

CITIZENS' SALARY SETTING COMMISSION

BYLAWS

Article I

Definitions

- Section 1 There is created a Committee to be known and designated as the Citizens' Salary Setting Commission.
- Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:
- A. "Member" shall mean a member of the Citizens' Salary Setting Commission.
 - B. "Citizens' Salary Setting Commission" and "Commission" shall mean the Citizens' Salary Setting Commission.

Article II

Objectives

- Section 1 The function of the Commission shall be to recommend the compensation it deems appropriate for the Mayor and members of the Council, subject to this guidance:
- A. The salary of the Mayor shall not be more than fifty percent (50%) of the salary for a Superior Court Judge in Stanislaus County.
 - B. The salary of a Councilmember shall not be more than fifty percent (50%) of the median family income for the Modesto Metropolitan Statistical Area as reported by the United States Census Bureau. The salary of all Councilmembers shall be the same.

Article III

Membership

- Section 1 The Citizens' Salary Setting Commission shall consist of 5 qualified electors.
- Section 2 The Members of the Commission shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Commission.
- Section 3 No member of the Commission shall be an employee of the City, nor any bargaining unit for employees of the City, nor a person who receives

compensation from the City or from bargaining units of the City in any manner, including retirement benefits.

- Section 4 Strong consideration shall be given to composing the Commission of:
- A retired Stanislaus County judge as chairperson;
 - One member from a bona fide local taxpayer's association with tax-exempt status under the relevant provisions of the Internal Revenue Code;
 - One member from a bona fide local non-partisan political organization with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, dedicated to encouraging informed and active participation in government;
 - One member from a former Civil Grand Jury who has served in that role within the previous five years;
 - Additional members who have demonstrated civic involvement and a capacity to serve in an honest, independent, and impartial fashion.
- Section 5 All appointments shall be approved by a majority vote of the City Council.
- Section 6 No member of the Commission shall be a lobbyist or other person with business before the City that represents an economic interest in excess of the limit for material financial effect as established by local ordinance for the time periods established by local ordinance.
- Section 7 No member of the Commission shall be a relative by blood or marriage within the third degree of the Mayor, Councilmember, Charter Officer, or any department director or deputy department director.

Article IV

Terms of Office

- Section 1 The initial five Members of the Commission shall be appointed during the month of March 2008.
- Section 2 Of the initial five Members, two shall be appointed for a term expiring on December 31, 2010 and three Members, including the initial chairperson, shall be appointed for a term expiring on December 31, 2012.
- Section 3 Commencing December 2010, new appointments shall be made during the month of December of each even-numbered year to fill the offices of the members whose terms are expiring as the end of such even-numbered years.
- Section 4 Such appointments shall be for regular terms of four years commencing on the January 1 of the following odd-numbered year and expiring on December 31 of the second even-numbered year thereafter.
- Section 5 Members may be re-appointed after their initial term, but in no event shall any person who has served two consecutive terms on the Commission be eligible for re-appointment to the Commission.

- Section 6 Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for re-appointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Article III Membership of these bylaws. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.
- Section 7 The Members of the Commission shall receive no compensation for the performance of their official duties
- Section 8 Appointments to fill vacancies on the Commission shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.
- Section 9 Members of the Commission may be removed by a majority vote of the City Council after a recommendation by the Commission chairperson for the following reasons:
- A. Misconduct, inefficiency, or willful neglect in the performance of their duties providing the Council first states in writing the reasons for such removal and gives the member the opportunity to be heard before the Council in their own defense.
 - B. Refusal to resign from the Commission when no longer a resident of the City of Modesto.

Article V

Attendance at Meetings

- Section 1 It shall be the responsibility of each Member to know the dates and times of all meetings of the Commission. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Commission Chair at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.
- Section 2 The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.
- Section 3 Timely attendance at meetings is expected and necessary to carry out the mission of the Commission.

Article VI

Officers and Their Duties

- Section 1 Officers shall consist of Chair, which shall be a retired Stanislaus County Judge, and Vice-chair, elected by a majority vote of the Members of the Commission. Officers shall serve a four-year term.

- Section 2 If a retired Stanislaus County judge is not on the Commission, the Chair shall be elected by a Majority vote of the Members of the Commission.
- Section 3 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.
- Section 4 The Chair shall not serve more than two consecutive four-year terms.
The Vice-chair shall not serve more than two consecutive four-year terms.
- Section 5 The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Commission are properly enforced.
- Section 6 The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.
- Section 7 The Office of the City Clerk shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary. He/she shall supply the Members of the Commission with copies of all records taken within three days after a meeting takes place. He/she shall also assist in publicity releases concerning Commission activities. In the absence of both the Chair and Vice-Chair, the secretary may call a meeting to order, whereupon a temporary chair shall be elected by a majority vote of the Members of the Commission present at the meeting.

Article VII

Meetings

- Section 1 The Commission shall conduct sufficient number of meetings during the months of March and April in even-numbered years to assure the Objectives as outlined in Article II are achieved.
- Section 2 Special meetings shall be called by the Chair as necessary.
- Section 3 Notices of all meetings, including an agenda, shall be given to all members of the Commission, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Commission in writing at least seventy-two hours prior to the time of such meeting.
- Section 4 All meeting agendas will be posted at Tenth Street Place and will be available at the following public facilities: Tenth Street Place and at the Main Branch of the Stanislaus County Free Library.
- Section 5 All meetings shall comply with the requirements of the Ralph M. Brown Act.
- Section 6 A quorum is necessary for the Commission to transact any business. A quorum shall be defined as a simple majority of active Commission members.
- Section 7 All meetings of the Commission shall be open to the public and shall be held at

a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

- Section 1 Section 2-1.10 "Procedural Rules for Council Meetings" of Title 2 "Administration," of Chapter 1 "City Council Organization and Procedure" of the Modesto Municipal Code shall be the guide for parliamentary procedures in the conduct of Commission meetings.
- Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:
1. Call to order
 2. Approval of Minutes
 3. Written Communications
 4. Old Business
 5. New Business
 6. Oral Communications
 7. Matters Too Late for the Agenda
 8. Adjournment
- Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names and addresses before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

Article IX

Report to the City

- Section 1 The Commission's recommendation will be made to the City Council by April 30 of every even-numbered year to be effective for a two-year period commencing not before July 1 of that even-numbered year.
- Section 2 Failure of the Commission to make a recommendation in any even-numbered year within the prescribed time shall be deemed to be a recommendation that no change be made to existing compensation levels.

Article X

Amendments

- Section 1 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the

powers and duties given to the Commission by the City Council.