

ORDINANCE NO. O-09-10

Amending City Code §2-4 Regarding Compensation of Elected Officials

Whereas, the Council desires to make the following changes to compensation for city elected officials:

(1) decrease the premiums paid by council members for health insurance from 50% to 25% of the premium paid by the city;

(2) allow the mayor to obtain life insurance coverage only and not health insurance by paying 100% of the life insurance premium paid by the city, or the mayor may obtain health insurance coverage and life insurance coverage by paying the same premium paid by a full-time city employee for such coverage;

(3) eliminate the possibility of increasing the compensation of the mayor or council members when city employees are given an across-the-board increase;

(4) allow individuals who are retired from employment with the city, continued on the city's health insurance, and were elected to office in the city to return to that status when they cease to hold elected office in the city; and

Whereas, the Council does not desire to make any other change to the compensation of city elected officials;

Now, Therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GADSDEN, ALABAMA, as follows:

Section 1. Section 2-4 of the Gadsden City Code is amended to read as follows:

Sec. 2-4. Compensation for mayor and council members.

- (a) The salary of the mayor shall be ninety thousand dollars (\$90,000.00) per annum.
- (b) The salary of the president of the council shall be twelve percent of the salary provided for the mayor plus one hundred dollars (\$100.00) for one regular meeting of the council during each week which the president actually attends.
- (c) The salary of every other member of the council shall be nine and six-tenths (9.6) percent of the salary provided for the mayor plus one hundred dollars (\$100.00) for one regular meeting of the council during each week which the member actually attends.
- (d) The annual salaries provided above shall be paid out of the city treasury in equal weekly installments. The weekly salaries shall be paid the week following each regular council

meeting. The weekly salary may be paid when a council member or council president is absent from the regular meeting of the council if (1) representing the city on business which requires that he or she be out of the city; (2) ill and physically unable to be present at the meeting; (3) there is less than a quorum available to meet at the regular meeting time that week because of other officials attending a seminar, conference, etc. related to city business; or (4) absent due to any personal reason, not to exceed four times in any fiscal year.

(e) The council president and council members shall each receive an allowance of two hundred (\$200.00) dollars per month for the actual cost for use of a personal motor vehicle. This payment shall be considered a non-accountable plan under regulations of the Internal Revenue Service.

(f) A motor vehicle shall be made available for the full-time use of the mayor.

(g) The council president and council members shall be entitled to participate in the city's group term life insurance program by paying 100% of the applicable premium charged to the city for such coverage. If the mayor chooses not to participate in the city's hospitalization, medical care and health insurance programs, he shall be entitled to participate in the city's group term life insurance program by paying 100% of the applicable premium charged to the city for such coverage. If the mayor chooses to participate in the city's hospitalization, medical care and health insurance programs, the premium paid for those programs will also provide coverage for the city's group term life insurance program.

(h) The mayor, council president and council members shall be entitled to participate in the city's hospitalization, medical care and health insurance programs. The mayor shall pay the rate of a full-time employee. The council president and council members shall pay twenty-five (25) percent of the applicable premium charged to the city for family or single coverage, as selected by the elected official.

(i) If an individual elected to the position of mayor, council president or council member was participating as a retiree in the city's hospitalization, medical care and health insurance programs prior to election to office, the individual will be eligible to again participate in those programs (on the same basis as a person who retired when the individual originally retired) when the individual vacates the elected office.

(j) Appropriate mobile telephone and radio system shall be made available for use by the mayor, council president and council members for official use. Any private use shall be repaid to the city.

(k) If funds are appropriated therefor, the city may provide a computer, monitor and printer for use by the mayor, council president and each council member in connection with their official duties and provide for internet access from the city's management information system to those computers.

(l) The salaries and compensation provided for herein shall be in lieu of all salaries, expense allowances, emoluments or other types of compensation heretofore granted; provided, however, that the mayor, council president and council members shall be entitled to reimbursement for actual expenses reasonably incurred by them in the performance of their official duties.

Section 2. The compensation provided under this ordinance shall be effective for those officials who take office as of the first Monday in November, 2010.

Section 3. The provisions of this ordinance shall be effective on publication.

Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, subsection, paragraph, sentence, clause and phrase of this ordinance is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this ordinance. The city council declares that it is its intent that it would have enacted this ordinance without such invalid or unconstitutional provisions.

Section 5. The provisions of this ordinance repeal any prior ordinance or provision of the Gadsden City Code to the extent of any conflict.

I hereby certify that the City Council of the City of Gadsden, Alabama, duly adopted this ordinance at an open public meeting held on February 16, 2010.

Iva Nelson, City Clerk

APPROVED on February _____, 2010

Sherman Guyton, Mayor