



## CITY COUNCIL STAFF REPORT

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**TO:** Honorable Mayor and City Council      **DATE:** April 25, 2022  
**FROM:** Matthew Bronson, City Manager  
**PREPARED BY:** Kristin Eriksson, Deputy City Manager  
**SUBJECT:** Council Compensation Review and Direction

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### **RECOMMENDATION**

Receive information about compensation and other benefits provided to Council Members in Grover Beach and provide direction to staff on potential changes.

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### **BACKGROUND:**

At the April 11<sup>th</sup> Council meeting, Council Member Miller requested scheduling an agenda item to consider increasing the compensation received by the Council given increases in cost of living. The Council concurred with this request and provided direction to staff to schedule this item for an upcoming meeting. The current compensation of \$600 per month for Council Members and \$750 per month for the directly-elected Mayor was approved on December 4, 2017 and became effective in December 2018 following the November 2018 election. Previously, Council compensation had not been adjusted since 1986 and was the lowest level among the seven cities in San Luis Obispo County.

Grover Beach Municipal Code and State law establish the permissible amount and the method of calculating Council salaries. Those regulations (Attachment 1) are summarized as follows:

- **A City Council is permitted to establish its salary based on the population of the city.** For those cities up to and including 35,000 in population, such as Grover Beach, the salary may be established at an amount up to and including \$300 per month. The salary level for members of the Grover Beach City Council is established at \$300 per month.
- **By ordinance, Council salaries may be increased beyond the amount provided by law, but the amount of the increase cannot be more than five percent (5%) for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment was enacted. For example, since the Council has not had a salary increase since 2018 or four years, it may adopt an ordinance to increase its salary by 20% (4 years x 5% = 20%).** Calculations may not be compounded or added one on top of the other.
- **Council salaries must be adopted by ordinance, not by resolution, and may not be automatically increased in the future. Amounts paid by a city for retirement or health benefits, or reimbursement for actual and necessary expenses, are not included for purposes of determining salary.** Payment for participation on commissions, committees or similar bodies paid by the City are included in the total calculation.

- An ordinance changing Council compensation does not apply to a Council Member during his/her term of office but does not prevent the adjustment of compensation whenever one or more members of the Council becomes eligible for a salary increase due to staggered terms of office. Therefore, if the Council approves and adopts an ordinance changing Council compensation, the change in salary takes effect for all Council Members following the next municipal election. Thus, a Council Member serving a four-year term of office would receive a mid-term increase in compensation.
- **A directly-elected Mayor may be provided with compensation in addition to that which he/she receives as a Council Member. This additional compensation may be provided by an ordinance adopted by the City Council or by a majority vote of the electors voting** on such proposition at a municipal election.
- Another consideration for directly-elected Mayors is that the Attorney General has ruled that the prohibition against “mid-term” salary increases applicable to Council Members (pursuant to GC Section 36516.5) does not apply to directly-elected Mayors. The additional compensation for performing mayoral duties is not received as “a councilperson.” 89 Ops.Cal.Atty.Gen. 159 (2006). For the same reason, it would seem that the 5% annual maximum, while applicable to salary received as a Council Member, would not apply to any additional compensation provided to the directly-elected Mayor. (Attachment 2).

The last ordinance adopted by the Council that pertained to Council Member compensation was adopted on December 4, 2017. Compensation for Council Members was set at \$600 per month and at \$750 per month for the directly-elected Mayor. Council determined that the change in compensation levels would become effective in December 2018, following the November 2018 General Municipal Election.

### **City Council Stipends**

For purposes of comparison, below are the current levels of Council monthly salaries or stipends within San Luis Obispo County with Grover Beach at the lowest level in the county along with Atascadero:

<b>City Council Stipends</b>		
<b>City</b>	<b>Council Member</b>	<b>Mayor</b>
Arroyo Grande	\$648	\$798
Atascadero	\$600	\$750
Grover Beach	\$600	\$750
Morro Bay	\$1,000*	\$1,400*
Paso Robles	\$600	\$800
Pismo Beach	\$772	\$1,072
San Luis Obispo	\$2,139	\$2,696

\* Effective November 2022

As noted above, the Council may direct staff to return with an ordinance to increase Council salaries up to 20% or \$720 per month for Council Members. If the Mayor’s stipend is also increased by 20% or to \$900 per month, this would be an annual cost increase of \$7,560 or \$4,410 for next fiscal year assuming a December 2022 implementation.

**City Council Insurance Benefits**

In addition to salary levels, staff surveyed Council health benefits within San Luis Obispo County. Each city varies as to whether they contribute to the entire cost of coverage or a specific amount toward the cost of insurance. The following shows which benefits are covered by the cities with Grover Beach the only city in the county to not offer health benefits to Council Members:

<b>City Council Insurance Benefits</b>				
<b>City</b>	<b>Medical</b>	<b>Dental</b>	<b>Vision</b>	<b>Life</b>
Arroyo Grande	X	X	X	0
Atascadero	X	X	X	X
Grover Beach	0	0	0	0
Morro Bay	X	X	X	X
Paso Robles	X	X	X	0
Pismo Beach	X	X	X	X
San Luis Obispo	X	X	X	X

0 – Not offered  
 X – Offered

Insurance benefits offered to City staff vary by bargaining group. The City generally contributes between approximately \$640 per month for employee-only coverage and \$1,640 for employee, plus family (spouse and children) coverage. If all five members of the Council were to receive a similar contribution, it would cost approximately \$38,400 to \$98,400 per year, depending on each member’s coverage.

**City Council Equipment**

Lastly, staff surveyed other cities to identify technology equipment provided to Council Members and found that few cities currently provide such equipment or an expense allowance or stipend as shown below:

<b>City Council Equipment</b>				
<b>City</b>	<b>Tablet</b>	<b>Cell Phone</b>	<b>Internet</b>	<b>Overall Stipend</b>
Arroyo Grande	0	0	0	0
Atascadero	0	0	0	0
Grover Beach	0	0	0	0
Morro Bay	0	0	0	0
Paso Robles	0	0	0	0
Pismo Beach	0	S	S	S
San Luis Obispo	0	X	S	S

0 – no compensation  
 X – Device provided directly to elected official  
 S – Stipend or reimbursement provided to elected official

Staff estimates including all devices or services listed above could cost between \$1,900 and \$2,200 in the first year (annual costs for years when devices are not purchased would be approximately \$500). Alternatively, Council could direct staff to add a stipend to compensate for all of these costs to Council compensation.

Staff is seeking the Council’s direction on consideration of potential changes to Council compensation and when those changes should become effective. Staff recommends that any

salary/stipend changes and/or the addition of insurance benefits occur after the next scheduled municipal election in November 2022. If directed by the Council, staff would introduce an ordinance to make any changes at the May 9<sup>th</sup> meeting with a second reading and public hearing at the May 23<sup>rd</sup> meeting.

### **FISCAL IMPACT**

Annual costs for stipend increases are estimated to be up to \$7,560 per year. Annual costs for adding insurance benefits for councilmembers is estimated to be between \$38,400 to \$98,400, assuming all Council Members opt for coverage. Provision of reimbursements for certain equipment is estimated to cost between \$1,900 and \$2,200 in the first year.

### **ALTERNATIVES**

The Council has the following alternatives to consider:

1. Provide direction to staff on potential changes to compensation and other benefits provided to Council Members; or
2. Receive and file the information; or
3. Provide alternate direction to staff

### **PUBLIC NOTIFICATION**

The agenda was posted in accordance with the Brown Act.

### **Attachments**

1. Legal References (Grover Beach Municipal Code and Government Code)
2. Attorney General Opinion – 89 Ops.Ca.Atty.Gen. 159 (2006)

### Compensation for Council Members

**Grover Beach Municipal Code Sec. 2201.** Compensation of Council Members. Each member of the Council shall receive, as salary, the sum of six hundred dollars (\$600) per month and, pursuant to Government Code section 36516.1, as may be amended from time to time, the directly elected Mayor shall receive, as salary, seven hundred and fifty dollars (\$750) per month. (Ord. No. 22; Am. Ord. 75-11; Ord. 86-2; Am. Ord. 17-08)

**Government Code Sec. 36516.**

(a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(F) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission,

committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section. (Amended by Stats. 2009, Ch. 332, Sec. 68. Effective January 1, 2010.)

**Government Code Sec. 36516.1.**

A mayor elected pursuant to Sections 34900 to 34904, inclusive, may be provided with compensation in addition to that which he or she receives as a council member. That additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.

**Government Code Sec. 36516.5.**

A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office. (Added by Stats. 1966, 1st Ex. Sess., Ch. 12.)

**Political Reform Act**

**Government Code Sec. 87100.**

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

**Government Code Sec. 87103.**

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to

official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission to equal the same amount determined by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

(Amended by Stats. 2000, Ch. 130, Sec. 7. Effective January 1, 2001. Note: This section was added on June 4, 1974 by Initiative Prop. 9.)

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

BILL LOCKYER  
Attorney General

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OPINION	:	No. 06-504
	:	
of	:	August 8, 2006
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BILL LOCKYER	:	
Attorney General	:	
	:	
GREGORY L. GONOT	:	
Deputy Attorney General	:	
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THE HONORABLE JENNY OROPEZA, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following questions:

1. Is the 5 percent salary increase authorized for city council members of a general law city to be applied to the currently received salary amount for the total number of years since the last salary adjustment?
2. May the additional compensation authorized for a mayor of a general law city be increased during his or her term of office as mayor?



## CONCLUSIONS

1. The 5 percent salary increase authorized for city council members of a general law city is to be applied to the currently received salary amount for the total number of years since the last salary adjustment.

2. The additional compensation authorized for a mayor of a general law city may be increased during his or her term of office as mayor.

## ANALYSIS

The two questions presented for resolution concern the compensation authorized for city council members and mayors of general law cities in California. We are asked to interpret two different statutes. The first is Government Code section 36516,<sup>1</sup> which states:

“(a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

“(1) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month.

“(2) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month.

“(3) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

“(4) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

“(5) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

“(6) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

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<sup>1</sup> All further references to the Government Code are by section number only.

“For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

“(b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

“(c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but *the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.* No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

“(d) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) to (c), inclusive. For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

“(e) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

“(f) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.” (Italics added.)

The second statute requiring interpretation is section 36516.1, which provides:

“A mayor elected pursuant to Sections 34900 to 34904, inclusive, of the Government Code may be provided with compensation in addition to that which he receives as a councilman. Such additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.”

Under section 36516, subdivision (c), is the authorized 5 percent annual salary increase for city council members to be applied to the current salary amount for the total number of years since the last salary adjustment? Under section 36516.1, may a mayor receive the authorized additional compensation during his or her term of office?

### 1. Salary Increase for City Council Members

Subdivision (a) of section 36516 sets a maximum amount for the salary of a city council member, depending upon the size of the city. (89 Ops.Cal.Atty.Gen. 135, 139 (2006); 84 Ops.Cal.Atty.Gen. 13, 15 (2001); 80 Ops.Cal.Atty.Gen. 119, 120-122 (1997). The residents of the city may vote to exceed the stated maximum amount (§ 36516, subd. (b); 84 Ops.Cal.Atty.Gen., *supra*, at p. 17), and the city council may by ordinance increase the level of compensation beyond the amount set in the statute for a city of its size, but not by more than 5 percent per year (§ 36516, subd. (c); 84 Ops.Cal.Atty.Gen., *supra*, at p. 17; 80 Ops.Cal.Atty.Gen., *supra*, at p. 123).

Section 36516.5 additionally provides:

“A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.”

Accordingly, the actual adjustment of a city council member’s compensation may only occur when one of the council members commences a new term. (See 80 Ops.Cal.Atty.Gen., *supra*, at p.123; 54 Ops.Cal.Atty.Gen. 112, 114 (1971).) In the typical situation, where city council members serve staggered four-year terms, salary increases may take place no more often than every two years.

In complying with the directive of section 36516, subdivision (c), is the 5 percent<sup>2</sup> annual adjustment to be applied to the currently received salary adjustment? Or, as it has been suggested, may the 5 percent be applied to the currently received salary amount only for the first year, and then applied to the newly calculated amount for the second year, and continuing these separate calculations, for each intervening year? For example, if six years have passed since the last salary increase, is one calculation to be made or are six separate calculations to be made with the 5 percent applied to each intervening year's calculated, but not received, increase?

In analyzing the terms of section 36516, we are guided by well-settled principles of statutory interpretation. “Our role in construing a statute is to ascertain the Legislature’s intent so as to effectuate the purpose of the law. [Citation.]” (*Hunt v. Superior Court* (1999) 21Cal.4th 984, 1000.) “ ‘In determining intent, we look first to the words of the statute, giving the language its usual ordinary meaning.’ ” (*Curle v. Superior Court* (2001) 24 Cal.4th 1057, 1063.) “[A] statute ‘ . . . is to be interpreted by the language in which it is written, and courts are no more at liberty to add provisions to what is therein declared in definite language than they are to disregard any of its express provisions.’ [Citation.]” (*Wells Fargo Bank v. Superior Court* (1991) 53 Cal.3d 1082, 1097.) “ ‘A statute must be construed “in the context of the entire statutory system of which it is a part. . . .” ’ ” (*People v. Hull* (1991) 1 Cal.4th 266, 272.) Other statutes that might bear upon the meaning of the statute at issue may be considered. (*White v. County of Sacramento* (1982) 31Cal.3d 676, 682; 78 Ops.Cal.Atty.Gen. 92, 95 (1979); 67 Ops.Cal.Atty.Gen. 325, 329 (1984).)

Applying these rules of construction, we find that subdivision (c) of section 36516 refers to calculations based solely upon “the salary in effect when the ordinance or amendment is enacted,” which is the same salary amount as that resulting from “the last adjustment of the salary.” We apply the words of the statute as written. Only the currently received salary amount is to be part of the calculations. To make separate calculations for each intervening year since the date of the last salary increase would base the calculations on salaries that were not received by the city council members. Nothing in the language of section 36516 suggests that the calculations are to be based upon salary amounts that were never received.

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<sup>2</sup> While the statute authorizes adjustments of less than 5 percent, we will assume that the ordinance in question specifies a 5 percent increase.

A somewhat analogous situation involves the computing of interest on both the principal sum and accrued interest. In *Robertson v. Dodson* (1942) 54 Cal.App.2d 661, 665, the court observed that “the compounding of interest has never been looked upon with favor in this state.” This principle was reaffirmed in *Westbrook v. Fairchild* (1992) 7 Cal.App.4th 889, 893, where the court held that there was no constitutional or statutory authorization or equitable power to compound the award of post judgment interest.

We have examined in some detail the legislative history pertaining to subdivision (c) of section 36516. This statutory language was originally enacted in 1972 (Stats. 1972, ch. 591, § 2) and has remained unchanged through subsequent legislative enactments (Stats. 1984, ch. 100, § 2; Stats. 2005, ch. 178, § 1). We find no basis in the legislative history to calculate a salary increase based upon annual salary amounts that were not previously received.

Finally, we note that when the Legislature has authorized the use of a compounding formula for calculating salary and benefit increases, it has done so in unmistakable language. For example, with respect to cost-of-living adjustments for retirees who are members of the Public Employees Retirement System (§§ 20000-21432), section 21329, subdivision (b), provides:

“No monthly allowance in any year may exceed an amount equal to the base allowance increased by 2 percent per year *compounded* for the number of years intervening between the end of the base year and the beginning of the calendar year in which the adjustment is made.” (Italics added.)

Section 75523, subdivision (b), pertaining to the retirement allowance of retired judges, similarly provides:

“No adjustment shall be made unless the cost-of-living increase equals or exceeds 1 percent. The allowance shall not be increased by more than three 3 percent in a single year. *Increases shall be compounded.*” (Italics added.)

The Legislature could easily have provided the same type of directive in section 36516 if it had so intended. (See *Traverso v. People ex rel. Dept. of Transportation* (1993) 6 Cal.4th 1152, 1166; *State Farm Mut. Auto. Ins. Co. v. Department of Motor Vehicles* (1997) 53 Cal.App.4th 1076, 1082; 73 Ops.Cal.Atty.Gen. 13, 23 (1990).)

We conclude that the 5 percent salary increase authorized for city council members of a general law city is to be applied to the currently received salary amount for the total number of years since the last salary adjustment.

## 2. Salary Increase for City Mayors

An elected mayor of a general law city is a member of the city council. (§ 34903; 80 Ops.Cal.Atty.Gen., *supra*, at p.126; 57 Ops.Cal.Atty.Gen.626, 628 (1974).) His or her salary *as a member of the council* is subject to the constraints of sections 36516 and 36516.5. (80 Ops.Cal.Atty.Gen., *supra*, at p. 126 .)

However, an elected mayor may receive additional compensation for performing the duties of a mayor. As previously quoted, section 36516.1 allows a mayor to receive additional compensation “provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.” May the additional compensation be received during the mayor’s current term of office? We conclude that it may.

In 80 Ops.Cal.Atty.Gen. 119, *supra*, we determined that a mayor’s additional compensation may not be *reduced* by the city council during his or her current term of office because of the “contract clauses” of the United States and California Constitutions (U.S. Const., art. I, § 10, cl. 1 [“No state shall . . . pass any . . . law impairing the obligation of contracts . . .”]; Cal. Const., art. I, § 9 [“A . . . law impairing the obligation of contracts may not be passed”]). (*Id.* at pp. 124-126.) We specifically did not rely upon the prohibition in section 36516.5 that “[a] change in compensation does not apply to a councilman during his term of office” in reaching our conclusion. We reasoned in part:

“Section 36516.5’s prohibition is as follows: ‘A change in compensation does not apply to a councilman during his term of office. . . .’ Although a mayor is a member of the city council, he or she is not normally referred to as a ‘councilman.’ The additional salary authorized by section 36516.1 would seemingly not be received as a ‘councilman’; rather, the additional compensation would be granted for the performance of mayoral duties.” (*Id.* at p. 126.)

Here, we are concerned with an *increase* in a mayor’s compensation; therefore, the constitutional considerations involving a mayor’s contractual rights are not in question. As for section 36516.5’s prohibition, it is inapplicable here, just as it was in our 1997 opinion and for the same reasons. The additional compensation for performing mayoral duties is not received as “a councilman.”

We are left, then, with a statute that precludes additional compensation for city council members during their current terms of office, but no similar statute prohibiting additional compensation for city mayors during their current terms of office. Consistent with our analysis in answer to the first question, we find that if the Legislature had intended to restrict increases for mayors under the terms of section 36516.5, it could easily have so provided. It did not; we will not add such language to this statute in the guise of statutory construction.

We conclude that the additional compensation authorized for a mayor of a general law city may be increased during his or her term of office as mayor.

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