

Charter Review Ideas Log – Committee Members, Mayor and City Council Members, and City Employees

1	2/6/19	Councilmember Gardner	Modify the language in the 2 <sup>nd</sup> paragraph of Section 701 be modified to state exceptions to Council’s general ability to “abolish, consolidate, modify, or separate . . .” for Charter commissions and boards (which can only be modified via election).	§ 701
2		Kristi Smith	Change references to “Director of Public Utilities” to “General Manager”.	§ 1202
3		Malissa McKeith	Can Charter override State validation laws for approval of contracts?	§§ 418 & 419
4	3/11/19	Chani Beeman	Can we add a reference to transparency?  Recommendation: “. . . as well as just, <i>transparent</i> and equitable tax and financial policies . . .”	Preamble
5			Can we replace “citizen” with “community member”?  Recommendation:  Sec. 411. Same— <del>citizen</del> <i>community member</i> participation  “Each <del>citizen</del> <i>community member</i> shall have the right . . .”	§ 411
6			As newspaper circulation has changed dramatically in the past 10 years, can we add local newspaper resource such as “The Voice” and add online and social media platforms?  Recommendation: “The City Clerk shall cause to be published at least once in a newspaper of general circulation <i>as well as in local newspaper resources, the City web site, and other appropriate social media platforms on which the City regularly posts information. . .</i> ”	§ 414
7			The phrase “crime of moral turpitude” caused confusion in a recent commissioner appointment. Preventing a commission appointment should be based on a relevant conviction.  Recommendation: “If a member of a board or commission . . . is convicted of a crime of <del>moral turpitude</del> <i>determined to unreasonably interfere with the</i> ”	§ 805

			<i>duties within the scope of the board or commission, . . .</i>	
8			[Withdrawn by proponent on August 12, 2019]	
9			[Withdrawn by proponent on August 12, 2019]	
10			[Withdrawn by proponent on August 12, 2019]	
11			Can we create new Charter sections on anti-corruption and conflict of interests related to political donors and city business and contracts?	§ 202
12	3/12/19	Councilmember Chuck Conder	Mayor should have a right to vote. <ul style="list-style-type: none"> <li>• Since the Mayor is the only one elected at-large, the Mayor should have a vote.</li> <li>• Maybe we can change the scope of his voting power.</li> <li>• Maybe we can add a Ward.</li> <li>• Mayor should have more input than simply running meetings.</li> <li>• Mayor should not be allowed to make appointments.</li> </ul>	§ 405
13			The Charter should reflect whether being a Councilmember is a part-time or full-time position. <ul style="list-style-type: none"> <li>• There should still be term limits (i.e., Council membership should not be permanent).</li> </ul>	Art. IV
14			Higher salaries for Councilmembers. <ul style="list-style-type: none"> <li>• The current salary precludes potential qualified persons from leaving their jobs to serve the City.</li> <li>• We should see what comparable cities nationwide pay their elected officials.</li> </ul>	§ 403
15			There should be a super-majority Council vote (5 votes) for entering a contract or lease for water resources.	Arts. IV, XII; § 419
16		Ben Clymer	Should Mayor have authority to appoint members of boards and commissions (in lieu of having a formal vote, as suggested by Councilmember Conder).	§ 405
17		David Barnhart	Should the Charter indicate the Mayor's authority on approving contracts of Charter Officers such as the City Attorney, City Clerk, etc.?	§ 405
18		David Bristow	Should we tie Council salary to County Board of Supervisor salary (or, some percentage thereof)?	§ 403

19			Should there be a mechanism for adjusting City employee salary down?	
20			Rather than using the phrase “crime of moral turpitude” should we consider levels of offense (e.g. misdemeanor or felony) to determine disqualification from a board or commission?	§ 805
21		Ben Clymer	Should the phrase “shall act” in § 1403 as pertains to Council’s obligation to “act” on Charter Review Committee recommendations be further clarified to specify the actions a Council must take on such recommendations?	§ 1403
22		Kristina Zaragoza	Elected City Auditor.	Art. VII
23		Ben Clymer	Revise Council/ City Manager form of government.	§ 300
24	4/8/19	Councilmember Andy Melendrez	When a vacancy in the City Council is filled by City Council appointment, the term of the appointed Councilmember should be limited to 6-12 months.	§ 404
25			The Charter should promote diversity (e.g., people of color, women, individuals with disabilities, etc.) Historically, diversity on the City Council has been lacking.	
26			Should the Mayor have a vote? In deciding this, we should be mindful of creating a balanced government. For example the Mayor should not be allowed to vote and veto.	§ 405
27			The Charter should inform the community that our government is as transparent as possible and expand on provisions related to government ethics.	§ 202
28			Councilmember pay should not be increased.	§ 403
29			The Charter should not impose City Council term limits. <ul style="list-style-type: none"> <li>• Long terms have benefits such as stability, and building relationships and trust with the community.</li> </ul>	§ 400
30			We should require a super-majority vote of City Council when City (transfers) sells water outside of the RPU service area.	§ 1202

31		Councilmember Chris MacArthur	No need to change the Charter. <ul style="list-style-type: none"> <li>The Charter has worked well for 112 years, therefore no need to change something that is working.</li> </ul>	
32			The Charter's prohibition on City Council interference with administrative service is fine (i.e. does not need to be changed).	§ 407
33			City Council term limits should be determined by the voters. <ul style="list-style-type: none"> <li>3 terms (i.e. 12 years) is probably a long enough time.</li> <li>The challenge is that there are certain projects, such as the "Quiet Zone" that take 9 years.</li> <li>If voters like somebody and want to keep him/her there, that's up to the voters.</li> </ul>	§ 400
34			Against pay raise for City Council. <ul style="list-style-type: none"> <li>Believes it is dangerous when people begin running for public office to support themselves.</li> </ul>	§ 403
35			City Council members should be part-time employees of the City.	§ 403
36			Does not believe the Mayor has veto authority over the appointment of City Manager, City Attorney, and City Clerk. <ul style="list-style-type: none"> <li>We should be mindful of making a change on this controversial issue right now, lest we bind the City to a rule that is not necessarily beneficial.</li> <li>The way the Charter is currently written on this point is correct.</li> </ul>	§ 405
37			Does not support a Strong-Mayor form of government (i.e, supports the Council-Manager form of government already imposed by the Charter). <ul style="list-style-type: none"> <li>Believes changing this would be a mistake.</li> </ul>	§ 300
38			No, a super-majority vote should not be required before transferring (selling) water outside of the RPU service area.	§ 1202
39		Tom Evans	All recommended changes shall be reviewed by a Charter Review Commission before being considered by the City Council for placement on a ballot for voter consideration.	§ 1404

40	5/13/19	Melissa McKeith	Should the Charter be amended to require items of significant financial impact (i.e. exceeding certain dollar threshold) should be considered by the Budget Engagement Commission prior to being considered by the City Council?  (Editor's Note: such a requirement would necessarily require a Charter amendment creating a Budget Engagement Commission).	Arts. VIII, XI;
41			Should there be an elected City Attorney?	§ 700
42		David Bristow	The Charter should specify whether the Mayor has the right to veto the contracts or appointments of the three charter officers: City Manager, City Attorney, and City Clerk.	§§ 405, 413
43		Tom Miller	Should the Charter include an elected or appointed City Auditor?	Art. VII
44	6/6/19	Board of Ethics	Each Chair (i.e. presiding officer) of all City boards and commissions should have the authority to cancel a monthly meeting based on a lack of agenda items.	Art. VIII; § 804
45			The Board of Ethics shall meet every other month but may meet more frequently as the need arises (e.g., to fulfill ethics complaint deadlines).  (Editor's Note: The Board of Ethics is currently not included in the City Charter (i.e., the Board of Ethics is not a Charter body; it was created by Ordinance). Any Ordinance pertaining to board and/or commission meeting frequency could not override Charter requirements).	Art. VIII; § 804
46	6/10/19	Councilmember Gardner	The Charter should clearly define the Mayor's veto authority.	§ 405
47			The Mayor should not have authority to veto the contracts of the City Manager, Clerk, and Attorney.	§§ 405, 600, 700
48			The Charter should accurately describe the appropriate City department or body that oversees street trees.	§ 809
49			Councilmember salaries should be increased. <ul style="list-style-type: none"> <li>• A young head-of-household cannot support his/her household on the current Councilmember salary.</li> </ul>	§ 403
50			Councilmember terms should not be limited.	§ 400(a)

			<ul style="list-style-type: none"> <li>The voters should decide how long a Councilmember serves.</li> </ul>	
51		Councilmember Adams	The Councilmember position should be considered full-time.	§§ 400, 403
52			<p>Councilmember terms should not be limited.</p> <ul style="list-style-type: none"> <li>The voters should decide how long a Councilmember serves.</li> </ul>	§ 400(a)
53			Councilmembers should be paid the same salary as the Mayor.	§ 403
54			<p>If there is over 2 years left on a Council vacancy, then the voters should elect a person to fill the vacancy; if there is less than 2 years, then the Council should appoint a person to fill the vacancy.</p> <p>(Editor's Note: any Charter amendment should also establish the rule if there is exactly 2 years left in the term).</p>	§ 404
55		Councilmember Soubirous	The Charter should clearly define the Mayor's veto authority.	§ 405
56			The Mayor should not have authority to veto the contracts of the City Manager, Clerk, and Attorney.	§§ 405, 600, 700
57			The Councilmember position is full-time; however, the Charter does not have to specify that the position is full-time (i.e., the Charter can be left as-is).	§§ 400, 403
58			The Board of Public Utilities' authority to "let public work contracts" should be clarified (i.e., does that authority apply specifically to "public work contracts" only or also to other actions, transactions, and contracts such as land purchases, etc.?)	§ 1202(b)
59	7/8/19	Councilmember Perry	Mayor's veto power should be clarified to state that the Mayor cannot veto a Charter Officer employment contract.	§ 413
60			Charter Officers do not need to be subject to the City's Code of Ethics and Conduct; the Council oversees those Officers.	§ 202
61			Do not agree that the Mayor should have a vote, instead of a veto, on Charter Officer contracts; we should not expand the Mayor's authority to vote.	§ 202

62			A Council vacancy should be filled for only 6 months to a year.	§ 404
63			The Committee should review the spending authorizations set forth in various sections of the Charter (i.e., whether they should be increased or decreased).	§§ 1109, 1202(b)
64			Fine with Boards and Commissions represented by each Ward with additional at-large positions.	§ 802
65		City Attorney Geuss	Charter Officers do not need to be subject to the City's Code of Ethics and Conduct; the Council oversees those Officers.	§ 202
66		City Clerk Nicol	Amend § 400(b) to clarify that members of the City Council are nominated and elected from voters of the Ward.  Recommendation: "The members of the City Council shall be <i>nominated and</i> elected by wards by the registered voters of the respective wards only . . ."	§ 400(b)
67			Amend § 500 to provide that elections for Members of the City Council be held on the same day as statewide primary and general elections beginning 2022.  Recommendation: " <i>On June 8, 2021, an election for Councilmembers to represent Wards 2, 4 and 6 shall be held. Said term shall be for five (5) years and until their respective successors qualify. Beginning in 2026 and thereafter, the Councilmembers' terms shall be for four (4) years.</i>  <u>Beginning in 2022, general municipal elections for the election of the members of the City Council and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday following the first Monday in June of each odd-numbered year same day as the statewide election, consistent with the primary election date set by the State.</u> "	§ 500
68			Amend § 500 to provide that elections of the Mayor be held on the same day as statewide elections.  Recommendation: " <del>Beginning in 2012, g</del> General municipal elections for the election of the Mayor shall be held on <del>the first Tuesday following the first Monday in June</del> the same day as the statewide election,	§ 500

			<p><i>consistent with the primary election date set by the State in United States Presidential election years.”</i></p>	
<p>69</p>			<p>Amend § 400(c)-(h) to provide for City Council Wards 2, 4, and 6, runoff election, if needed, on November 2, 2021, and delete obsolete sections (f) through (h).</p> <p>Recommendation:</p> <p>“(c) If in an election for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on the <del>first Tuesday following the first Monday of November of that same year</del> <i>same day as the statewide election of that same year, consistent with the general election date set by the State.</i> The two candidates receiving the highest number of votes for the office in the general municipal election shall be declared the candidates for the special election.</p> <p><i>(d) Notwithstanding the paragraph above, if in the June 8, 2021, election for members of the City Council for Wards 2, 4, and 6, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on November 2, 2021. The two candidates receiving the highest number of votes for the office in the June 8, 2021, election shall be declared the candidates for the special election.</i></p> <p>(de) Officials elected at the general municipal election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the general municipal election. Officials elected at any other election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the election.</p> <p>(ef) The qualifications of candidates and electors and the procedure governing general municipal elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.</p> <p><del>(f) Notwithstanding the above, an election shall be held on June 5, 2007, for the purpose of electing members of the City Council from Wards 1, 3, 5, and 7 for terms</del></p>	<p>§ 400</p>



			<p><del>expiring in June 2011, or until their successors are elected and seated.</del></p> <p><del>(g) Notwithstanding the above, an election shall be held on June 2, 2009, for the purpose of electing members of the City Council from Wards 2, 4, and 6 for terms expiring June 2013, or until their successors are elected and seated.</del></p> <p><del>(h) Notwithstanding the above, an election shall be held on November 3, 2009, for the purpose of electing the Mayor for a term expiring June 2012 or until their successor is elected and seated.</del></p>	
70			Mayor's veto power should be clarified to state whether the Mayor may veto Charter Officer contracts.	§ 413
71	9/9/19	Mayor Bailey	<p>The Charter should grant the Mayor a vote on the budget.</p> <ul style="list-style-type: none"> <li>• Mayor review of a proposed budget, alone, is insufficient.</li> <li>• Since the Charter exempts the Mayor's veto from the budget vote, the Mayor should have a vote instead.</li> </ul>	§§ 405, 413, 1101, 1102, 1103
72			<p>The Charter should tie salaries of elected officials to an outside party such as: County Supervisor, or Judge.</p> <ul style="list-style-type: none"> <li>• Salaries of elected officials should keep up with the cost of living and should reflect the value and nature of the position, which is a full-time position.</li> </ul>	§ 403
73		City Manager Zelinka	<p>Charter sections 601(a) and (b), 1101, 1103 should be amended to accommodate the bi-annual budget cycle without excluding the possibility of an annual budget.</p> <ul style="list-style-type: none"> <li>• This would also create efficiencies through the use of electronic information formats.</li> </ul> <p>[Editor's Note: This amendment should also include amendments to Charter sections 801, 1104, which make reference to an "annual" budget.]</p>	§§ 601(a), (b), 801, 1101, 1103, 1104
74			Charter section 601(e) should be amended to clarify that the City Manager is responsible for enforcing City ordinances and resolutions.	§ 601(e)
75			Charter section 603 should be amended to allow the City Manager to obtain City Council approval of one or more officers or department heads to serve as "manager pro tempore".	§ 603

			<ul style="list-style-type: none"> <li>This would allow for City management to timely adapt to scheduling and other logistical changes.</li> </ul>	
76			Charter section 704(c) should be amended to align with the current practice of providing meaningful quarterly financial updates.	§ 704(c)
77			Charter section 809 should be amended so that landscape tree reporting is reported to the City Council, and not the Park and Recreation Commission.	§ 809
78			Charter sections 1104 and 1111 should be amended to further clarify appropriations for capital projects.	§§ 1104, 1111
79	11/22/19	Maria Riemer	<p>Charter language concerning Mayor veto authority should be amended as follows:</p> <p><b>Sec. 413. Adoption of ordinances and resolutions</b></p> <p>[ . . . ]</p> <p><del>At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, veto any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance, the annual budget or an ordinance proposed by initiative petition. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or action shall be deemed neither approved nor adopted. The Mayor shall, no more than twenty days following the veto, provide to Council members, in writing, reasons for the Mayor's veto. If the Mayor fails to provide a written veto message within the time allotted, the original action of the Council shall stand. At any regular or adjourned meeting held</del></p>	Art. IV; § 413

		<p>not less than thirty days, nor more than sixty days after veto the City Council shall reconsider such ordinance, resolution or action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any ordinance, resolution or action.</p> <p>[ . . . ]</p> <p><b><u>Section ###. Mayoral Veto Authority.</u></b></p> <p><u>At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, veto any formal legislative, administrative, or personnel action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance, the annual budget or an ordinance proposed by initiative petition. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or action shall be deemed neither approved nor adopted. The Mayor shall, no more than twenty days following the veto, provide to Council members, in writing, reasons for the Mayor's veto. If the Mayor fails to provide a written veto message within the time allotted, the original action of the Council shall stand. At any regular or adjourned meeting held not less than thirty days, nor more than sixty days after veto the City Council shall reconsider such ordinance, resolution or action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any ordinance, resolution or action.</u></p>	
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