



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JULY 21, 2020
FROM: CHARTER REVIEW COMMITTEE CHAIR WARDS: ALL
SUBJECT: PUBLIC HEARINGS ON THE CHARTER REVIEW COMMITTEE'S SIX PROPOSED CITY CHARTER AMENDMENTS

ISSUE:

Conduct the second of two public hearings on the Charter Review Committee's six proposed City Charter amendments; adopt the appropriate resolutions calling a special election and placing certain proposed City Charter amendments on the November 3, 2020, ballot; and determine if the Mayor or Members of the City Council wish to author ballot arguments.

RECOMMENDATIONS:

That the City Council:

1. Adopt the attached resolution proposing amendments to the City Charter;
2. Adopt the attached resolution calling a special election and placing certain proposed City Charter amendments on the November 3, 2020, ballot; and
3. Determine if the Mayor or Members of the City Council wish to author ballot arguments.

BACKGROUND:

On May 19, 2020, the City Council received the Charter Review Committee's Final Report recommending the following six proposed City Charter amendments:

1. Give the Mayor a vote on all matters requiring action before the City Council;
2. Require an election to fill an elected office vacancy with more than one year remaining on the term;
3. Consolidate Mayor and City Council election dates with statewide elections;
4. Require the City Council to submit all proposed City Charter amendments to a Charter Review Committee;
5. Require the City Council to publish an annual report specifying the nature of any material written complaints or whistle-blower complaints alleging fraud, waste, abuse, or criminal conduct; and
6. Clean-up items.

The full Final Report is attached hereto as Attachment 1.

The City Council directed staff to schedule two public hearings to further consider each proposed City Charter amendment, and to schedule a vote on or before August 4, 2020 to call a special election and to place proposed City Charter amendments on the November 3, 2020 ballot.

In April 2016, regarding a ballot measure to amend the City Charter, the Riverside Superior Court ruled that Government Code section 34458(b) required the City to hold at least two public hearings when amending the City Charter. The City appealed this ruling, as Government Code section 34458(b) only requires the public hearings when a general law city is adopting a new charter. The Court of Appeal decided the appeal on other grounds and did not address this specific issue on appeal. Therefore, the trial court's ruling is not legally binding on the City. However, in an abundance of caution, the City is providing two public hearings to increase public input on proposed City Charter amendments. Furthermore, formally inviting public participation at noticed public hearings, even if not required, serves as an effective tool for substantive discussion of Charter amendment proposals. It is also worth noting that the Charter Review Committee has held 15 public meetings at which the public was invited to and did provide input. Furthermore, the Charter Review Committee provided two formal updates and a final report to the City Council at which the public had opportunities to provide input.

Staff scheduled public hearings for July 7, 2020, and July 21, 2020, for the City Council to consider the Charter Review Committee's six proposed City Charter amendments. After conclusion of the second hearing, the City Council will adopt resolutions calling for a special election and placing certain proposed City Charter amendments on the November 3, 2020 ballot, and the City Council will decide whether to author ballot arguments for or against any charter amendment measure.

Ballot Arguments

Elections Code Section 9282 provides that 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. Arguments shall not exceed 300 words in length. Arguments are printed in the voter information guide mailed to voters.

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure ____" or "Argument Against Measure ____," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. Measure letters are assigned by the Registrar of Voters upon receipt of the resolution calling the election.

A ballot argument must be accompanied by the printed name and signature or printed names and signatures of the author or authors submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. No more than five signatures shall appear with any argument.

Rebuttals

When an argument in favor and an argument against a measure have been selected to be printed in the voter information guide, the City Clerk forwards a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure.

The author or a majority of the authors of an argument may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument. Rebuttal arguments are limited to 250 words and must be filed with the City Clerk no later than ten days after the final filing date for primary arguments. A rebuttal argument relating to a city measure shall not be signed by more than five persons, shall be printed in the same manner as a direct argument, and shall immediately follow the direct argument which it seeks to rebut.

More Than One Argument Submitted

If more than one argument for or against any measure is submitted to the City Clerk, one will be selected for printing in the ballot materials. Elections Code Section 9287 provides that preference and priority be given in the order below to the arguments of the following:

1. The City Council, or one or more Councilmembers authorized by the City Council.
2. An individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
3. Bona fide association of citizens.
4. Individual voters who are eligible to vote on the measure.

Members of the Charter Review Committee and other community members participated as argument authors for the June 5, 2012, Charter amendment measures.

Members of the Charter Review Committee expressing interest in authoring ballot arguments include:

Mayoral Vote

In Favor: Members Barnhart and McQuern, and Chair Clarke

Against: Members Riemer and Irving

Filling of City Council Vacancy

In Favor: Member Beeman

Required Review of Charter Amendments by Charter Review Committee

In Favor: Members Evans and MacKinney

Annual Internal Investigations Report

In Favor: Members Beeman and Mabon, and Alternate McKeith

FISCAL IMPACT:

Fiscal Impact of Measure 1 (Mayor Vote): None.

Fiscal Impact of Measure 2 (Filling Vacancies): Current costs for a special election to fill a City Council vacancy are approximately \$63,000.

Fiscal Impact of Measure 3 (Consolidating Mayor/CC Elections with Statewide Elections): Moving of City Council elections from odd-numbered to even-numbered years does not increase or decrease costs. Moving the Mayoral run-off election from June and consolidating with statewide March even-numbered year elections saves approximately \$140,000 per election. If the measure fails, \$50,000 in costs for voter notification would result.

Fiscal Impact of Measure 4 (Required Charter Review Committee Review): Resources to support Charter Review Committee meetings are estimated to be minimal and anticipated to be absorbed within Department budgets.

Fiscal Impact of Measure 5 (Annual Internal Investigation Report): Currently unknown. City staff would be required to compile the requisite data and prepare an annual report. The time required to do so would depend on the volume of complaints received by the City annually.

Fiscal Impact of Measure 6 (Clean-up Items): The City Manager proposed Charter amendments would reduce reproduction and distribution costs of placing physical copies of the adopted budget in all public libraries and providing copies for use by City Departments, offices, and agencies. The remaining proposed amendments would have no fiscal impact.

Fiscal Impact of placing measures on the November 3, 2020 ballot: With decertification of Riverside County election equipment by the Secretary of State and subsequent replacement, cost estimates have been updated by the County Registrar of Voters. The registrar now estimates it costs the City \$145,000 to place one measure on the ballot and \$110,000 for each subsequent measure. The table below depicts costs for ballot measures.

CHARTER MEASURE ELECTION COSTS	
# Of Measures	Cumulative Costs
1	\$145,000
2	\$255,000
3	\$365,000
4	\$475,000
5	\$585,000
6	\$695,000
7	\$805,000
8	\$915,000
9	\$1,025,000
10	\$1,135,000
	\$145,000 for first measure
	\$110,000 for each additional measure

Prepared by: Susan Wilson, Assistant City Attorney
 Elliot Min, Deputy City Attorney
 Colleen J. Nicol, City Clerk

Approved as to form: Gary G. Geuss, City Attorney

- Attachments:
1. Charter Review Committee’s final report for City charter amendments, dated May 19, 2020
 2. Resolution calling for a special election
 3. Resolution placing charter amendments on the ballot for the special election