

CHARTER AMENDMENTS

City Council
July 12, 2022

Sue Gallagher, City Attorney

Charter Review Committee Recommendations

- Three ballot measures for November 2022:
 - Ballot measure to increase Council compensation, tying Mayor and Council member compensation to a percentage of Area Median Income (AMI)
 - Ballot measure to align the Charter with the City's district-based election of Council members
 - Ballot measure to update and modernize the City Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality.

I. Ballot Measure to Increase Council Compensation

Council Compensation

- Council members currently receive \$800 per month salary, the Mayor \$1200 per month
- There has been no increase since 2005
- Charter Review Committee heard of the substantial workload of the Mayor and Council members and recognized the difficulties of balancing private employment, childcare, family and the significant responsibilities of Council membership

Council Compensation

- Committee found that increased compensation would:
 - Enable a greater diversity of Council membership
 - Ensure continued strong commitment and professionalism
 - Reflect fairness and respect for the extensive and important work performed by members of the Council

Council Compensation

- **Recommendation:**
 - Set Mayor's salary at Area Median Income for a three-person household (currently \$101,500)
 - Set Council members' salary at 2/3 of Area Median Income for a three-person household (currently \$66,990)
 - Permanently tie Mayor's and Council members' salaries to Area Median Income for a three-person household
 - Consider establishing a penalty or reduction in salary for unexcused absences, to parallel a city-wide salary reduction or as otherwise determined by Council

Council Compensation

- **Options Considered by Council:**
 - Adopt Committee's recommendation
 - Propose single salary for both Mayor and Council members, with salary to be set at 100% of AMI for three-person household

Council Compensation

- **Effective Date:**

- Options:

- New salaries effective upon certification of vote
- New salaries apply only upon election or reelection
- Set date certain for implementation of new salaries for all Council members

2.

Ballot Measure to Align with District-Based Election of Council Members

District-based Elections

- California Voting Rights Act prohibits at-large election of Council members, if a city experiences racially polarized voting
- In 2018, an independent analysis of multiple prior City elections revealed racially polarized voting
- In 2018, under threat of litigation, the Council adopted an ordinance to begin the transition to district-based elections

District-based Elections

- Revise Charter Section 4 to provide:
 - District-based election of Council members
 - District boundaries established and updated by Council ordinance in accordance with state and federal law
 - Residency and voter registration requirements for eligibility for office

3.

Ballot Measure to Provide for Charter Update and Modernization

Frequency of Charter Amendments

- Section 12: **Charter Review**
 - Current wording: the Charter “shall be reviewed in the year 2002 and not less than every ten years thereafter”
 - Add: “Nothing in this section precludes additional amendments placed on the ballot by voter initiative or by Council ordinance at such other times as deemed necessary.”

Responsibility for Emergency Management

- City Code currently designates the City Manager as the Director of Emergency Services
- Charter creates some ambiguity
- To avoid ambiguity, confirm responsibility of City Manager and Public Safety for leadership in times of emergency
- Amendments to four sections: Section 15 (Mayor), 18 (City Manager), 21 (Police Chief), 22 (Fire Chief)

Flexibility for City Operations

- Section 25: **Board of Public Utilities**
 - Clarify that BPU's responsibility may, at Council's discretion, include stormwater and "dry" utilities, including electricity, broadband and others
- Section 28: **Budget**
 - Clarify that City Manager may propose a single year or multi-year budget, retaining all procedural provisions

Clarification of Ambiguities

- Section 19: **City Attorney**
 - Clarify that required three years of California practice need not be immediately preceding appointment
- Section 32: **Council Member Recall**
 - Clarify that a vacancy created by recall will be filled as any other vacancy, in accordance with Section 31
- Section 37: **Deputy Officials**
 - Clarify that officers appointed by Council have the power to appoint their own deputies without need for confirmation by Council

Gender and Citizenship Neutrality

- Recommendation by unanimous vote to revise Charter to ensure gender neutral language throughout
- Recommendation by unanimous vote to revise Charter to substitute “resident” for “citizen” throughout

Questions?