



City of Arts & Innovation

Charter Review Committee Memorandum

TO: CHARTER REVIEW COMMITTEE

DATE: APRIL 8, 2019

**FROM: CITY CLERK'S OFFICE
CITY ATTORNEY'S OFFICE**

WARDS: ALL

SUBJECT: CHARTER AMENDMENT MEASURES PROCESS

ISSUE:

Receive process information on the writing of Charter amendment language, writing of ballot measure questions, City Council consideration for placement on the ballot, impartial analysis, and arguments in favor and against.

RECOMMENDATION:

That the Charter Review Committee receive and file this report.

BACKGROUND/LEGISLATIVE HISTORY:

Writing of Charter Amendment Text

As the Charter Review Committee determines support for proposed Charter amendments, the City Attorney will draft the specific language showing the Charter text changes for final approval by the Committee. Draft language proposed by members of the Charter Review Committee, elected officials, staff, or the public will be reviewed by the City Attorney for continuity of style and format with existing Charter Sections, legal compliance, and any effect on other Charter sections.

Staff has been recording all ideas received from the Committee, City staff and the public regarding proposed Charter amendments. As the Committee identifies which of these proposed Charter amendments should be considered, Committee members can propose draft language or request that the City Attorney do so. If the proposal is to amend existing language, the City Attorney would then provide a redline of the appropriate Charter section and present that redline to the Committee for discussion. For wholly new sections to be added to the Charter, the City Attorney would format the proposed language as a new section of the Charter and then provide to the Committee for discussion. Samples of both types of Charter amendments are attached to this report.

Placement of Measures on the Ballot

Upon conclusion of the Charter Review Committee's work required by Charter Section 1403, recommendations for Charter amendment measures will be forwarded to the City Council for consideration. The City Council will determine which measures are placed on the November 3, 2020, ballot. The attached timeline summarized the detailed process explained below.

Government Code §34458(b) requires two public hearings “prior to approving the submission to the voters of a proposal to adopt a charter, the governing body shall hold at least two public hearings on the matter of the proposal of a charter and the content of the proposed charter.” Although adoption of a charter is not proposed, only amendments to an already adopted Charter, in an abundance of caution, in support of the Committee and City Council’s commitment to transparency, two public hearings will be scheduled. The City Council may convene additional meetings or workshops at their discretion. During the 2012 Charter Review process, the City Council held two public meetings and one public workshop.

At the first hearing, it is anticipated that the City Council will select the measures to be placed on the ballot and direct the City Attorney to prepare the appropriate resolution which will include the ballot questions. Following the second public hearing and deliberation, the City Council will call an election for Tuesday, November 3, 2020, by adoption of a resolution setting forth the full text of each measure and the questions to appear on the ballot. At the same time, the City Council will request that the City Attorney prepare an impartial analysis of each measure

Ballot Arguments and Rebuttals

At the same time as adoption of the resolution calling the election, the City Council will consider options for ballot arguments (not-to-exceed 300 words) and rebuttals (not-to-exceed 250 words). Each argument and rebuttal is limited to no more than five authors.

Elections Code §9282(b) provides:

“For measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.”

Election Code §9285(a)(2) provides:

“The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument.”

Pursuant to Elections Code §9287, if more than one argument in favor or against a measure is submitted to the City Clerk, the City Clerk shall select one of the arguments in favor and one of the arguments against for printing and distribution to the voters. In selecting that argument, the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

- The legislative body, or member or members of the legislative body authorized by that body
- Bona fide associations of citizens
- Individual voters who are eligible to vote on the measure

FISCAL IMPACT:

The City Clerk’s Fiscal Year 2020/21 Budget will support all election costs.

Charter Measures Process

Prepared by: Colleen J. Nicol, City Clerk
Susan Wilson, Assistant City Attorney
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

Charter Review Ballot Measure Process Steps
Sample Charter Amendments