

Agenda Report



MEETING DATE: Tuesday, December 12, 2023

TO: City Council

FROM: CITY CLERK ORTIZ
CITY ATTORNEY ZUTLER
CITY CHARTER SUBCOMMITTEE

THROUGH: CITY MANAGER MENDEZ

SUBJECT: CITY CHARTER AMENDMENTS AS PROPOSED BY THE CITY
CHARTER SUBCOMMITTEE – FINAL HEARING

RECOMMENDED ACTION:

Conduct final public meeting as required by Government Code Section 34458 to consider City Charter amendments as proposed by the City Charter Subcommittee and direct staff to prepare ballot question(s) for the November 5, 2024, Election.

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In 2023, then Mayor Eduardo Montesino requested that staff explore options for updating the City's Charter to modernize outdated language.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 Charter 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 several times and made recommendations to the Council during the public hearings.

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 held two (2) public hearings and will now consider all the recommendations and provide direction to staff.

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 City Council considered proposed changes submitted by the Subcommittee on February 13 and March 26, 2024. The City Council asked that the subcommittee focus on options for increasing participation in Boards & Commissions, while requiring that appointees generally be qualified registered voters of the City.

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	Strike the word “citizen” from provision regarding participation in Council meetings
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	Create more options for qualifying to become city manager “Candidates for City Manager shall have a minimum of one (1) year previous experience as a City Manager or two (2) years previous experience as an Assistant City Manager, or a minimum of five (5) years of senior level municipal management experience in a public service setting with extensive experience working with City Council or County Board of Supervisors.”
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	Remove reference to Boards and make Library Board a Commission. General cleanup of language. Separately, create a ballot question to allow residents not registered to vote to be eligible for appointment to Commissions and other Council appointed bodies.
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 Administrative 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, Condition, 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 all recommendations and direct staff to finalize ballot questions to be included in the ballot for the November 5, 2024, Election.

Section 900: Commissions

At the March 26 meeting, Councilmember Montesino moved that the Council: 1) accept the recommendations of the subcommittee, with the exception of the recommended change to Section 900, which would have added two nonvoting members to the Parks & Recreation Commission and Library Board; 2) direct staff to return with language for a second ballot question regarding whether all Watsonville residents, regardless of voter status, may serve on the Parks & Recreation Commission and Library Board; and 3) set the third public meeting required by Government Code Section 34458 for April 23, 2024. The Council approved the motion unanimously.

The City Council would still retain the ability to appoint members to Commissions based on recommendations by individual Council Members.

Section 900 currently provides, in relevant part: “In order to be eligible for appointment to any board or commission, a person shall be a qualified registered elector of the City.” The subcommittee also recommended making the Library Board a Commission. In the proposed language below, the change from Board to Commission (for the Library Board) is included in Measure #1, so that Measure #2 focuses solely on the eligibility question.

Suggested language for two ballot measures is as follows:

Measure #1

Shall the measure amending the Charter of the City of Watsonville to allow Councilmembers to receive employment benefits, adjust the Mayor’s salary, modify Council meeting requirements, allow the Council to set compensation for Planning Commissioners, make the Library Board a Commission, update qualifications and duties of City Manager, clarify requirements regarding ordinance publication and hiring attorneys, clarify staff positions and references to City regulations, and remove or revise provisions to be consistent with current law be adopted?

Measure #2

Shall the measure amending the Charter of the City of Watsonville to modify the eligibility requirement for appointment to the Parks & Recreation Commission and the Library Commission from qualified elector to resident of the City of Watsonville be adopted?

Separate from Measure #2, the Subcommittee recommended several clarifications to Section 900. Those clarifications will be included in Measure #1.

Both measures require a simple majority to pass.

Also at the March 26 meeting, Mayor Quiroz-Carter requested data regarding other cities’ approach to service on boards and commissions, and Councilmember Parker requested data regarding the cost of adding an additional measure to the November ballot. The poll of cities’ policy on eligibility for appointment to boards and commissions is attached per Mayor Quiroz-Carter’s request. The cost for including additional questions on the ballot is estimated between \$2.50 to \$4.50 per voter per contest. For Watsonville, each question could cost between \$60,000 and \$108,000.

STRATEGIC PLAN:

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

FINANCIAL IMPACT:

\$60,000 to \$108,000 per contest on the ballot.

ALTERNATIVE ACTION:

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

ATTACHMENTS AND/OR REFERENCES:

1. City Charter with proposed language
2. Government Code Section 34458
3. Election Code Section 9255
4. Poll by City of Napa on citizenship requirements for boards and commissions