



Resolution

No. 2358

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, ELIMINATING THE CITY COUNCIL MEMBERS' COMPENSATION, HEALTH BENEFITS, REIMBURSEMENT FOR CITY-BUSINESS TRAVEL EXPENSES, AND CELL PHONE STIPEND; ESTABLISHING EFFECTIVE DATES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, by resolution or ordinance, A.R.S. § 9-232.01 allows city councils to prescribe compensation (also known as salaries) for the mayor and council members for the performance of official duties; and

WHEREAS, the San Luis City Code § 2.05.240 states: "The compensation of elective officers of the city shall be fixed from time to time by resolution of the Council;" and

WHEREAS, the last time the City Council passed a resolution on its compensation was June 24, 2014, through Resolution No.1062; and

WHEREAS, the City Council passed Resolution No. 750 adopting the City of San Luis Personnel Policies dated July 1, 2008, which included Council Members in the health care plans; and

WHEREAS, under Arizona Constitution Article 4, Part 2, Section 17, as interpreted by the case of Davis v. Hale, 96 Ariz 219, 225, 393 P.2d 912, 916 (1964), the compensation of a Council Member cannot be increased or diminished before the next election so that Council Members doing in substance, the same work, should at all times receive the same salaries; and

WHEREAS, under Arizona Constitution Article 4, Part 2, Section 17, as interpreted by the cases of Earhart v. Frohmler, 65 Ariz. 221, 225, 178 P.2d 436, 438 (1947) and Randolph v. Groscost, 195 Ariz. 423, 425, 989 P.2d 751, 753 (1999), reimbursement for travel for government business is not compensation so is not subject to the delay for the election to become effective; and

WHEREAS, the City of San Luis is phasing out its program of stipends for employees and Council Members who use their personal cell phones for city business and providing city cell phones to those who have a city-business need for cell phones; and

WHEREAS, the following changes are made on the principles of fiscal responsibility and public service, reinforcing the commitment to putting the needs of our constituents first.

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

Section 1: For this Resolution, the terms “City Council” or “City Council Members” include the Mayor, Vice Mayor, and City Council Members.

Section 2: The City of San Luis Personnel Policies Section on definitions at **HR-4-01(17)**. is amended and restated to read:

“City Council” means the group of elected officials as council members including the elected Mayor.

Section 3: The City of San Luis Personnel Policies Section **HR-1-13(D)**. is amended and restated to read:

- (1) As listed in HR-4-13(A), the City Council Members may participate in the City of San Luis' qualifying health care medical, dental, and vision insurance plans if the City Council Members pay the premiums and at no cost to the city.
- (2) As listed in HR-4-13(B), the City Council Members may participate in supplemental insurance plans or other qualifying insurance plans if the City Council Members pay the premiums and at no cost to the city.

Section 4: The City of San Luis Personnel Policies Section **HR-4-14(A)** is amended and restated to read:

A. Eligibility.

1. City Council Members are treated in subsection (3). All city employees, except those employees listed in subsection (2), and their eligible dependents may participate in the health benefit plan, if they comply with the contractual requirements of the selected health benefit plan. An eligible employee may enroll in a health benefit 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.
3. City Council Members and their eligible dependents may participate in qualifying health care plan for Medical Insurance, if they comply with the contractual requirements of the selected health benefit plan. A Council Member may enroll in a health benefit plan at any time within the first 30 days of their oath of office or during an open enrollment period specified by the Plan. A Council Member may submit an application for enrollment within 31 days of a family status event. City Council Members may choose to participate in the qualifying health care, dental, and vision insurance plans if the premiums are paid by the City Council Members and at no cost to the city.

Section 5: The monthly compensation (also known as salary) for the Mayor, Vice Mayor, and Council Members is eliminated. Resolution No. 1062 and any prior resolutions regarding City Council salary or compensation are repealed. No other form of compensation shall replace the monthly compensation or salary.

Section 6: The City of San Luis Personnel Policies is amended to add:

HR-3-07(B) The City of San Luis does not reimburse, advance or pay contemporaneously for City-Business Travel expenses incurred by the City Council.

HR-3-07(B) supersedes any language to the contrary in the City of San Luis Personnel Policies and the City of San Luis Travel Policy, Origination Date July 9, 2003.

Section 7: The City of San Luis will provide City-Owned cell phones for the City Council Members' use and shall halt any monthly stipends for any City Council Members using their personal cell phones for personal use.

Section 8: Sections 2, 3, 4, and 5 of this Resolution shall become effect for all City Council Members once the Mayor and City Council Members elected in the 2026 election have taken their oaths of office.

Section 9: The remaining sections of the Resolution shall become effective thirty (30) days after passage as provided by San Luis City Code § 2.05.520.

Section 10: If a conflict arises between the provisions of this Resolution and any other ordinance, resolution, order, regulation, or policy of the City of San Luis, the conflicting provisions are amended, superseded, and replaced, and this Resolution shall govern.

Section 11: If any section, subsection, paragraph, sentence clause, phrase, or portion of this Resolution is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction or controlling legislation, such decision or law shall not affect the

validity of the remaining portion of this Resolution.

Section 12: The City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this ____ day of March 2025.

City of San Luis, Arizona

Nieves Riedel, Mayor

Attest:

Approved As to Form

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney