



CITY COUNCIL AGENDA STATEMENT



July 14, 2020

File ID: **20-0257**

TITLE

CONSIDERATION OF POTENTIAL CHARTER AMENDMENTS FOR POSSIBLE PLACEMENT ON THE NOVEMBER 2020 BALLOT, RELATED TO BOARD AND COMMISSION MEMBERSHIP QUALIFICATIONS, RESIDENCY REQUIREMENTS FOR THE ELECTED CITY ATTORNEY, VOTE-BY-MAIL ELECTION PROVISIONS, ELECTED OFFICIAL SUSPENSION REGULATIONS, AND OTHER MISCELLANEOUS REVISIONS

RECOMMENDED ACTION

Council direction to staff as it deems appropriate.

SUMMARY

The City Council, the Charter Review Commission, and City staff have identified potential amendments to the City Charter. The proposed amendments generally include: (i) in response to a City Council referral, revisions to Charter Section 602 that generally replace the “qualified elector” requirement for members of City boards and commissions, with a “residency” requirement; (ii) revisions initiated by the Charter Review Commission that would require the City Attorney be a City resident, allow for all vote-by-mail balloting, and permit suspension of an elected official with felony charges pending; and (iii) a number of mostly technical revisions recommended by City staff.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity of amending the Charter in the manner proposed is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change to the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the action proposed is not subject to CEQA.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

The Charter Review Commission considered each of the proposed revisions and took action as follows:

1. City Council Referral revisions: Accepted on July 1, 2020; vote: 5-1-0-1.
2. Charter Review Commission-initiated revisions: Approved on January 12, 2020; vote: 7-0.
3. Staff recommended revisions: Accepted on July 1, 2020; vote: 6-0-0-1.

DISCUSSION

Background

Over the course of the last several months, the City Council, the Charter Review Commission (“CRC”) and City staff have identified potential amendments to the City’s Charter. Charter amendments must be submitted to the electorate for approval. The next election at which proposed Charter amendments could be placed on the ballot is the November 2020 election. If the City Council determines that it will place proposed amendments on that ballot, the City must submit them to the County Registrar by August 6, 2020. Accordingly, the proposed amendments are submitted to the City Council tonight for consideration and direction as to how to proceed.

Proposed Amendments

1. City Council Referral

In September 2019, the City Council referred an item to the CRC to bring back for City Council consideration proposed language that would revise Charter section 602 to allow City residents, not just “qualified electors” to serve on City boards and commissions. The CRC considered the referral, received public input, and deliberated on the matter. The CRC ultimately approved the language set forth on Attachment 1, in section 602, in green highlight.

The term “qualified elector” refers to an individual who is qualified to register to vote, although may not actually be registered. In order to register to vote in the City, an individual would have to be: at least 18 years of age, a U.S. citizen, and a City resident. Thus, a resident who lives in the City but is not a U.S. citizen would not be a “qualified elector” and, therefore, could not serve on a City board or commission.

In response to the City Council’s referral, the CRC developed language that would eliminate the citizenship requirement for board and commission members, but would still require them to be City residents, and at least 18 years of age. The proposed language also incorporates two exceptions that are in the existing Charter: under 18 years old for youth commissions created by ordinance, and non-residents, when allowed by ordinance and approved by four votes of the City Council. Finally, the CRC retained the citizenship status for Districting Commission members.

2. CRC-Initiated Amendments

In July 2019, the CRC presented to the City Council the results of a public survey regarding potential Charter amendments. Based on the survey results, the CRC identified three potential Charter amendments: requiring City residency for the City Attorney, allowing all vote-by-mail balloting for certain City elections, and permitting the City Council to suspend an elected official from his or her duties during the pendency of felony charges. Accordingly, the CRC developed proposed revisions to the relevant sections of the Charter for the City Council’s consideration to accomplish these changes. These proposed amendments were approved by the CRC on January 12, 2020 and are reflected on Attachment 1, in sections 303, 303.5, 502, and 902, in yellow highlight.

3. City Staff Recommended Amendments

City staff has identified several areas in the Charter that could benefit from updating. The updates would help improve City operations, delete outdated provisions, and the City Council more control and flexibility in governing the City going forward. These changes generally fall into the following categories: (i) changing the nomenclature for City elections from “general” (in March) and “special” (in November) to

“primary” and “general,” respectively, in order to conform our Charter language to the more common terms for these elections used throughout the state; (ii) deleting outdated provisions, such as those relating to the transition to district elections, which was completed 2018; (iii) eliminating the prohibition against passing resolutions and ordinances at special meetings and the requirement for publication in newspapers; and (vi) deleting the specific language of the oath of office. These proposed amendments were accepted by the CRC on July 1, 2020 and are reflected on Attachment 1, throughout various sections, in a redline/strikeout format.

Next Steps

If City Council desires to move forward with any of the proposed amendments, the next step would be to direct staff to prepare all of the documentation required to place them on an upcoming ballot. Necessary documents include a resolution, the City Attorney’s Impartial Analysis, the formal Ballot Statement, and Ballot Question. In order for the item to qualify for the November 2020 ballot, this work would need to be completed, approved by the City Council, and submitted to the County Registrar by no later than August 7th. With Council direction, this could be accomplished, with the work being done and presented to Council for action at the next City Council meeting scheduled for July 28th.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site specific; consequently, the 500 foot rule found in California Code of Regulations section 18704.2(a)(1) is not applicable to this decision. Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

It is estimated that \$195,000 would need to be appropriated to fund the placement of one ballot measure on the November 2020 ballot.

ONGOING FISCAL IMPACT

Staff has identified some potential future savings associated with certain proposed amendments. The Registrar of Voters (“ROV”) has estimated that going from an “all polls” to an all vote-by-mail (“VBM”) election could reduce an election cost by 15-20%. To provide context, the last estimates received from the ROV for a special, standalone district seat election were: \$350k - \$600k for a traditional polling place election and \$250k-\$500k for a VBM election.

In addition, it is estimated that there would be some savings for publishing online vs. publishing in a newspaper. Over the last 3 years, the City has spent \$57k with Star News. The City Clerk’s office alone budgets about \$6k for legal publications each year

ATTACHMENTS

1. City Charter Reflecting Proposed Amendments

Staff Contact: Jill Maland, Assistant City Attorney