Council action, amending 1-7B-4 to read, “...the Mayor will be allocated no executive leave or comp leave.” The motion was seconded by Mayor Johnson.

SUBSTITUTE

MOTION: Councilmember McConnehey moved to approve Ordinance 13-24, amending the 2009 West Jordan Municipal Code, Title 1, Chapters 6 and 7, addressing the Mayor’s duties and compensation, and the election of the City Council all as provided in the City Council action, amending 1-7B-4 to read, “...the Mayor will be allocated no executive leave or comp leave,” as well as the following provisions:

1. 1-7B-2A7 – changing wording from “requiring” to “approximate”
2. 1-7B-2A7 - cross referencing the *Emergency Policy* code
3. 1-7B-2A8 - “Should keep regular posted business hours...”

The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	No
Councilmember Southworth	No
Councilmember Stoker	No
Mayor Johnson	No

The motion failed 3-4.

A roll call vote was taken on the Original Motion

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 6-1.

CONSENT ITEM 6.k –

APPROVE RESOLUTION 13-109, AUTHORIZING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 2 WITH EXCEL ENGINEERING, INC. FOR THE 5600 WEST ROADWAY DESIGN PHASE 2, IN AN AMOUNT NOT-TO-EXCEED \$62,100.00

Wendell Rigby explained that in February of that year (2013), the City commissioned Excel Engineering to produce plans for 5600 West from 7000 South to 7800 South to build 5600 West with all required utility systems. Due to the right of way concerns, and to interface with current ongoing development, the design was split into two phases for 5600 West. Phase 1 had been bid and was currently under way. Additionally, the regional detention basin was fully investigated and preliminary design and geotechnical investigations conducted for a site on the east side of 5600 West. Due to safety consideration, the east side location was not feasible, and the City had decided to design the west side option for the detention pond. The new site for the detention pond required additional topographic survey and geotechnical work, as well as full design effort. Excel Engineering had partnered with Perigee Consulting (a local West Jordan civil engineering firm) to complete the design of the pond on a schedule that would allow completion of the pond with the roadway construction next year. The amount for the design effort was \$25,000.00.

In the intervening six months since the design for Phase 1 began, additional money from the state Legislature had become available for the design and construction of 7800 South. The City had elected to use this money on a portion of 7800 South surrounding the intersection of 5600 West (600 feet east of the intersection to the Mountain View Corridor to the west). The design for Phase 2 would reach 1500 feet west of the intersection out of the total 2500-foot distance to the Mountain View Corridor. The remaining distance would be covered as budget, right of way, and further designs allowed. The amount for this design effort was \$27,600.00.

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 13-24 [FULL-TIME MAYOR]

AN ORDINANCE AMENDING TITLE 1, "ADMINISTRATION."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 1, Chapter 6 and 7 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 1, Chapter 6, Section 3 of the 2009 City Code shall hereafter read as follows:

1-6-3: ELECTION:

- A. Election to Council Seats: The mayor and two (2) of the six (6) remaining council members shall be elected in an at large election, and all qualified electors residing in the city may vote for candidates for the offices of mayor and at large council members. The mayor and the two (2) at large council members must be qualified electors residing in the City. The four (4) remaining council members shall be elected from districts of substantially equal population. To be elected from the district, the council member must be a qualified elector residing in the district at the time of declaration of candidacy and through the completion of the elected term. To vote for the "districted" candidate, the voter must be a resident of the district in which the candidate resides.
- B. Time of Elections: The mayor and other at large council seats shall be elected during the regular municipal election in November 1997, and each fourth year thereafter, for four (4) year terms of office beginning on the first Monday of January following the municipal election. The districted council seats shall be elected during the regular municipal election in November 1995, and each fourth year thereafter, for four (4) year terms of office beginning on the first Monday of January following the municipal election.

C. District Boundaries:

1. The boundaries of the original districts shall be such that they include the incorporated territory contained within the following voting districts of Salt Lake County:

a. District #1: WJD005, WJD011, WJD012, WJD013, WJD014, WJD015, WJD023, WJD024, WJD025, WJD027, WJD028, WJD030, WJD031, WJD032, WJD033, WJD061, WJD073, NRV005.

b. District #2: WJD050, WJD051, WJD053, WJD054, WJD055, WJD056, WJD057, WJD059, WJD060, WJD063, WJD064, WJD065, WJD066, WJD067, WJD068, WJD069, WJD070, WJD075, NRV052.

c. District #3: WJD001, WJD003, WJD004, WJD006, WJD007, WJD008, WJD009, WJD017, WJD018, WJD019, WJD020, WJD021, WJD022, WJD035, WJD038, NRV051.

d. District #4: WJD036, WJD037, WJD039, WJD042, WJD043, WJD044, WJD045, WJD046, WJD047, WJD048, WJD049, WJD052, WJD071, WJD080, NRV006, NRV016.

2. On odd numbered years of council district elections, and in each succeeding fourth year thereafter, upon the Salt Lake County council approval of the division of any voting precincts located within the city boundaries, the city clerk-recorder shall submit for city council approval realigned district boundaries, and the city council shall designate, by ordinance, the districts of substantially equal population for the council members to be elected from districts. In determining the boundaries of districts, the city council should not divide the county voting districts between two (2) districts. The boundaries of the districts shall not be changed frivolously or arbitrarily, but only for the purpose of assuring that the districts are of substantially equal population.

D. General Requirements: Candidates to be voted for at all municipal elections in the city shall be elected in accordance with the provisions of Utah Code Annotated section 20A-5-101 et seq., with the amendments and modifications as are appropriate for a municipal election. If the candidate for a districted seat should, prior to the election, cease to be a qualified elector residing in that district, the city clerk/recorder shall remove that candidate's name from the ballot. A candidate's name may not appear on the ballot for a districted seat and an at large seat in the same election. The two (2) at large council member seats shall be filled by the two (2) candidates receiving the highest and second highest number of votes in the election in which all candidates are running against all other candidates for the at large seats. (2001 Code § 2-3-103; amd. Ord. 11-12, 6-22-2011; Ord. 13-18, 05-08-2013; Ord. 13-24, 07-31-2013)

Section 2. Title 1, Chapter 7, Article A, Section 3 of the 2009 City Code shall be incorporated into 1-6-3D and deleted from this section. Title 1, Chapter 7, Article A, Section 3 shall be reserved for future use.

1-7A-3: [Reserved]

(2001 Code § 2-4-203; amd. 2009 Code; Ord. 13-24, 07-31-2013)

Section 3. Title 1, Chapter 7, Article B, Sections 2 and 4 of the 2009 City Code shall hereafter read as follows:

1-7B-2: MAYORAL DUTIES:

- A. Functions: The mayor is a full time position requiring at least forty (40) hours of service to the city each week, although such service may be performed before, during and/or after the city's normal business hours. By way of example and not limitation, except as otherwise expressly provided, the mayor shall:
1. Serve as a chairperson of the city council and preside at all its meetings.
 2. Have a vote in all city council proceedings.
 3. Execute, on behalf of the city, all bonds, ordinances and resolutions of the city council, real and personal property title transfers or deeds, and (where required by law to effectuate city purchases) contracts and other written obligations of the city.
 4. Attend and, if appropriate, officiate at ceremonial activities of the city, which events include, but are not limited to, national state and local holiday celebrations, city sponsored events, public and business ground breakings and ribbon cuttings, public and business open houses, public receptions and other civic and religious ceremonial activities where official city representation is needed or sought. Participation in religious activities should not suggest any city endorsement of such religion and such participation shall be widely shared with any and all religious organizations who request such participation.
 5. Attend and represent the city in all its external relationships with the state agencies and legislature; the county council and departments; other political subdivisions; civic, social and fraternal organizations, including but not limited to one or more associations of cities and/or other local governments; and appointed boards, committees, councils and commissions, as provided by law or to which an official, nontechnical representative from the city is sought or needed. Membership on boards, committees, councils and commissions should be offered to other interested members of the city council who will act as the city's representative. In all external relationships, the mayor shall coordinate closely with and shall follow the lead of the city manager and/or the city manager's retained government relations advisor.

6. Be a spokesperson for the city council, provided that when the mayor acts as spokesperson for the city council, the mayor should reflect the policy position of the expressed majority of the city council. Otherwise, in the absence of an expressed majority city council policy position, or when the mayor is speaking as a private citizen or as an individual member of the city council, the mayor shall clearly identify that limited capacity.

7. Act in emergency situations to organize governmental response in close coordination with and following the lead of the city manager and the city's emergency preparedness officials, and to be available as needed to take and authorize governmental action together with such other city council members who may be available.

8. Be available during regular posted business hours for meetings with city staff and citizens seeking assistance with their access to the city and its services. The city manager shall provide an office and clerical assistance for the mayor at city hall.

- B. **No Administrative/Executive Duties:** The mayor shall have no administrative or executive powers or duties. The mayor may provide citizens with names and phone numbers or email addresses into specific departments of city government for assistance with citizen questions, but the mayor may not direct the city staff as to the solution or action responding to any such concern. Any issue raised by citizens or the city council concerning the level or appropriateness of city responses or services shall be discussed with the city manager and not directly with any subordinate employee. (2001 Code § 2-4-402; amd. 2009 Code; Ord. 09-13, 4-14-2009; Ord. 13-24, 07-31-2013)

1-7B-4: COMPENSATION:



The mayor shall be paid an annual salary of eighty-nine thousand five hundred dollars. (\$89,500.00). This salary will be distributed to the mayor over 26 pay periods through the city's regular payroll system, including the withholding of state and federal taxes and state pension plan assessments. The mayor will not be required to submit time sheets. The mayor will also receive the standard benefits provided by the city to appointed officers of the city; provided that the mayor will be allocated no executive or compensatory leave. (2001 Code § 2-4-404; amd. Ord. 13-24, 07-31-2013)

Section 4. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 5. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 31st day of July, 2013.

CITY OF WEST JORDAN

By *Melissa K. Johnson*
MELISSA K. JOHNSON



ATTEST:
Melanie S. Briggs
MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

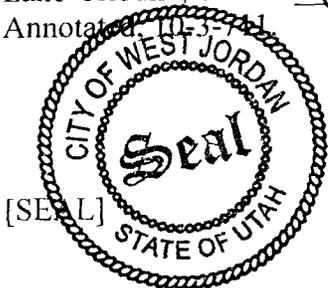
"AYE" "NAY"

Judith Hansen
Clive M Killpack
Chris McConnehey
Chad Nichols
Ben Southworth
Justin D. Stoker
Mayor Melissa K. Johnson

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CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the 6 day of August, 2013, pursuant to Utah Code Annotated, 10-3-21 **ORD 13-24**



Melanie S. Briggs
MELANIE S. BRIGGS, MMC
City Clerk/Recorder

Legislative

1-6-3: COUNCIL MEMBERS ELECTED AT LARGE OR FROM DISTRICTS ELECTION:

- A. At Large Election to Council Seats: ~~Two~~ The mayor and two (2) of the six (6) remaining council members shall be elected in an at large election, and all qualified electors residing in the city may vote for candidates for the offices of mayor and at large council members. The mayor and the two (2) at large council members must be qualified electors residing in the City. The four (4) remaining council members shall be elected from districts of substantially equal population. To be elected from the district, the council member must be a qualified elector residing in the district at the time of declaration of candidacy and through the completion of the elected term. To vote for the "districted" candidate, the voter must be a resident of the district in which the candidate resides.
- B. At Large Seat Time of Elections: The mayor and other at large council seats shall be elected during the regular municipal election in November 1997, and each fourth year thereafter, for four (4) year terms of office beginning on the first Monday of January following the municipal election. The districted council seats shall be elected during the regular municipal election in November 1995, and each fourth year thereafter, for four (4) year terms of office beginning on the first Monday of January following the municipal election.
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 - b. District #2: WJD050, WJD051, WJD053, WJD054, WJD055, WJD056, WJD057, WJD059, WJD060, WJD063, WJD064, WJD065, WJD066, WJD067, WJD068, WJD069, WJD070, WJD075, NRV052.
 - c. District #3: WJD001, WJD003, WJD004, WJD006, WJD007, WJD008, WJD009, WJD017, WJD018, WJD019, WJD020, WJD021, WJD022, WJD035, WJD038, NRV051.
 - d. District #4: WJD036, WJD037, WJD039, WJD042, WJD043, WJD044, WJD045, WJD046, WJD047, WJD048, WJD049, WJD052, WJD071, WJD080, NRV006, NRV016.

2. On odd numbered years of council district elections, and in each succeeding fourth year thereafter, upon the Salt Lake County council approval of the division of any voting precincts located within the city boundaries, the city clerk-recorder shall submit for city council approval realigned district boundaries, and the city council shall designate, by ordinance, the districts of substantially equal population for the council members to be elected from districts. In determining the boundaries of districts, the city council should not divide the county voting districts between two (2) districts. The boundaries of the districts shall not be changed frivolously or arbitrarily, but only for the purpose of assuring that the districts are of substantially equal population.

D. General Requirements: Candidates to be voted for at all municipal elections in the city shall be elected in accordance with the provisions of Utah Code Annotated section 20A-5-101 et seq., with the amendments and modifications as are appropriate for a municipal election. If the candidate for a districted seat should, prior to the election, cease to be a qualified elector residing in that district, the city clerk/recorder shall remove that candidate's name from the ballot. A candidate's name may not appear on the ballot for a districted seat and an at large seat in the same election. The two (2) at large council member seats shall be filled by the two (2) candidates receiving the highest and second highest number of votes in the election in which all candidates are running against all other candidates for the at large seats.(2001 Code § 2-3-103; amd. Ord. 11-12, 6-22-2011; Ord. 13-18, 05-08-2013; Ord. 13-24, 07-31-2013)

1-7A-3: ELECTION: [Reserved]

~~Candidates to be voted for at all municipal elections in the city shall be elected in accordance with the provisions of Utah Code Annotated section 20A-5-101 et seq., with the amendments and modifications as are appropriate for a municipal election. The mayor and two (2) council members shall be elected in an at large election in which all qualified electors residing in the city may vote. Candidates for districted office are required to declare their candidacy for the district in which they reside on the date the declaration of candidacy is filed. The city clerk/recorder is authorized to prepare and require candidates for districted office to designate the district from which the candidate seeks election. If the candidate for a districted seat should, prior to the election, cease to be a qualified elector residing in that district, the city clerk/recorder shall remove that candidate's name from the ballot. A candidate's name may not appear on the ballot for a districted seat and an at large seat in the same election. The two (2) at large council member seats shall be filled by the two (2) candidates receiving the highest and second highest number of votes in the election in which all candidates are running against all other candidates for the at large seats. (2001 Code § 2-4-203; amd. 2009 Code; Ord. 13-24, 07-31-2013)~~

1-7B-2: MAYORAL DUTIES:

- A. Functions: The mayor is a full time position requiring at least forty (40) hours of service to the city each week, although such service may be performed before, during and/or after the city's normal business hours. By way of example and not limitation, except as otherwise expressly provided, the mayor shall:
1. Serve as a chairperson of the city council and preside at all its meetings.
 2. Have a vote in all city council proceedings.
 3. Execute, on behalf of the city, all bonds, ordinances and resolutions of the city council, real and personal property title transfers or deeds, and (where required by law to effectuate city purchases) contracts and other written obligations of the city.
 4. Attend and, if appropriate, preside officiate at ceremonial activities of the city, which events include, but are not limited to, national state and local holiday celebrations, city sponsored events, public and business ground breakings and ribbon cuttings, public and business open houses, public receptions and other civic and religious ceremonial activities where official city representation is needed or sought. Participation in religious activities should not suggest any city endorsement of such religion and such participation shall be widely shared with any and all religious organizations who request such participation.
 5. ~~Represent the city~~ Attend and represent the city in all its external relationships with the state agencies and legislature; the county council and departments; other political subdivisions; civic, social and fraternal organizations, including but not limited to one or more associations of cities and/or other local governments; and appointed boards, committees, councils and commissions, as provided by law or to which an official, nontechnical representative from the city is sought or needed, ~~unless the city council directs otherwise.~~ Membership on boards, committees, councils and commissions should be offered to other interested members of the city council who will act as the city's representative. In all external relationships, the mayor shall coordinate closely with and shall follow the lead of the city manager and/or the city manager's retained government relations advisor. The mayor shall attend such meetings, as a representative of the city, specified by the city council.
 6. Be a spokesperson for the city council, ~~unless the city council directs otherwise.~~ When provided that when the mayor acts as spokesperson for the city council, the mayor should speak for reflect the policy position of the expressed majority of the city council;. Otherwise, in the absence of an expressed majority city council policy position, or when the mayor is speaking as a private citizen or as an individual member of the city council, the mayor should shall clearly identify that limited capacity.

7. Represent the will of the city council. Act in emergency situations to organize governmental response in close coordination with and following the lead of the city manager and the city's emergency preparedness officials, and to be available as needed to take and authorize governmental action together with such other city council members who may be available.

8. Be available during regular posted business hours for meetings with city staff and citizens seeking assistance with their access to the city and its services. The city manager shall provide an office and clerical assistance for the mayor at city hall.

B. No Administrative/Executive Duties: The mayor shall have no administrative or executive powers or duties. The mayor shall not attempt to advise or direct the city manager or any of the subordinates of the city manager in the performance of the assigned duties of the city manager or any subordinate. The duties of the mayor shall be only those specified in this section. The mayor may provide citizens with names and phone numbers or email addresses into specific departments of city government for assistance with citizen questions, but the mayor may not direct the city staff as to the solution or action responding to any such concern. Any issue raised by citizens or the city council concerning the level or appropriateness of city responses or services shall be discussed with the city manager and not directly with any subordinate employee. (2001 Code § 2-4-402; amd. 2009 Code; Ord. 09-13, 4-14-2009; Ord. 13-24, 07-31-2013)

1-7B-4: COMPENSATION:

The mayor shall be paid a monthly an annual salary of one thousand five hundred thirty one dollars (\$1,531.00) eighty-nine thousand five hundred dollars. (\$89,500.00). This salary will be distributed to the mayor over 26 pay periods through the city's regular payroll system, including the withholding of state and federal taxes and state pension plan assessments. The mayor will not be required to submit time sheets. The mayor will also receive the standard benefits provided by the city to appointed officers of the city; provided that the mayor will be allocated no executive or other compensatory leave. (2001 Code § 2-4-404; amd. Ord. 13-24, 07-31-2013)

1-6-4: COMPENSATION OF MEMBERS OF CITY COUNCIL:

Each member of the city council, other than the mayor, shall be paid a monthly salary of eight hundred fifteen dollars (\$815.00). (2001 Code § 2-3-105)