

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTIONS 2.04.370, 2.04.380, 2.04.400 AND 2.04.410 OF THE
MONTEREY COUNTY CODE REGARDING BOARD OF SUPERVISORS
COMPENSATION**

County Counsel Summary

This ordinance amends Sections 2.04.370, 2.04.380, 2.04.400 and 2.04.410 of the Monterey County Code to align the Board of Supervisors benefits, leaves, special pays and monthly car allowance with the County Elected Officials in Executive Management Unit Y.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. On June 24, 1980, the Board of Supervisors adopted Ordinance No. 2632, codified at Chapter 2.04 of the Monterey County Code ("MCC"), relating to compensation of the Board of Supervisors. In relevant part, Section 2.04.370(A) of the MCC includes the following language: "Compensation as used in this ordinance shall include basic salary, and such health and welfare benefits authorized by sections 53200, et seq., Government Code, which are provided to management elected officials of the County, viz., medical and dental benefits, optical plan and group insurance and other health and welfare benefits granted to such officials under those sections."

C. On October 14, 1980, the Board of Supervisors adopted Ordinance No. 2667, codified at Chapter 2.04 of the MCC to set the method of compensation for travel and meal expenses for Board members while on official business.

D. On August 21, 1984, the Board of Supervisors adopted Ordinance No. 3011, codified at Chapter 2.04 of the MCC, relating to compensation of the Board of Supervisors. In relevant part, Section 2.04.380(B) includes the following language "In addition to the compensation specified in section 2.04.370 and in subsection A herein, each member of the board of supervisors shall receive the actual and necessary expenses incurred in the performance of his/her office and all benefits as provided to other elected officials in the county, which shall include the benefits of the management elective plan, the department head expense allowance, and the department head physical examination benefit which are provided elective department heads in Resolution No. 81-536, as amended."

E. The intent of the above described ordinances was for the Board of Supervisors to receive the same health and welfare benefits as well as the management expense allowance that is provided to the County Elected Officials in Executive Management Unit Y. However, a review of the benefits, leaves and special pays for the Board of Supervisors and Elected Officials in Executive Management Unit Y identified there are additional benefits, leaves and special pays that have been granted to the Elected Officials in Executive Management Unit Y that were not also granted to the Board of Supervisors.

F. This Ordinance aligns the Board of Supervisors health and welfare benefits, leaves and special pays as those provided in the Personnel Policies and Practices Resolution (PPPR) No. 98-394, as amended, to the Elected Officials in Executive Management Unit Y.

SECTION 2. Subsection A of Section 2.04.370 of the Monterey County Code is hereby amended to read as follows:

- A. Members of the Board of Supervisors of the County of Monterey shall receive, as compensation for the services required of them by law as supervisors of the County of Monterey and ex-officio as the governing board of other public entities governed by said Board, amounts of compensation determined as set forth in Subsection B of this Section. Compensation as used in this ~~Chapter ordinance~~ shall include basic salary, and such health and welfare benefits authorized by Sections 53200 et seq. ~~of the~~ Government Code, ~~and special pays~~ which are provided to ~~management County Elected Officials of the County in Executive Management Unit Y, viz., medical and dental benefits, optical plan and group insurance and other health and welfare benefits granted to such officials under those sections as provided in the Personnel Policies and Practices Resolution (PPPR) No. 98-394, as may be amended.~~

SECTION 3. Subsection B of Section 2.04.380 of the Monterey County Code is hereby amended to read as follows:

- B. In addition to the compensation specified in Section 2.04.370 and in Subsection A herein, each member of the Board of Supervisors shall receive the actual and necessary expenses incurred in the performance of his or her office and all benefits, ~~leaves and special pays~~ as provided to ~~County other Elected Officials in Executive Management Unit Y as of the County, which shall include the benefits of the management elective plan, the department head expense allowance, and the department head physical examination benefit which are provided elective department heads in the Personnel Policies and Practices Resolution (PPPR) No. 9881-394536, as may be amended.~~

SECTION 4. Section 2.04.400 of the Monterey County Code is hereby amended to read as follows:

Members of the Board of Supervisors of the County shall be reimbursed for necessary meal and travel expenses ~~s~~ as follows:

- A. The actual and necessary expenses for travel and meals incurred in the performance of their duties within and outside of Monterey County; or and
- B. The monthly car allowance equivalent to that provided to the County Elected Officials in Executive Management Unit Y. A flat sum of one hundred fifty dollars (\$150.00) per month for travel plus the actual and necessary expenses for meals incurred in the performance of their duties within the County, plus the actual and necessary expenses for travel and meals incurred in the performance of their duties outside the County.

~~The expenses paid under Subsections A and B of this Section shall be paid in the alternative. Each Supervisor may choose at his or her option his or her method of reimbursement.~~

SECTION 5. Section 2.04.410 of the Monterey County Code is hereby amended to read as follows:

The compensation prescribed by Section 2.04.400 shall be payable on or after September 20, 2025 ~~December 13, 1980 and shall be retroactive to October 1, 1980.~~

SECTION 6. SEVERABILITY.

If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance, and each subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Section to preserve the maximum permissible effect of each subsection herein.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of ____ 2025, by the following vote:

AYES:

NOES:

ABSENT:

Christopher M. Lopez
Chair, Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH

Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

Kelly L. Donlon
Chief Assistant County Counsel