

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS DETERMINING COMPENSATION IN THE FORM OF A MONTHLY STIPEND FOR THE MAYOR AND CITY COUNCIL MEMBERS; ESTABLISHING MISCELLANEOUS PARAMETERS FOR THE ADMINISTRATION OF SUCH STIPENDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Proposition E of the November 7, 2017 Charter election, providing for an initial monthly stipend for the Mayor and City Council members, was passed by the electorate; and

WHEREAS, at a special called meeting on November 20, 2017, this and the other successful propositions were ratified by Ordinance 2017-373, which canvassed the results of the election, and, in Section 3 thereof, approved the assignment of Charter Section 2.14 to this Proposition E, for codification and convenience of reference; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1: Stipend for the Mayor. The Mayor shall receive an initial monthly stipend in the amount of One Thousand and No/100 Dollars (\$1,000.00) per month.

SECTION 2: Stipend for the City Council Members. Each City Council member shall receive an initial monthly stipend in the amount of Seven Hundred Fifty and No/100 Dollars (\$750.00) per month.

SECTION 3: Effective Date of Stipend. The initial monthly stipend described above will become effective on November 20, 2017. Monthly payments shall begin on the City's first scheduled payroll in December 2017, and thereafter the first scheduled payroll of each succeeding month of service. In succeeding regular and special council elections, stipends for each newly elected or re-elected incumbent will commence on the first scheduled payroll of the month following approval of the ordinance in which the election results for that seat are canvassed and accepted (typically June for a May regular election), and cease on the first scheduled payroll of the month in which that incumbent is replaced by election or vacates the seat by operation of law.

SECTION 4: Stipend to be Budgeted. The stipend shall be reported in the annual city budget as a separate line item, in the appropriate division within the General Fund.

SECTION 5: Change in Council Position. The Mayor and Council member holding the seat on the first of each month shall receive the stipend for that month.

SECTION 6: Option to Reject Stipend. The Mayor or any Council member may choose to reject a stipend, which: (1) may be necessary to establish eligibility of an incumbent who is already receiving compensation from the State, but who is not an officer (*e.g.*, current or retired faculty of a public university); (2) may not be necessary to establish eligibility of current or retired public school teachers or administrators; but (3) would be ineffective to establish eligibility for the holder of another public office of emolument.¹ Written notice of any such rejection should be

¹ See, Tex. Const. art. XVI, §40, and its various legal interpretations.

delivered to the City Manager at least one week prior to the first scheduled payroll for the initial monthly stipend or upon commencement of that incumbent's term.

SECTION 7: Documents Required. In order to receive a stipend, the Mayor and Council members must submit all necessary payroll forms and required documentation, including a W-4, I-9 and direct deposit form, to the City's Human Resources Department.

SECTION 8: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: Effective Date. This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this, the _____ day of December, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: /s/ Jerry E. Drake, Jr.