Takoma Park City Council Meeting – September 11, 2019
Agenda Item 5

Work Session
Discussion of Draft Charge to Council Compensation Task Force

Recommended Council Action
Discuss charge for the Council Compensation Task Force, provide direction for recruitment of members and whether any special questions should be included on the application form, and determine a time frame for appointments and a deadline for submission of a final recommendation.

Context with Key Issues
The Council is to appoint a Council Compensation Committee (or Task Force) comprised of City residents every four years to review the salaries of the Mayor and Councilmembers and make recommendations to the Council whether or not such salaries should be changed. Any change adopted by the Council takes effect only as to the next succeeding Mayor and Councilmembers.

In 2004, the first Council Compensation Committee recommended that the Council adopt the following Principles of Compensation to guide the work of future Council Compensation Committees. The principles were adopted by ordinance and added to the City Code, Chapter 2.04, Section 2.04.110:

Principles of Compensation.

The Council Compensation Committee shall apply the following principles to guide its recommendations:

1. The positions of Mayor and Council member are part-time and should be treated that way;
2. Full monetary compensation for the Mayor and Council members is not appropriate;
3. It is appropriate to monetarily compensate the Mayor and Council members to some extent for their work;
4. Monetary compensation creates an obligation for the Mayor and Council members to perform their jobs;
5. Monetary compensation provides status to the Mayor and Council members;
6. The Mayor's salary should be greater than that of Council members; and
7. Compensation for the Mayor and Council members should be comparable to Maryland municipalities of similar size and complexity.

As of July 1, 2019, the Mayor's annual salary is $14,771.24. Council members receive $11,362.54. The Council is eligible to participate in the City's health insurance program on a cost sharing basis, with the City paying 50% of the lowest cost base premium rate for individual coverage.
The last Council Compensation Committee recommended that Council salaries be adjusted on July 1 of each year pursuant to the annual Wage and Salaries Employment Cost Index for State and Local Government calculated as of December of the prior year. However, the Committee and others did raise questions about the Principles of Compensation and whether they should be revised.

A suggested schedule, membership, and a list of questions that could be addressed by the Compensation Task Force to be appointed is attached.

**Council Priority**
Fiscally Sustainable Community; Engaged, Responsive & Service-oriented Government

**Environmental Considerations**
N/A

**Fiscal Considerations**
As of July 1, 2019, the Mayor’s annual salary is $14,771.24. Councilmembers’ receive $11,362.54. The Council is eligible to receive participate in the City’s health insurance program on a cost sharing basis, with the City paying 50% of the lowest cost base premium rate for individual coverage.

The last Council Compensation Committee recommended that Council salaries be adjusted on July 1 of each year pursuant to the annual Wage and Salaries Employment Cost Index for State and Local Government calculated as of December of the prior year.

**Racial Equity Considerations**
It has been suggested that the salary and the amount of time required to serve makes it especially difficult for lower income residents to run for elected office in the City. As drafted, the charge of the Task Force would include consideration of compensation-related barriers to serving on the City Council

**Attachments and Links**
- Draft Charge to the Task Force
- 2015 Recommendations prepared by the prior Council Compensation Committee (Sept. 25, 2015)
- Sections from the City Charter and Code
2019 Council Compensation Task Force

The City Council invites residents to apply to serve on a Council Compensation Task Force to review the salary and other compensation for the Mayor and City Council and recommend whether they should be changed. The recommendations will be considered by the City Council. Any change made to the salary and compensation would be voted on by the current Council and take effect only as to the Mayor and Council elected in 2020.

Schedule:

- Notice of opportunity to apply in the October issue of the *Takoma Park Newsletter*
- Deadline for applications – October 18
- Council appointment of Task Force – October 25
- Task Force Report due to City Council – February 28

Membership:

- Up to seven Takoma Park residents. Efforts will be made to appoint residents representing the diversity of the City.

Questions for consideration by the Task Force:

- Are the principles of compensation still appropriate to guide this and future Compensation Task Forces? What, if any, changes do you recommend?

- What should be the salary and compensation for the Mayor and Council to be elected in 2020 and 2022?

- Consider race equity in the review. Is the salary and compensation a barrier to running for office or serving on the City Council in Takoma Park? If so, what do you recommend?

- What other recommendations do you have?
2015 Recommendations

Joe Edgell
Matthew Golden
Jeffrey Noel-Nosbaum
Paul Weeda

September 25, 2015
Overview

In accordance with Takoma Park Code, Title 2, Section 2.04.110 (Appendix A) the Takoma Park Council Compensation Committee (TPCCC or Committee) met on seven occasions between July and September 2015, to review the recommendations of past compensation committees (Appendix B), research council compensation on both a regional and national level, gather and examine information through a survey of sitting Councilmembers (Appendix C) and ultimately present the TPCCC’s recommendations in a clear and concise report.

Recommendations

1. The TPCCC recommends that Council keep the current salary and benefits structure.

2. The TPCCC recommends an automatic annual update to the Mayor and Councilmember salaries based upon the Employment Cost Index (ECI). This requires a change to the City Charter (Appendix D).

3. The TPCCC recommends that Council offer the City-Sponsored Dependent Care Flexible Spending Account Plan.

4. The TPCCC recommends that Council publish information on the Council compensation package annually, immediately after the annual inflation adjustment in the City newsletter, website, and any other appropriate modes of communication regularly used by the City.

5. The TPCCC recommends that Council consider whether salary and benefits present a barrier to greater citizen participation in elections for Mayor and Councilmembers.
Explanation of Recommendations

1. **Maintain current salary & benefits:** Based on the City Charter, Code, and the charge to the Committee, compensation for Councilmembers is intended to serve as nominal recognition for service rather than as salary for hours worked and salaries in Takoma Park (currently $13,287.57 for Mayor and $10,221.21 for Councilmembers) should be commensurate with cities of similar populations in Maryland. The Committee believes that, based upon survey answers from Councilmembers, the current salary and benefits package does not come close to compensating them for the number of hours they put in to do the job of Councilmember. As such, we believe the current salary and benefits serves as the nominal recognition directed by Council.

2. **Automatic annual adjustment:** Current Charter language requires changes in compensation be passed prior to the regular bi-yearly election for Mayor and Councilmembers and that no changes may occur during the interim even if passed prior to the start of the current term. These requirements prevent annual adjustments. The Committee feels that, in order to avoid the abrupt increases in salary that come with longer times between adjustments, the Council should update the Charter to allow for annual salary adjustments. Such adjustments should be required to be passed by a Council sitting prior to the most recent election. An automatic adjustment in the City Code would meet this standard as long as it did not take effect prior to the next regularly scheduled City Election.

3. **Dependent Care Flexible Spending Account Plan:** Single parents and lower income couples might have insufficient funds to afford childcare in the evenings that may be necessary to serve as a Councilmember. Adding a Dependent Care Flexible Spending Account benefit to the existing Council benefits package may help make it more affordable for those Councilmembers who incur a financial burden covering dependent care costs while serving.
4. **Annual publication:** Supreme Court Justice Louis Brandeis once wrote, that “sunlight is said to be the best of disinfectants[.]”\(^1\) It is important that Council regularly inform Takoma Park residents of what it is doing and how much its members are being paid for that work. Annual publication of this information will give residents a better idea of the fairness of the Council compensation and an opportunity to weigh in with their views on the compensation system. It also might increase volunteers for the Council Compensation Committee.

5. **Barriers to greater citizen participation:** Citizen participation on the City Council tends to be by residents who have substantial workplace flexibility, such as self-employed individuals, by those individuals with dual-household incomes, and by retirees. Councilmembers typically do not come from those with limited disposable income or from single parents. It is possible that the limitation on economic, parental, and racial diversity may be linked to the limited compensation available to Councilmembers. It might not be affordable for lower income individuals to participate on Council. They may need the time to pursue second jobs or they may not have sufficient means to afford childcare necessary for Council participation. Additionally, current and former Councilmembers have indicated that compensation (or lack thereof) can be a factor in considering whether to run for office. Given the data that compensation may be a factor limiting participations, we recommend that Council conduct a more formal study of whether the nominal recognition compensation is limiting participation in Council elections.

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Committee Direction and Membership
By Resolution 2015-33 the Takoma Park City Council established a Citizens Committee to recommend appropriate compensation for the City Council, of which the Mayor is a member. The resolution appointed the following four individuals to the Committee:

Joe Edgell
Matthew Golden
Jeffrey Noel-Nosbaum
Paul Weeda

The TPCCC decided to forego the election of a chair, instead, due to the size of the committee, opting to operate as an executive committee and work by consensus.

What the Committee Reviewed
The TPCCC reviewed the following information as part of the recommendation process:

• 2002, 2007 and 2011 Council Compensation Committee reports and recommendations;

• The City Charter and Code related to powers and duties of the Mayor and Councilmembers with regard to the periodic review of council compensation;

• 2012 compensation survey data published by the Maryland Municipal League showing data from other municipalities;

• Comments made by interested members of the public;

• Responses to an online survey developed by the TPCCC and completed by current Councilmembers; and

• Non-monetary compensation and benefits provided to the Mayor and Councilmembers.
Online Questionnaire and Survey Results

The TPCCC surveyed the City Council and Mayor via online questionnaire where Councilmembers were able to respond anonymously and provide feedback. The opportunity for in-person discussion with the TPCCC was offered to Councilmembers to expand on feedback or ask the Committee questions.

A link to an online survey created by the Committee was e-mailed to all Councilmembers, including the Mayor. The Committee imposed a July 20th deadline to complete the survey and was pleased that most (six of seven) responded. The Committee reviewed the surveys and sent the Councilmembers the results with graphical tallies of the results. The Committee invited any interested Councilmember to speak with the Committee, if interested. No Councilmember met with the Committee, although one initially expressed interest.

The survey reveals that a two-thirds majority of the respondents find the current benefits package to be ideal, and half of the respondents feel satisfied with the current Councilmember salary. While the ideal salary responses ranged from $10,000 to $45,000, a two-thirds majority fell between $9,999 and $20,001. The time devoted to constituent service varies significantly among the wards, which was reflected in the responses that ranged from between 10-20 hours and 30-40 hours per week. More understanding of how much time Councilmembers spend on their duties is needed; however, this is not part of the directive to this Committee.

It is the TPCCC’s belief, based on the results of the survey and lack of Councilmember interest in further engagement on the topic, that the current compensation and benefit levels do not present a major issue for the current Councilmembers.

Public Comment

The Committee received public input from one resident who attended a scheduled Committee meeting. Attention was given to the ideas presented and the input was appreciated.
Appendix A

Takoma Park Code, Title 2, Section 2.04.110

2.04.110 Periodic review of council compensation.

A. Council Compensation Committee. The Council shall appoint a committee of City residents, every 4 years beginning with calendar year 2007, to serve as the Council Compensation Committee. The Committee shall review the salaries of the Mayor and Councilmembers and make recommendations to the Council whether or not such salaries should be changed.

B. Principles of Compensation. The Council Compensation Committee shall apply the following principles to guide its recommendations:

1. The positions of Mayor and Councilmember are part-time and should be treated that way;
2. Full monetary compensation for the Mayor and Councilmembers is not appropriate;
3. It is appropriate to monetarily compensate the Mayor and Councilmembers to some extent for their work;
4. Monetary compensation creates an obligation for the Mayor and Councilmembers to perform their jobs;
5. Monetary compensation provides status to the Mayor and Councilmembers;
6. The Mayor’s salary should be greater than that of Councilmembers; and
7. Compensation for the Mayor and Councilmembers should be comparable to Maryland municipalities of similar size and complexity.

C. Effective Date of Council Salary Adjustment. Any change in the salary paid to the Mayor and Councilmembers is adopted prior to the next municipal election and takes effect only as to the next succeeding Mayor and Councilmembers as prescribed in Sections 302(c) and 304(c) of the Municipal Charter. (Ord. 2004-3 (part), 2004)
Appendix B

Past Council Compensation Committee Recommendations


2011 RECOMMENDATIONS

1. The Mayor and Councilmembers should have access to all of the health benefits available to city employees at 50 percent of cost (i.e., the city covers half of the premium and the councilmember covers half of the premium). This is nearly identical to the 2007 Council Compensation Committee Report that stated as its first recommendation “The City Council should explore changes to the current availability of health insurance to City Council Members to make it more affordable for the Members who find the current costs onerous.” Like the 2007 committee, this committee discussed the impact of such compensation on the diversity of the council. This committee identified access to health benefits would facilitate participation from groups outside of those who have typically served on the Council or sought office. Additionally, at the 50 percent rate, it would be a benefit that is targeted to those who do not already enjoy access to health care through another source.

2. The Compensation Committee recommends no increase in salary for the Mayor and Councilmembers. Instead, the committee recommends the City Council follow the lead of other municipalities, and the recommendation of the 2007 Council Compensation Committee, and set an annual increase mechanism to begin in the 2013 election year, set to a measure of the rate of inflation. This is the time to implement this change, as the Council has a year and a half to implement the change prior to the next election. At that point, it will have been six years since the last salary increase.

2007 RECOMMENDATIONS

1. The City Council should explore changes to the current availability of health insurance to City Council Members to make it more affordable for the Members who find the current costs onerous.
2. The Compensation Committee recommends an increase in salary for the Mayor and City Council Members.

Waiting four years to review the salary is too long. Gradual raises make sense. Council Members and Mayor should not have to wait four years for each increase.

By vote of 4 to 1, the Compensation Committee recommends a raise effective in November 2007 and then a 10% increase per year as follows:

- November 2007: Mayor $10,000; Council Members $7,500
- November 2008: Mayor $11,000; Council Members $8,250
- November 2009: Mayor $12,100; Council Member $9,075
- November 2010: Mayor $13,310; Council Member $9,982.50

Note: One Committee member recommends that, following the salary increase in November 2007 to $10,000 and $7,500, the raises should then be 5%, rather than 10% each year for the following three years.

3. The Compensation Committee recognizes that Council and Mayor compensation may not be sufficient to allow some lower-income residents to afford to serve in these offices. The CCC recommends that the Council explore this issue further, with the goal of facilitating greater diversity among candidates for Mayor and Council.

4. The Council should continue to fund members’ attendance at conferences where attendance Benefits the City. The CCC recommends funding of professional development courses in appropriate areas.

5. The Council and Mayor recently budgeted funds to allow for the purchase and annual contract cost for Personal Digital Assistance (PDAs) or other means of constituent communications. The CCC recommends that the Council track what effect, if any, the use of this equipment has on the amount of time spent on City business (e.g., increased constituent work, decreased time through efficiency). This could be a factor for assessing Council compensation in the future.
2002 RECOMMENDATIONS

1. The annual salary for Councilmembers should be set at $6,000 and the annual salary for the Mayor should be set at $8,000.

   **Discussion**

   The Committee found the current salaries of the Mayor and the Councilmembers to be too low for the nature of the work performed and in comparison to other similar Maryland municipalities. The Committee reviewed the population, budget, and Mayor/Councilmember salaries for other Maryland municipalities and inflation adjustments of current salaries as discussed above. The details of various analyses are found in the appendix to this report. The Committee believes an increase in salaries to these levels is warranted and that the comparison with other municipalities provides useful guidance on the appropriate level of increase. The Committee notes that public comments received were in general agreement that salaries were too low and should be raised. The Committee further believes that salary levels that are on the high end of these comparisons are appropriate to ensure that salaries do not lag significantly before they are adjusted in the future.

   The financial impact of the recommended salaries is $16,200 per annum, which represents approximately 0.19 cents ($0.0019) on the City tax rate.

2. The salaries for the Mayor and Councilmembers should be reviewed, and revised appropriately, every four years. The review process should include the appointment of a citizens committee representing the diversity of the City’s population and should be based on the Principles of Compensation articulated in this report.

   **Discussion**

   The Committee believes that the ten years that has elapsed since the last revision of elected officials’ salaries is too long. Salaries of elected officials should be reviewed and revised on a periodic (not occasional) basis. The Committee believes that every four years (representing every other elected Council) is an appropriate period.
The Committee further believes that the review and revision of compensation should be consistent and should be based on standards understood and agreed upon by the community. The Principles of Compensation articulated in this report provide such standards and should be relied upon in the future.

Yet the process of determining an appropriate level of compensation is also one of judgment. A strict formula should be avoided. Thus the Committee recommends that a committee of citizens representing the various views and interests of the community be appointed every four years to apply the Principles of Compensation.

3. The salary of the Mayor should be approximately 4/3 that of the Councilmembers.

Discussion

The Committee believes that the duties and responsibilities of the Mayor differ from those of the Councilmembers significantly enough to warrant a significant differential in compensation. Historically that difference has been about 1/3. The Committee believes maintaining a differential of this amount is appropriate.
Appendix C

Sitting Councilmember Survey Results

Q1. On average, how many hours per week do you put in on City matters?

<table>
<thead>
<tr>
<th>Range</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>More than 15</td>
<td>67%</td>
</tr>
<tr>
<td>11 to 12</td>
<td>16%</td>
</tr>
<tr>
<td>14 to 15</td>
<td>17%</td>
</tr>
</tbody>
</table>

Q2. Ideally, how many hours per week would you like to put in?

<table>
<thead>
<tr>
<th>Range</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 to 20</td>
<td>67%</td>
</tr>
<tr>
<td>20 to 30</td>
<td>17%</td>
</tr>
<tr>
<td>30 to 40</td>
<td>16%</td>
</tr>
</tbody>
</table>
Q3. Are you satisfied with the current Council member salary?
Yes – 50% (3)
No – 50% (3)

Q4. Are you satisfied with the current Council member benefits?
Yes – 67% (4)
No – 33% (2)

Q5. Ideally, how much salary would you want to provide the level of service you want?
- $10,000
- $12,000
- $15,000
- $20,000
- $40,000
- $45,000

Q6. Ideally, what benefits do you think you should receive given the existing monetary compensation?
- Same as offered currently
- Free health care
- Existing benefits
- What we have now is okay
- Same
- Menu rather than take or leave the health insurance
Q7. As part of you compensation, do you believe the City’s expense-reimbursement policy for Council members is satisfactory?

Yes - 5
No - 1

Q8. Would you like to meet in-person with the Council Compensation Committee to discuss any compensation-related items?

Yes – 1
No - 5
Appendix D

Municipal Charter for the City of Takoma Park

Article III, Sections 303(c) and 304(c)

The Municipal Charter for the City of Takoma Park governs the method by which salaries for the Mayor and City Councilmembers are set, as follows:

Article III, Section 303(c): “The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary of the Mayor either by increase or decrease during the term for which he/she was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor.”

Article III, Section 304(c): “Each Councilmember may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that the salary specified at the time any Council takes office may not be changed during the period for which the Council was elected. The ordinance making any change in the salary paid to the Councilmembers either by way of increase or decrease shall be adopted prior to the next municipal election, and shall take effect only as to the next succeeding Council.”
Section 302 Qualifications and Salary of the Mayor
(a) The Mayor must have resided in the City for at least six (6) months immediately preceding his/her election, must be at least 18 years of age by the date of his/her election, and must be a qualified voter of the City. The Mayor must maintain his/her principal residence in the City during his/her term of office. If the Mayor changes his/her principal residence from the City, the Mayor’s term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Mayor is prohibited from holding other publicly elected offices during his/her term of office, and is prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes.

(b) The Mayor, who during his/her term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Mayor’s public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary of the Mayor, either by increase or decrease during the term for which he/she was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

(Res. No. 2013-1, § 1, 5-13-13)

Section 304 Qualifications and Salary of Councilmembers
(a) Councilmembers must have resided in the City (and the ward from which they are elected) for at least six (6) months immediately preceding their election, must be at least 18 years of age by the date of their election, and must be qualified voters of the City. Councilmembers must maintain their principal residence in the City and in their ward during their term of office. If a Councilmember changes his/her principal residence from the City or from the ward from which the Councilmember was elected, the Councilmember’s term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. Councilmembers are prohibited from holding other...
publicly elected offices during their term of office, and are prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes.

(b) Any Councilmember, who during his/her term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Councilmember’s public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) Each Councilmember may receive an annual salary which shall be equal for all Councilmembers and may be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office may not be changed during the period for which the Council was elected. The ordinance making any change in the salary paid to the Councilmembers either by way of increase or decrease shall be adopted prior to the next municipal election, and shall take effect only as to the members of the next succeeding Council.

(Res. No. 2013-1, § 1, 5-13-13)

2.04.100 Salary of Mayor and Councilmembers.
A. The Mayor shall receive an annual salary of $13,000.00 through the date on which the Mayor elected in November 2013 is sworn in. For the period from the day following the swearing in of November 2013 until June 30, 2014, the salary shall be $13,000.00 as adjusted according to the 12-month percent of change in the annual Wage and Salaries Employment Cost Index for State and Local Government calculated as of December 2012, or 0.0%, whichever is greater. Thereafter, the Mayor’s salary shall be adjusted on July 1st of each year pursuant to the above index, or 0.0%, whichever is greater.

B. Each Councilmember shall receive an annual salary of $10,000.00 through the date on which the Councilmembers elected in November 2013 are sworn in. For the period from the day following the swearing in of November 2013 until June 30, 2014, the salary shall be $10,000.00 as adjusted according to the 12-month percent of change in the annual Wage and Salaries Employment Cost Index for State and Local Government calculated as of December 2012, or 0.0%, whichever is greater. Thereafter, the salary of each Councilmember shall be adjusted on July 1st of each year pursuant to the above index, or 0.0%, whichever is greater.

C. In the event that a staff wage adjustment is suspended due to financial
constraints, adjustments to the salaries of the Mayor and each Councilmember shall also be suspended.


2.04.105 Health insurance benefits of Mayor and Councilmembers.
Effective the day after the Mayor and Councilmembers are sworn in following the November 2013 election, the Mayor and each Councilmember may participate in the City's health insurance program on a cost sharing basis, with the City paying 50% of the lowest cost base premium rate for individual coverage. (Ord. 2015-51 § 1, 2015/Ord. 2012-53 § 1, 2012)

2.04.110 Periodic review of council compensation.
A. Council Compensation Committee. The Council shall appoint a committee of City residents, every 4 years beginning with calendar year 2007, to serve as the Council Compensation Committee. The Committee shall review the salaries of the Mayor and Councilmembers and make recommendations to the Council whether or not such salaries should be changed.

B. Principles of Compensation. The Council Compensation Committee shall apply the following principles to guide its recommendations:

1. The positions of Mayor and Councilmember are part-time and should be treated that way;
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C. Effective Date of Council Salary Adjustment. Any change in the salary paid to the Mayor and Councilmembers is adopted prior to the next municipal election and takes effect only as to the next succeeding Mayor and Councilmembers as prescribed in Sections 302(c) and 304(c) of the Municipal Charter. (Ord. 2004-3 (part), 2004)