



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2307

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, SETTING THE COMPENSATION TO BE PAID TO CITY COUNCIL MEMBERS; ESTABLISHING AN EFFECTIVE DATE; REPEALING RESOLUTION NO. 1062; REPEALING ANY OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, A.R.S. § 9-232.01 authorizes the City Council to prescribe compensation or salary to be paid to the Mayor and Council Members by resolution; and

WHEREAS, the San Luis City Code § 2.05.240 authorizes the City Council to fix from time to time the compensation of the City's elective officers by resolution; and

WHEREAS, the Arizona Constitution Ariz. Const. art. IV, pt. 2 § 17, as amended, prohibits the individual Council Members from receiving a change in compensation during their term, except for a board composed of two or more whose respective terms are not coterminous; and

WHEREAS, the Arizona Supreme Court has interpreted the intention of Ariz. Const. art. IV, pt. 2 § 17 to remedy an injustice arising where those holding the same office, doing similar work, and being coequal in authority receive different salaries (Peterson v. Speakman, 49 Ariz. 342, 349, 66 P.2d 1023, 1026 (1937)); and

WHEREAS, A.R.S. § 9-232.02 and A.R.S. § 9-272 authorize the City Council to provide for four-year, staggered terms for Council Members in two classes, the first of three Council Members in the first regular election and the second of four Council Members in the second regular election; and

WHEREAS, the San Luis City Code § 2.05.200 adopted the staggered terms described in the above-cited Arizona statutes, and so the Council Members terms are not "coterminous"; and

WHEREAS, in the 2024 primary and regular elections, the first class of three Council Members are to be elected, and

WHEREAS, in the 2022 primary and regular elections, four Council Members from the second class were elected, and so those four Council Members will be subject to the same pay as the first class of Council Members under Ariz. Const. art. IV, pt. 2 § 17 under this resolution; and

WHEREAS, the last time a changed compensation took effect was June 24, 2014, under Resolution No.1062; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: Definitions.

"City" means the City of San Luis, Arizona.

"City Council Members" means all seven (7) members of the San Luis City Council, including the Mayor, Vice Mayor, and the remaining five City Council Members.

Section 2: All City Council Members shall have the same right to compensation whether they hold their offices by election or by appointment to fill a vacancy.

Section 3: Compensation. The salary to be paid shall be:

- a. \$875 per month to the Mayor,
- b. \$650 per month to the Vice Mayor, and
- c. \$450 per month to each of the remaining five (5) City Council Members who are not the Mayor or Vice Mayor.

Section 4: Attendance. Each of the City Council Members shall be fully compensated unless a majority of the other City Council Members find his or her nonattendance at Council Meetings to be unreasonable by a formal majority vote in a legally noticed open meeting. Upon passage of said vote, compensation shall be reduced in an amount commensurate with the percentage of unreasonable absences as determined by a majority of the same City Council Members in a legally noticed open meeting.

Section 5: Health Benefits. Starting January 11, 2025, the Mayor, Vice Mayor, and each Council Member shall not be eligible for health, dental, vision, or wellness benefits paid through the City and the City of San Luis Employee Benefits Trust.

- a. Personnel Policies Section HR-4-13, titled "Insurance Plans" of the personnel policies of the City of San Luis, is hereby amended to read as Exhibit "A" attached and by this reference incorporated into this resolution.
- b. Personnel Policies Section HR-4-14, titled "Health Benefit Plan," is amended to read as Exhibit "B" attached and, by this reference, incorporated into this resolution.

Section 6: Effective Date. The compensation change in this resolution shall become effective on January 11, 2025, or the first day (a Saturday) of the City's employee payroll pay period following the date when all three (3) newly-elected or re-elected City Council Members will have taken their oaths of office, whichever date is later.

Section 7: Retirement Benefits. For elected officials, retirement benefits through the rules of the Arizona retirement system officials and any and all required contributions by the City shall continue for the City Council Members.

Section 8: Repeal. This resolution repeals Resolution No. 1062.

Section 9: Repealing Conflicting Provisions: If a conflict arises between the provisions of this resolution and any other resolution or any ordinance, regulation, or policy of the City, the conflicting provisions are amended, superseded, and replaced, and this resolution shall govern.

Section 10: Severability. If any provision, paragraph, clause, or phrase of this resolution is declared void or unenforceable by a court of competent jurisdiction or by operation of controlling legislation, the invalidity or unenforceability of such provision, section, paragraph, clause, or phrase shall be severed from this resolution. Such invalidity or unenforceability shall not affect any of the remainder of this resolution. Each remaining provision of this resolution will be valid and will be enforced to the extent permitted by the law.

Section 11: The authorized representatives and other officers of the City, on behalf of the City, are authorized and directed, without further order of the City Council, to do all such acts as may be necessary or convenient to further the purposes and to carry out the terms and intent of this resolution.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this ____ day of _____ 2024.

Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney

Exhibit “A”
HR-4-13 Insurance Plans

CITY OF SAN LUIS		
PERSONNEL POLICIES	PAGE 1 of 1	ARTICLE 4. BENEFITS
HR-4-13. INSURANCE PLANS		Origination Date: September 12, 2002 Revision Date: March 23, 2005

Purpose: To define qualifying and other insurance plans that may be available to covered employees.

Applicability: To all covered City employment positions.

HR-4-13. Insurance Plans.

- A. Designation of qualifying health care plans. The following types of plans are qualifying healthcare plans:
 - 1. Medical Insurance.
 - 2. Dental Insurance.
 - 3. Vision Insurance.

- B. Designation of other qualifying insurance plans. Other qualifying insurance plans are:
 - 1. Life Insurance.
 - 2. Short-term Disability Income Insurance.
 - 3. Long-term Disability Income Insurance.
 - 4. Supplemental Insurance.

- C. City Insurance Plans. The City may or may not offer all or any of the qualifying healthcare and other insurance plans.

- D. City Council members are not eligible to participate in healthcare plans as listed in Section A above. City Council Members may participate in supplemental insurance plans if the premiums are paid by the participating City Council Members and at no cost to the City.

- E. Complaints. An employee who wishes to submit a complaint about an employee insurance plan shall contact Human Resources.

Exhibit “B”
HR-4-14 Health Benefit
Plan

CITY OF SAN LUIS		
PERSONNEL POLICIES	PAGE 1 of 1	ARTICLE 4. BENEFITS
HR-4-14. HEALTH BENEFIT PLAN		Origination Date: September 12, 2002 Revision Date: March 23, 2005

Purpose: To establish appointment eligibility and conditions required to join or make changes to a health insurance plan.

Applicability: To all covered City employment positions..

HR-4-14. Health Benefit Plan.

A. Eligibility. City Council Members and their dependents are not eligible to participate in the City's health benefit plan.

1. Except for those employees listed in subsection (A)(2), all City employees and their eligible dependents may participate in the health benefit plan ("Plan") if they comply with the contractual requirements of the Plan. An eligible employee may enroll in a Plan at any time within the first 30 days of employment or during an open enrollment period specified by the Plan. An eligible employee may submit an application for enrollment within 31 days of a family status event.
2. The following categories of employees are not eligible to participate in the health benefit plan:
 - a. An employee who works fewer than 31 hours per week;
 - b. An employee in a temporary, emergency, or seasonal position;

B. Eligibility exception. An employee who is on leave without pay may continue to participate in the health benefit plan under the following conditions:

1. HR-4-06 for employees on leave without pay due to industrial illness or injury;
2. HR-4-11 for employees on medical or FMLA leave without pay or
3. HR-4-12 for employees on leave without pay for any other reason.

C. Dependent eligibility. Dependents eligible to participate in the health benefit plan include an employee's spouse and each qualifying child as defined in the Health Benefit Plan.

D. Enrollment of dependents. An eligible employee may enroll eligible dependents at the time of the employee's original enrollment, within 31 days of a family status event, or at open enrollment.