

## **P-09-1 Proposed Charter Amendments**

**SUMMARY:** This bill sets out ten amendments to the City Charter that were proposed by the Charter Review Task Force. Each amendment is summarized below. In addition any suggested amendment for any of the proposals is summarized below and copies are included in the packet.

**Floor Substitute:** A floor substitute is included in the packet. The floor substitute adds summaries of the proposals which summaries are what should be placed on the ballot. [A redlined version showing the changes made by the floor substitute is included in the packet.]

**New Proposition as Possible Amendment:** There is a proposed amendment to the bill that would add an additional Proposition. That amendment changes the number of signatures needed to be placed on the ballot from 2% of registered voters to 3000 signatures for Mayor and 500 for City Council.

**Proposition No. 1.** Creates a new Charter section listing and briefly summarizing all of the provisions in the City Charter that govern elections.

**Proposition No. 2.** Provides that the salaries of the Mayor and City Councillors shall be determined by a Citizens' Independent Salary Commission appointed by the City's Accountability in Government Committee.

**Proposition No. 3.** Provides that the City Clerk shall have a term that coincides with the term of the Mayor and that the Clerk shall only be removed earlier upon a finding of cause made both by the Mayor and six City Councillors. Requires six City Councillors to confirm the City Clerk's appointment by the Mayor. Provides that the City Attorney, Chief Administrative Officer and deputy administrative officers but not department heads are appointed subject to the advice and consent of the City Council and cannot serve for more than 45 days without their names being submitted to the City Council for confirmation.

**Possible Amendment No. 1.** Adds the City Attorney to the Proposition so that there is a single vote to make the new procedure apply to both the City Attorney and City Clerk.

**Possible Amendment No. 2.** Creates a new proposition that makes the new procedure apply to the City Attorney so there will be a separate vote on whether to apply the new procedure to the City Clerk and City Attorney.

**Possible Amendment No. 3.** Has the appointment of the City Clerk be for six years from the start of the Mayors term and limits the City Clerk to a maximum term of 12 years. Provides that the requirement that the City Clerk be appointed through an open and competitive hiring process does not apply if the City Clerk is being reappointed to the position.

**Possible Amendment No. 4.** Provides that the requirement that the City Clerk be appointed through an open and competitive hiring process does not apply if the City Clerk is being reappointed to the position.

**Proposition No. 4.** Sets the number of signatures to petition for a change in the Charter to 20% of the number of voters in the last four regular municipal elections. The current provision requires the number of petition signatures to be 20% of those who voted in the last regular municipal election if that number is higher than 20% of the average of the last four elections. Requires the City

Attorney to review any proposed petition. Requires approval of seven City Councillors to propose a Council initiated amendment to the City Charter and for the City Council to hold at least two public hearings on the proposed amendment. Requires the ballot on a proposed amendment to the City Charter to contain a summary of the proposed amendment reviewed by the City Attorney for accuracy. Allows the City Clerk to correct errors and omissions in the Charter and delete provisions declared to be illegal.

**Possible Amendment No. 1.** Reduces the number of City Councillors to propose a Council initiated amendment back to the current five.

**Proposition No. 5.** Provide that the Mayor prepares the biennial capital improvements budget for submission to the Council. Sets specific dates for City Council action on the Mayor's annually proposed operating budget rather than using "60 days."

**Possible Amendment No. 1.** Makes a clarifying change to avoid any confusion that it is only the Mayor's proposed operating budget that takes effect if there is not timely Council action and not the CIP budget.

**Proposition No. 6.** Prohibits discrimination based on disability, sexual orientation and gender identity in addition to the already prohibited discriminatory actions and to clarify that it is the City and not just the City Council that is responsible for prohibiting discrimination. This is consistent with existing State law.

**Proposition No. 7.** Provides that it is the responsibility of the City and not just the City Council to act to protect the environment.

**Proposition No. 8.** Provides that enforcement of the Open and Ethical Elections Code shall be a civil process conducted by the Board of Ethics and Campaign Practices rather than a criminal process conducted by the City Attorney.

**Proposition No. 9.** Creates a new Article providing that the City Council is the ultimate planning and zoning authority but that it is the Mayor who is responsible to oversee the development, implementation, enforcement, and administration of land use plans. Calling on the Mayor and Council to work cooperatively with neighboring communities.

**Possible Amendment No. 1.** Removes the provision that the Mayor is responsible to oversee the development, implementation, enforcement, and administration of land use plans.

**Possible Amendment No. 2.** Removes the provision that the Mayor is responsible to oversee the development, implementation, enforcement, and administration of land use plans and that the Mayor and Council should work cooperatively with neighboring communities.

**Proposition No. 10.** Creates a new Article providing that the City Council shall by ordinance establish a process for addressing violations of the Charter. That process shall include the creation of a three member committee to resolve allegations of a violation; one member appointed by the Council, one member appointed by the Mayor and the third member appointed by the first two.

**Possible Amendment No. 1.** Provide that the commission is not dealing with violations of the Charter but with resolving disputes over separation

of powers between the Mayor and Council. Provides that the City Attorney shall have no role in the resolution of these matters by the Commission.

**FISCAL IMPACT:** None

**COMMENTS:** None.

**QUESTIONS:** None