

Agenda Report



MEETING DATE: Tuesday, February 13, 2024

TO: City Council

FROM: CITY CLERK ORTIZ
CITY CHARTER REVIEW SUBCOMMITTEE

THROUGH: CITY MANAGER MENDEZ

SUBJECT: CITY CHARTER AMENDMENTS AS PROPOSED BY THE CITY
CHARTER SUBCOMMITTEE

RECOMMENDED ACTION:

Conduct the first of two public hearings required by Government Code Section 34458 to consider City Charter amendments as proposed by the City Charter Subcommittee; direct staff to schedule a second public hearing at least thirty (30) days after February 13, 2024.

BACKGROUND:

The City Charter was last revised in November of 2014 when a group of residents organized and circulated petitions to change Charter Sections 406, 500, 504, and 1503(k). Prior to 2014, the charter had not been amended since 2006.

In 2023, then Mayor Eduardo Montesino requested that staff explore options for updating the City's Charter to modernize some outdated language. On June 27, 2023, the City Council considered options for revising the Charter and opted for appointment of a subcommittee to conduct the review. Mayor Montesino appointed Council Members Dutra, Orozco, and Salcido to the Committee. The Committee was tasked with providing the Council with proposed changes to the Charter. The Committee met five times over the span of five months to bring this proposal forward.

In order to meet the deadline for placing a measure on the ballot, the City Council must approve proposed changes to the Charter by July 2024. Prior to taking that final action, the Council must hold a total of three (3) public meetings. The first two public hearings must be held at least thirty (30) days apart from each other. The meeting at which the Council votes to place the amendments on the ballot must take place at least twenty-one (21) days after the second hearing. The proposed timeline is below:

PROPOSED TIMELINE		
February 13, 2024	First Public Hearing	1 st public hearing to consider amendments

March 26, 2024	Second Public Hearing (at least 30 days from 1 st hearing)	2 nd public hearing to consider amendments
April 23, 2024	Public Meeting	Council votes on provides direction to staff regarding preparation of question to the voters

DISCUSSION:

The Committee reviewed the entire Charter and made recommendations based on the need to modernize City practices and create opportunities for more civic engagement. The Committee focused on creating inclusion, removing gender specific language, improving options for public participation, and addressing compensation challenges for City Council and the Commissions.

The Committee proposes changes to the Charter as follows:

Charter Section	Summary of Changes
Section 405 - Compensation	Allow Council to consider obtaining fringe benefits in addition to salary
Section 408 – Meetings of the Council	Remove requirement to hold 1 regular meeting each month and only require a meeting that could be a special or emergency meeting.
Section 409 – Participation	Remove registered voter status requirement for advisory commissions and committees
Section 502 - Salary	Mayor to receive 25% more in salary than remainder of Council
Section 607 – Publication of Ordinances	Update language to allow publication on any newspaper or as permitted by Sate Law
Section 700 – City Manager	Update qualification requirements
Section 703 – City Manager Powers and Duties	Include requirement to meet with Council Members and assign role of City Emergency Operations Center (EOC) Director
Section 804 – City Attorney Powers and Duties	Clarify City's abilities to hire additional attorneys
Section 900 - Commissions	Allow residents to be appointed to Commissions but continue requiring planning commissioners to be registered voters. Change Library Board to Commission

Section 905 – Planning Commission Compensation	Grant Council the ability to consider compensation for Planning Commissioners
Section 910 – Board of Library Trustees	Change Library Board to a Commission
Section 1001 – Competitive and General Service	Clarify General Service staff positions
Section 1002 – Personnel Rules and Regulations	Deleted due to lack of relevance
Section 1004 – Suspension, Demotion, and Dismissal	Add reference to City Rules and Regulations
Section 1106 – Tax Levy	Prop 13 overrides this section, recommending strike through
Section 1113 – Funds: Capital Outlays Fund	Removes non-enforceable language
Section 1118 – Contracts for Official Advertising	Remove entire section as it is unnecessary and impractical
Section 1122 – Tax Limits	Remove Section 1122 (a) and Section 1122(b)(1) as not authorized post Proposition 13
Section 1202 – Franchise Terms, Conditions, and Procedures	Remove requirement to establish general terms and conditions for franchises through ordinance and instead consider franchises individually
Section 1504 – Violations	Replace “shall” with “may” to allow flexibility in imposing violations
Section 1506 – Publicity of Records	Include language to refer to State policy regarding public records requests

The City Council should review proposed changes and make appropriate recommendations. The City Clerk will post the proposed changes online and offer avenues for the public to submit their comments. The second hearing is tentatively scheduled for March 26, 2024.

STRATEGIC PLAN:

This project supports Strategic Plan Goal:
6-Community Engagement & Well-Being
7-Efficient & High Performing Government

FINANCIAL IMPACT:

Depending on the number of sections amended, the publication and printing cost of the General Municipal Election could increase by approximately \$5,000 to \$10,000.

ALTERNATIVE ACTION:

- Request that the Committee explore additional changes
- Do not consider proposed changes to the Charter

ATTACHMENTS AND/OR REFERENCES:

1. Watsonville Charter 2014 redlined
2. Government Code Section 34458
3. Election Code Section 9255