



To: Diana Gomez, Finance Director

Cc: Billy Y. Urquia, City Clerk

From: Cristina M. Suárez, City Attorney *cms*

RE: Compensation of City Commissioners

Date: October 4, 2023

Section 7 of the City Charter authorizes the City Commission to set the compensation of its members, including the Mayor, and for the allowance of travel and office expenses. Pursuant to that authority, Section 2-29 of the City Code sets forth the minimum salaries and expense allowances for each member of the Commission and provides for yearly increases to the salaries based on CPI-W. As set forth in City Attorney Opinion 2015-044, the budget ordinance, an ordinance of equal dignity to the ordinance that established (and amended) Section 2-29, can set the compensation of the Commissioners (and indeed, supersedes Section 2-29 to the extent it differs).

Pursuant to Ordinance 2023-31 which adopted the Annual Budget of Estimated Revenues and Expenditures for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024 (the "FY2024 Budget Ordinance"), the City Commission adjusted the compensation of the City Commissioners. Accordingly, pursuant to section 2-252(e)(9), I hereby opine and direct that section 2-29 be corrected as follows¹:

Sec. 2-29. - Compensation of mayor, commissioners; travel allowance; office expense; car allowance.

(a) *Compensation.* The annual compensation of the five members of the city commission for the fiscal year beginning October 1, ~~2006~~2023, shall be ~~\$32,000.00~~ \$69,000.00 for the mayor, ~~\$28,000.00~~ \$67,000.00 for the vice-mayor, and ~~\$26,000.00~~ \$65,000.00 for each of the three commissioners. Commencing October 1, 1986, and each October thereafter, all increases in compensation for elected officials shall be tied to the annual increase in the CPI-W for urban wage earners and clerical workers from the preceding July, and shall be ratified by the commission at a public hearing, with such increase to be retroactive to the beginning of the fiscal year.

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

(b) *Travel expense.* Travel expense for each commissioner is hereby fixed at \$1,200.00 per annum, and travel expense for the mayor-commissioner is hereby fixed at \$1,800.00 per annum, at a minimum, or as provided for in the annual adopted budget.

(c) *Expense allowance.* An expense allowance for each commissioner is hereby fixed at ~~\$1,500.00 per annum~~ \$800.00 per month ~~and an expense allowance for the mayor-commissioner is hereby fixed at \$1,500.00 per annum~~, at a minimum, or as provided for in the annual adopted budget.

(d) *Mayor's office allowance.* Office allowance for the mayor for secretarial, telephone, postage and like expenses is hereby fixed at \$100.00 per month, at a minimum, or as provided for in the annual adopted budget.

(e) *Car allowance.* A car allowance for each commissioner is hereby fixed at \$703.84 per month, at a minimum, or as provided for in the annual adopted budget.