

Tracey Martinez

From: cateconner@twc.com
Sent: Wednesday, August 03, 2016 6:32 PM
To: Stan Henry; Greg Pettis; John Aguilar; Mark Carnevale; Shelley Kaplan
Cc: jhowell@cathedralcity.gov; Tracey Martinez; Charles McClendon
Subject: Draft Charter and upcoming council meeting of August 10th

To: Mayor Henry and each Council Member respectively:

At the next regular meeting of Council on August 10th, Council will vote whether or not to put an item on the November 2016 ballot for voters to decide. That item is regarding converting Cathedral City from a General Laws city to a Charter city.

My question that I ask of each of you individually is to please elucidate specifically just one situation or issue of the City that would be different, either for the better or for the worse, and why, since incorporation or since the time when a Charter was first considered years ago.

Please respond to me by email and as part of the public record on August 10th.

Thank you.

Kathleen Patterson
Cathedral City resident

Tracey Martinez

From: Charles McClendon
Sent: Friday, August 05, 2016 7:43 AM
To: Tracey Martinez
Subject: Fwd: Questions for August 22 deadline: Charter Ballot Issue (295 words against 300 word limit as published)

Sent from my iPhone

Begin forwarded message:

From: Shilo Herrling <shilo.herrling@gmail.com>
Date: August 4, 2016 at 9:50:31 PM PDT
To: <ghowell@cathedralcity.gov>, <jmeza@cathedralcity.gov>, <cmclendon@cathedralcity.gov>, <shenry@cathedralcity.gov>, <gpettis@cathedralcity.gov>, <jaguilar@cathedralcity.gov>, <mcarnevale@cathedralcity.gov>, <skaplan@cathedralcity.gov>
Subject: Questions for August 22 deadline: Charter Ballot Issue (295 words against 300 word limit as published)

(Pls include in Public Record.)

295 Words

I request the Charter issue be tabled. Voters deserve as much information as possible, and the adequate time to do their own research.

My questions:

1. Which City Council members has initiated to become a charter city? What benefits do they anticipate?*
 2. Which of our City Council members are *opposed* to becoming a charter city, and why?*
- *Please be **SPECIFIC** with examples; there will be plenty of time for vague generalities.
3. Can we nullify the Charter and return to state law, and if so, how?
 4. **Article II. Contracts, Public Financing and Franchises, Section 200 (A):** Can a requirement for 2-step RFQ/RFP (Requests for Qualifications and Requests for Proposals) bid process be included?

5. **Article VI. Elective Officials**

Section 601, Election of Council Members: I understand election by district is mandated by the CA Voting Rights Act. If so, shouldn't our Charter comply?

Section 603, Mayor and Mayor Pro Tem: *Cathedral City* voted 69% in favor of **ELECTING** a Mayor. Why does the draft Charter go against this? When separating into a separate ballot issue, can we add the option of **ELECTING** a Mayor for a **FOUR-YEAR TERM**?

Section 605, City Council Salaries: I see nothing setting ceilings for the maximum a Council member can be paid for sitting on City Boards and Commissions. In Bell, council members collected ridiculous fees for serving on Boards and Commissions.

6. **Election Dates:** Special elections are costly, and attract comparably low voter turnout, encouraging passage of special interest projects. Can we stipulate that, unless a special election is urgent, elections will follow state and federal election schedules?

7. **Election Finance:** Can the Charter prohibit use of Public Funds for elections or support of propositions or initiatives of any kind?

Thank you.

Shilo Herrling

69220 Tamala Avenue
Cathedral City, CA 92234
760-409-7227

Tracey Martinez

From: Charles McClendon
Sent: Thursday, August 04, 2016 5:21 PM
To: Tracey Martinez
Subject: FW: Upcoming Charter Vote - For Public Record

From: Shilo Herrling [<mailto:shilo.herrling@gmail.com>]
Sent: Sunday, July 31, 2016 3:50 PM
To: Gary Howell; Josie Meza; Charles McClendon; Stan Henry; Greg Pettis; John Aguilar; Mark Carnevale; Shelley Kaplan
Subject: Upcoming Charter Vote - For Public Record

(Please ensure the following is included in the Public Record.)

Dear Cathedral City Council Members, City Manager, Cathedral City Clerk, and City Administrative Assistant:

Thank you for the opportunity to review the draft City Charter. I understand a final meeting is approaching at which a decision will be made whether to place this Charter on the November ballot for public vote. I am told there have been opportunities for members of the public to become aware, but I personally only learned of this issue two weeks ago. Since then, I have spoken with numerous Cathedral City friends and neighbors who confirm they also have heard nothing about the drive to make Cathedral City a charter city.

With this in mind, I would like to respectfully suggest that the Charter issue be tabled for further review. Converting to a charter city comes with serious governance and financial ramifications, and in fairness, we voters deserve as much information as possible; if we do ultimately 'go charter', we should avoid any appearance of adoption without adequate disclosure and 'learning time' for those who wish to conduct their own research.

If, however, Council determines to move forward with the process, I do have some questions, and request the following be included in the public record (thank you, Mr. Howell).

1. Which of our City Council members has initiated the drive to become a charter city, and what benefits do they see to this action?*
2. Which of our City Council members, if any, are *opposed* to becoming a charter city, and why?*

*Please be **SPECIFIC** and include examples; I am sure that if/when this goes to the November ballot, we'll receive plenty of vague pro/con generalities.

3. If we do vote to become a charter city and it is determined later to have been a mistake, can we nullify the Charter and return to state law, and if so, what is involved?

4. **Article II. Contracts, Public Financing and Franchises, Section 200 (A)**: With regard to bids for contracts, I suggest the Charter language be amended to include a requirement for the 2-step RFQ/RFP (Requests for Qualifications and Requests for Proposals) bid process.

5. **Article VI. Elective Officials**

Section 601, Election of Council Members: I understand the issue of electing Council members by district has been mandated by the California Voting Rights Act; if so, language in this section of the Charter should be revised to reflect our compliance with the Act.

Section 603, Mayor and Mayor Pro Tem: This section seems to fly *directly in the face of Cathedral City voters*, who in a costly survey, voted 69% in favor of **ELECTING** their Mayor. As this specific clause appears to be one of the most divisive sections of the Charter, I would like to know who among the supporters of this Charter (Council member names, please) supports retaining this 'appointment' clause, rather than making it a stand-alone ballot issue? And on that stand-alone ballot issue, I suggest including a third option: ELECT the Mayor for a **FOUR-YEAR TERM**.

Section 605, City Council Salaries: I see nothing here that sets ceilings for the maximum a Council member can be paid for sitting on City Boards and Commissions. It's pertinent: In the City of Bell, California, following their conversion to a charter city, Council members were paid a salary comparable to state law cities, but the State's limits on pay for serving on Boards and Commissions service was removed, and those Council members received (and in some cases, continue to receive) thousands of dollars for their Boards and Commissions service. I request a maximum dollar amount be included for serving on each City Board or Commission; it could always be adjusted by a vote.

6. **Election Dates**: I see nothing about when routine elections will be held. I understand the importance of being able to schedule a critical special election outside the State or Federal schedule, but special elections are costly, and worse, participated in by a minority of voters, meaning special interests can easily have their pet projects approved with minimal voter turnout.

7. **Election Finance**: I would encourage addition of a clause prohibiting use of Public Funds for elections or support of propositions or initiatives of any kind.

Thank you for your time and consideration.

Shilo Herrling

Cathedral City, CA 92234
760-409-7227

Tracey Martinez

Subject: FW: Cathedral City.Response to Citizen Questions on Charter
Attachments: QAR080716.rtf

From: Dale Jag [<mailto:dalejag@aim.com>]
Sent: Sunday, August 07, 2016 9:52 PM
To: Charles McClendon
Subject: Re: Cathedral City.Response to Citizen Questions on Charter

Hi Charles,

Here are some rebuttal questions/statements for you to review. Hopefully you can get this answered before Wednesday's meeting. Thank you for everything you do, it is appreciated.

Later,
Dale Jag

On 8/5/2016 10:50 AM, Charles McClendon wrote:

Here are the responses to your questions. All of this will be discussed and probably other questions as well, at the public meeting on Wednesday, August 10 at 6:30 pm in the Council Chambers. You are certainly welcome and encouraged to attend or watch on-line or on TWC Channel 17.

Pardon the attention to details in this rebuttal but those that composed it want to respect each person's contribution to the rebuttal.

Initial Questions are in Black

Cathedral City answers are in Blue

Concerned Citizens response are in Dark Red

Special comments by Concerned Citizens are underlined in Red

Please note how many times this statement is used:

I'm sure this was an oversight, but the question above was not completely answered.

To whom it may concern,

Since this Charter would be in effect for future councils and possibly decades, the present council should not take this personally but understand that we are looking forward that this Charter would contain safeguards for its residents.

When answering these questions, please use the referring question number. If possible, please respond by August 5th, 2016.

#1 In light of the following list of questions from a group of concerned Cathedral City residents that are responding to the Council's invitation to ask questions about the proposed City Charter issue, we respectfully request if Council will effectively table the issue at this time, not put it on the Ballot for November and let the citizenry research the voluminous information.

Response #1. The decision to refer the Charter to the voters will be made by the elected City Council during a public Council meeting on August 10. If they vote to refer the question to the ballot it will be the voters of Cathedral City who make the final decision to adopt the Charter or not. The City Council has held numerous study sessions, public hearings, and City Hall at Your Corner meetings over the past two years discussing the proposed Charter and soliciting public comment. **The City Council has not held a study session on the things I brought up. There have only been 2 public hearings dedicated to the Charter not numerous ones, and I doubt that over the past 2 years there has been discussion about the charter in the City Talk events (since I've been to two and no one but myself have mentioned anything to do with the Charter. Now that a couple more people are finding out about it and want to know more we are told there is no more time allowed) This is not the way a City should be run if it really cares about it's people. The City knows it is woefully poor at getting information to the residents and casts the blame onto them. City meetings were to be televised but they are not. Posting**

info in the newspaper is an antiquated form of communication and requires the purchase to receive the information and a working knowledge of English. Our town is not fully English speaking. The city has a very unfair advantage over the residents in this case. There was talk of community advocates who would hold meetings but that has not been done. Because of the Charter Issue and all the questions that have arisen concerning the meaning and wording, it is fair to assume that the overwhelming majority of the residents will have questions and concerns and will not want the issue to go to the voters yet. The problem is that they are unaware.

We content that the number one priority for the City is to inform the residents before this Charter or any other one goes to the vote of the people.

General Questions:

#2 What are any benefits of becoming a Charter City?

Response #2. More local control. In general terms cities choose to become Charter cities (if their voters approve) so that they may exercise greater local decision making regarding "municipal affairs." A general law city can adopt regulations related to municipal affairs only to the extent they are consistent with the laws of the State of California; a charter city may establish regulations regarding municipal affairs tailored to local conditions and situations, provided those regulations are consistent with the California and federal constitutions. Both charter and general law cities are still subject to applicable provisions of state law pertaining to matters that are not municipal affairs but which have been determined to be "matters of statewide concern."

#2a Who wrote the Charter Draft?

Response #2a. The draft Charter was written by a Council subcommittee in cooperation with the City Manager and the City Attorney. Charters from area cities were considered in developing the draft language but the draft as it currently exists represents the work of local officials, often reflecting suggestions made by the public at the eight study sessions, two formal public hearings and numerous City Hall at Your Corner discussions held over the past two years.

This was written to conform with other City charters that who knows where they came from. Yes - Template or boiler plate with a few differences I suspect.

#2b If it came from outside the City, where did it come from?

Response #2.b. N/A – as noted above it was locally written.

#3 Is this Charter revocable?

Response #3. Yes, the voters of Cathedral City have the ability to amend or repeal the Charter through a public election and vote process; see below.

Every Constitution and Charter is to have the process by which it amends or

revokes. If there is no clear way to do it, any attempts will ALWAYS be challenged.

#3a What would be the procedure in doing this?

Response #3a. There are various ways to amend or repeal a charter that can be found in the in California Government Code and Elections Code. The specific procedures that must be followed depend on how the amendment or repeal is being proposed. Amendments and repeal can be proposed by an act of the City Council, by the establishment of a Charter Commission (that is either elected or appointed), or through a citizen initiative petition. Regardless of the method used to propose the charter amendment or repeal, the proposal must be approved by the voters at an election.

Not helpful. All of that should be stated or else Pick one and put it in there! So voters have something to go on.

I'm sure this was an oversight, but the question above was not completely answered.

There was no detail on how citizen initiative petition can be done. It is MUCH more difficult for a citizen because an attorney would have to draw up a petition and it would have to be signed by a percentage of Cathedral City voters. This is usually done by standing endless hours in front of a local business that would allow you to get these signatures and there is a time limit on doing this. Making this nearly impossible to do.

#4 Is this Charter in compliance with SB7?

Response #4. Yes. SB 7 provides that charter cities must pay prevailing wages to be eligible for state funding on construction projects. SB 7 effectively forces all charter cities to pay prevailing wages and the requirement would be no different if the draft Charter is approved by the voters. The proposed Charter contains no provision allowing the City to avoid prevailing wage provisions.

PREAMBLE:

#5 Explain Self-Governance vs. Self-Government and why Self-Governance is used? Suggest use of "government"

Response #5. Self-governance as written seems to be grammatically correct. Governance is the act of governing and is proper in this context. **"Seems to be grammatically correct" is not a good enough answer. There is a difference in that they mean two different things. Governance is the process by which government is conducted. Therefore this Charter has been specifically designed Not to say how things will be done which will abolish any argument about it when enacted.**

I'm sure this was an oversight, but the question above was not completely answered.

#6 Can the word "citizen" be changed to resident in all places when referring to the City.

From research, even though some say it is fine to use either, I think it is better to be on the safe side and go with resident...which may also mean an "inhabitant" however refers to people.

Our citizenship is with the United States of America and we are protected by the Constitution.

We are residents of the State and City.

Response #6. While the actions of city government certainly affect all residents of the community, some of the provisions of the Charter such as participation in City elections do require citizenship and in fact only citizens, and registered voters from among that group, can vote on the Charter. **Residents are those who can prove Cathedral City is where they reside by showing drivers license or ID. There may be other inhabitants or sojourners which may be temporary.**

#6a How, exactly, will "economic and fiscal independence" promote Health, Safety and Welfare of the people of the city?

Response #6.a. Economic and fiscal independence promotes health, safety and welfare of the people by allowing local officials and in many cases local voters to make decisions regarding what is best for our community rather than having such decisions dictated by state officials or departments. The Charter attempts to preserve the ability to make decisions locally to the extent allowed by state law. The phrase "economic and fiscal independence" as used in the Charter refers to the ability of the City to self-fund projects and programs without reliance upon state and federal grants – all of which come with conditions – commonly called "strings." **This answer does not answer the question but assumes that the City will make the best decisions for the people...already we know that it is costly to have the people vote on anything.**

I'm sure this was an oversight, but the question above was not completely answered.

#6b Why is The Constitution of the United States not acknowledged in the Charter, but the State Constitution is? The Second is not more important than the First. It is important for the City to uphold the US founding documents for the sake of enforcing and preserving rights and freedoms.

Response #6b. It is specifically the Constitution of California that grants Cities the power to become Charter cities. All lower levels of government and indeed all people are subject to the US Constitution and nothing the City does whether by a Charter, ordinance, resolution or any other action can trump the US Constitution. **This answer is**

exactly the kind of thing that should be written in the Charter but is missing; while other items that are specific and need not be in the Charter are.

ARTICLE I. MUNICIPAL AFFAIRS:

Section 100: Municipal Affairs

#7 What makes the “performance of powers, rights and responsibilities” unique to the benefit of the citizens of the city?

Response #7. The reason that communities incorporate and become cities is because the people believe there are benefits to being an incorporated city. Through the years people have voted to form cities so they can provide for the common good and address important local issues such as providing police and fire protection, parks, streets and libraries. Charters give the people of a community a greater ability to make decisions locally rather than have them imposed by County or State officials or departments. **Notice that police and fire protection are not mentioned in the Charter. Will the City regulate them or will a private corporation?**

I'm sure this was an oversight, but the question above was not completely answered.

#7a What are the "unique benefits" to the citizens or residents and how do they enhance quality of life? **Seems the answer is about the reason for a Charter not about the unique unnamed benefits .**

Response #7a. See #7 above.

I'm sure this was an oversight, but the question above was not completely answered.

Section 101: Incorporation and Succession

#8 Boundariesin the manner 'authorized by law'. Which law? State, City or new law?

Response #8. The laws of the State of California that dictate how property is annexed into a city and all cities, both Charter and general law cities, have to follow the process laid out in the law. **The way this is answered might mean State law but at the end it is unclear still.**

I'm sure this was an oversight, but the question above was not completely answered.

#9 Who is the "proper authority"?

Response #9. "Proper authority" is a legal term of art used to refer to the government body having authority to take a certain action under the law. In most cases it is the City Council that has the ability to amend or repeal ordinances passed prior to the Charter taking effect, just as they are the proper authority to make changes now. If a measure was implemented by a vote of the people then the voters would be the proper authority to amend or repeal the action. **Proper authority is either the council or the voters depending on which way it was implemented.**

Section 102: No Increased Power To Tax

#10 What is the difference between Charter City law to tax vs. General City law to tax?

Response #10. Under the current state of the law in California there is very little if any difference between the ability of a general law city and that of the charter city to impose and levy taxes. The Charter is not being proposed to increase the City's ability to impose or levy taxes. The Charter specifically states that that the Charter gives ONLY the authority to tax that exists for general law cities. In most cases that requires a vote of the people per Proposition 218. **The question was not specifically answered. What would these very little differences between the two since the city wants to be a Charter city but in this case it wants to go by general city law?**

I'm sure this was an oversight, but the question above was not completely answered.

Section 103: Fines And Penalties

#11 Please include limits/maximums for fines, penalties, etc., for violations as set by the state for general law cities.

Response #11. Under state law, a violation of a local ordinance is deemed to be a misdemeanor subject to a maximum fine of \$1,000 or six months in jail. General law cities may not impose a fine for a misdemeanor violation of a City ordinance in excess of \$1,000. Penalties for infraction violations are capped based on the number of infraction citations issued to the person or property in the past 12 months, with the highest possible penalty being \$1000 for building and safety code violations and \$500 for violations of other ordinances. The proposed Charter provision would allow the City to impose higher fines for misdemeanor and infraction violation of selected City ordinances to encourage better compliance. **This sounds scary. This could be where the City will get revenue for funding, by increasing fines.**

"The proposed Charter provision would allow the City to impose higher fines"

ARTICLE II. CONTRACTS, PUBLIC FINANCING AND FRANCHISES:

Section 200: Public Works Contracts

#12 (B) Clarify "the construction of public works project"

Response #12. A public works project is the construction of a public improvement such as a street, park, fire station, etc. The term is specifically defined in the California Public Contracts Code.

#12a Why does this not include wording that declares the City is not obligated to the gifter or donor?

Response #12a. Gifts or donation may be provided to the City free of conditions. Some donors choose not to impose conditions on their donations. However, some donations do come with conditions. While the City is not obligated to accept conditioned donations, if the City Council does choose to accept such a donation it must comply with the conditions imposed by the donor. **Doesn't the City have to specify for what purpose it is asking for donations and like everyone else, only use that money for that purpose. Donations with strings attached should be scrutinized extremely.**

#13 (C) Does this eliminate the RFQ/RFP process?

Response #13. It doesn't eliminate the RFQ/RFP process. The City will need to develop its own procurement code, which will lay out what process to use in what circumstances. I would anticipate heavy use of the RFQ/RFP process as well as competitive bids. The provision would remove the requirement that the City award public works contracts to the lowest responsible bidder in all cases. As modern public project delivery has continued to develop, "lowest responsible bidder" awards often do not provide for the best end price, best value or the best qualified contractor. This section would allow the City the freedom to choose what project bidder and delivery system best suits local conditions and the project instead of the State's one-size-fits-all approach.

#13a Why is there a dollar-figure specified which will certainly change over time, if the Charter is to remain permanent? It seems this is one of the things that should be left out so that it can be adjusted when necessary otherwise there will have to be a difficult amendment process if one even exists.

Response #13a. The Charter can be amended and if the dollar amount needs to be changed the voters could approve that. The use of a fixed dollar amount was intended to give the community the certainty the City must act accordingly when those dollar thresholds are exceeded. **Why is it necessary to insist that the City comply to entering labor agreements with unions and trade associations if the city is trying to be economically fit. Why isn't the city required to act "accordingly" at all times? Is this saying that it may or may not enter a labor agreement with unions and trade associations?**

Section 201: Purchasing

14 Clarify what Council means 'on the basis of best value'?

Response #14. The phrase “best value” means an award of a contract based on factors such as qualifications, experience on previous similar projects and other considerations besides price alone. The consideration of all of these factor, including price, in making a contract award helps to ensure better project delivery. **Didn't “lowest responsible bidder” do the same, in that it would have to adhere to the project plan and design, leaving the city in control the project to manage or contract out to manage; not expecting the City to see “value” in other aspects of the project proposal such as an offer to run or regulate the particular project for the City, essentially loosing the asset to the developer instead of retaining it?**

Can it be specified 'and to the best interest of the city'? That principle is integral to the concept of best value.

Section 203: Economic Development

#15 Who, in the city, really determines what constitutes “promotion of the general health, and welfare of the ‘inhabitants’ of the city, job creation, improving market rate and affordable housing options, improving retail and commercial options, improving dining, entertainment and recreation options and improving of the city’s tax base ”?

Response #15. The elected City Council.

#15a How can this section claim the economic development actives have accomplished or will accomplish the above purposes without the activities being completed and evaluated by the ones they were meant to “promote' or “improve” ?

Response #15a. There are typically studies done prior to entering into an Economic Development agreement that demonstrate what the expected benefits of a project will be. It is wise, however, to continue to evaluate actions over time and make sure they are providing the expected result and, if they don't we should be hesitant to authorize a similar action. This is why we have elected City Councils - to evaluate choices and options and do what is best for the community and if the voters think they aren't doing that then they elect someone else. **The City Manager and attorney seem to be the ones that are making decisions for the Council rather than the residents which do not for the most part know what is going on. The issue of voting for Mayor was put to the voters and passed and yet the Charter goes against this idea. How can we preserve the right to have the votes matter?**

#15b Why is the word “inhabitants” used which can ultimately be construed to include, in ecological jargon, all inhabitants of which are wildlife, plants and

waters etc., rather than using a people-word?

Response #15b. The term “inhabitants” has a specific meaning under California law which includes the people living within a structure. **Inhabitants does have a specific meaning and it includes rocks, the ecosystem, non-citizens, non-residents and everything else .**

#15c Why does the City Manager have so much control of the city affairs when he/she is not an elected official, (including the review of information and including advise for decision-making by the City Council; this info online)?

Response #15c. The City operates today under the Council/Manager form of government in which the Council delegates responsibility for the day to day operations of the City to the City Manager. The City Council has the ability to replace the City Manager any time they want to if they feel their policy decisions are not being properly implemented. The Charter changes NOTHING in regard to the Council’s authority over the City Manager. **The mayor used to do this work. Now he is only a figurehead.**

#16 (A) Why is “otherwise” included in this section about acquiring property if eminent domain is not a part of the scheme in our City?

Response #16. NOTHING in the Charter gives the City any powers of eminent domain that it doesn’t have today as a general law City.

#16a Shouldn’t “otherwise” be removed from the sentence, or perhaps rather expressly prohibit enforcement of eminent domain in this section?

Response #16a. NOTHING in the Charter gives the City any powers of eminent domain that it doesn’t have today as a general law City. All cities in California have the power of eminent domain, but the use of the power is strictly regulated under State law and cannot be changed in the Charter. **Eminent domain is used by the City! It must comply with state law which requires “blight” to be a reason for eminent domain. The slightest thing is being used to declare an area blighted these days. There needs to be a provision that property owners will be protected.**

I'm sure this was an oversight, but the question above was not completely answered.

#16b What is meant by “previously owned” by the City exactly?

Response #16b. Here is an example – if the City once had a park and sold it due to a recession or for whatever reason that would be a property previously owned by the City.

#17 (B) "Acquire"-- how?, "real property"--what or who's? The inquiry being by way of asking which items in the Draft Charter deal with eminent domain?

Response #17. The words "eminent domain" don't even appear in the Charter. NOTHING in the Charter gives the City any powers of eminent domain that it doesn't have today as a general law City.

#17a How does this prevent eminent domain from becoming the way by which the real property is acquired by the City for the purposes of a development project?

Response #17a. There is no express prohibition on the use of eminent domain in the Charter. It would be unwise to limit the possible use of this power. **Exactly the problem!**

Without limiting the reasons for eminent domain, your business can be acquired and handed over to another business just because the city council wants to and votes on it "for the good of the community" of course; this is communitarianism which is like communism (whether they know it or not). This is unconstitutional under the US Constitution because it infringes on the individual rights of a person.

I'm sure this was an oversight, but the question above was not completely answered.

#17b What are the specific parameters by which the City Council determines if a property, whether previously owned or not, is "necessary" for its economic development project?

Response #17b. That determination would be made by the elected City Council, considering all the facts available to them and considering input from the community just as it is done today. If the voters don't like the determinations made by Council they have the ability to elect different Council members, just as they have that ability as a general law city.

#18 (C) Would this include the transfer or sale of land to a private entity for their project?

Response #18. Yes, transferring property to a private developer could be the type of incentive used to encourage private development to occur.

#19 (D) If the City "provides for", can this mean that the private entity which wants to develop a private project, does not have to pay for site preparation since the city provides for all that?

Response #19. The City providing site preparation could be the type of incentive used to encourage private development to occur. **This should have been a simple yes or no answer. I feel it was skirted. The types should have been listed. If the city is required to pay for site prep, then it could be strain on funds.**

I'm sure this was an oversight, but the question above was not completely answered.

#20 (G) Do repairs etc. mean all buildings in the City or only City owned properties at the time?

Response #20. It could apply to any building or property regardless of ownership and based on the circumstances of the emergency. Any such actions would have to be approved in a public setting as dictated by the Brown act and other open meetings and public records laws. **This could bring a city down economically when you imagine how many people would want their buildings city-repaired after a disaster.**

#21 (H) This, “accepting of financial assistance”, could be a way for favors to be expected. Why doesn’t this include “without obligation except to repay loans?”

Response #21. This would allow for public-private partnerships and other means to combine the resources of both the public and private sectors to benefit the community. Such partnerships typically benefit both the City and the private sector, which is why both parties are willing to participate. **Why do you think a business/corporation would need financial assistance from our city? They don't. If we want equality, we should make incentives equal to all, to insure helping economically weaker, small businesses.**

#22 (I) Doesn't “providing financial assistance” give the impression that it can be expected that grants, loans, tax rebates and other financial incentives will be given to every single business of all sorts?

Response #22. No, economic development grants or other assistance currently are only provided when there will be a clear demonstrable benefit to the economic development of the City. **Wow. This sounds extremely subjective. Otherwise it must be scrutinized in detail. This is what is called having a “track record” where only the developers that can prove they have been successful in other projects, will be allowed to compete, unusually leaving the local businesses out (since the City is in economic poor straits this includes the entire city and it's businesses- all could be claimed as risky).**

#22a And if not, wouldn't a smart corporation just hold out until they could get away with as much as possible from the City before it would do business here?

Response #22a. It is always a matter of negotiation. In almost every public meeting residents indicate they want the City to do more to bring new business in the community. This entire section really exists to allow that to happen. If the public is not willing to have the City take action to promote economic development then we have to be satisfied with what comes on its own. **The City, by way of this Charter, is giving itself the ability to do all manner of business deals no matter whether this section exists to “allow it to happen” or not. It therefore is Not necessary to have**

Economic Development named in the Charter. It is a matter of course that economic development would be a part of the general welfare of the people but only when the people want it. This should be some sort of vote after much discussion on how to improve our economy. Why can't we get the businesses back that left? Why did they leave?

Lets focus on making our residents prosperous and not an outside company. Why afford the city the ability to take from a resident to give to a private developer, company, or individual?

#22b Then, is it really necessary to put this in the Charter since it has already been written that the City can do whatever type of business deals it wants?

Response #22b. The expressed statement of the Economic Development authority of the City helps preserve that authority. **This is the same reasoning given to include the condition that the United States founding documents be upheld and followed, to preserve that authority. They are the authority by which we have the right to conduct business in pursuit of happiness. It is far greater than the authority to for the City to take action on Economic Development issues which they already possess. The truth is that by restating this focus it gives the City marching orders to make Cathedral City an Economic Zone of any kind of business that will bring revenue into its coffers without the OK of residents. This will create the metropolis of the goal of Charter Cities.**

#23 (J) Explain why this is necessary to have in the Charter?

Response #23. State law requires the City to encourage and facilitate housing within its territory at all income levels but no longer provides any mechanism to publicly finance such housing. Multifamily housing is the most economical method to provide certain housing, where appropriate for the community. This section ensures that the City has flexibility in determining financing programs for this purpose. **All income levels of housing is mandated by the State but the state will not provide financing. Therefore the City must provide financial assistance for multi-family development of mansions and multi-family middle class housing and multi-family low income housing because "it is the most economical method". All housing from now on will be multi-family housing according to the Charter and the State law.**

#23a What if we do not like multi-family housing and do not want a lot of apartment buildings all over Cathedral City?

Response #23a. The public approval process would allow people to speak out and provide input to Council if they don't want something. **This is of no use if the State requires All levels of income housing and our Charter specifies multi-family housing.**

#23b If multi-family housing is spelled out, why isn't every other type of housing also spelled out ?

Response # 23a. . . The term “single-family housing” could also be added to this section. Will “single family housing” be added to this section before it goes to a vote?

I'm sure this was an oversight, but the question above was not completely answered.

Section 204: Franchises

#24 Are the franchises only given to those who use the streets for business or is there a possibility that the residents one day will have to pay for use of the streets since phasing out vehicular traffic is generally planned these days?

Response #24. This applies to businesses or corporations conducting a city wide business for a public purpose within the City. This section does not apply to citizens. There is no mention of “public purpose” for granting a franchise for use of roads. If it does not apply to residents it should say so that private businesses that need to travel by vehicle on the roads are not subject to a fee to do their business. The Section states that total control over the use of the City streets and other public property is vested in the City. Franchises may be granted to “persons” ... upon such terms, conditions, restrictions, or limitations as the Council may require by ordinance. Also they must pay adequate compensation for the privilege.

ARTICLE III REVENUE RETENTION:

Section 301: Mandates Limited

#25 Wouldn't it be important to include that the mandate be reviewed by the City Council Members to determine if lawful in our City?

Response #25. This refers to mandates imposed upon the City by other levels of government. Council would certainly discuss and opine on such mandates. Nowadays, people seem to be going along with whatever is put before them if they are told that it is legal. There is no assurance in this document that Council will review the legalities of other government agency mandates before implementing them, whether they require to be paid to carry it out or not. The possibility for abuse is very high due of the mention of money to pay for the mandate to be accomplished.

ARTICLE IV INTERPRETATION:

Section 500: Construction and Interpretation

#26 Seeing as heath, welfare, dining, entertainment, recreation, housing, and jobs are “municipal affairs” in ART. II Sec 203, will the resident's individual privacy, rights, and choices regarding these listed activities also be included as

"municipal affairs" which the wording of the Charter "shall be liberally and broadly construed in favor of the exercise of the City of it's power to govern" states?

Response # 26. Individual rights are enumerated and protected by the United States constitution and no City has the ability to infringe on such rights. This section means that items not specifically listed in the Charter are still municipal affairs (as opposed to issues of statewide concern that the state gets to govern) unless there is a state law overriding us.

This answer assumes there will remain a US Constitution, which if not specifically identified by and to which the City adhere's, can be taken away as a means to enforce City controls over individual rights. Why is there such an aversion to including it in our Charter? This should tell you something.

#26a Shouldn't there be a provision for the residents to have liberty throughout the city to enjoy it as they wish provided they do not encroach on another's US Constitutional rights?

Response #26a. That right already exists under the US Constitution and the California Constitution and no City has the ability to infringe on those rights. **If our rights are already protected by the California Constitution and US Constitution then why is California allowing infringement of individual's property rights of all sorts?**

Section 605 & 605.1: City Council Salaries & City Council Salary Decreases

#27 Is it true that if Cathedral City becomes a charter city it would allow the city to bypass the limits that a state law city would allow to pay council to be on boards and commissions? Could that pay rate be whatever the council decides it to be?

Response #27. The Charter does not allow for the Council to set their own pay rates. The rates are set at the current rates and may ONLY go up based on the consumer price index. This is actually MORE RESTRICTIVE than current general law provisions. **This question is not being answered fully. What of the pay to be on other councils boards, and commissions? Are they regulated in the same way or will the council be able to decide whatever they want to be paid if they should sit on those boards?**

I'm sure this was an oversight, but the question above was not completely answered.

This is EXACTLY how the City of Bell went bankrupt.

#28 Under a charter city does the council have any limits on how much they can vote themselves a raise?

Response #28. Under the Charter they CANNOT vote themselves a raise. **raises**

are automatic every year according to the cost of living increase. The Queen of England just got a cost of living increase of about 6 and a half million.

Other General Questions:

#29 The survey that the City conducted on a budget of \$35,000. asked voters to choose between just two choices on how Mayoral ship would be decided. 1. rotating mayoral ship decided by council or 2.elected every two years. Why wasn't a third option offered, that being "mayor elected every four years"? And why, if the city spent such a large sum of taxpayer dollars to find out what the voters want, did they go against what 69% of the survey participants said they wanted, that is to vote for their mayor?

Response #29. Perhaps another option could have been included. It was the advice, however, of the professional firm hired to do the survey that too many choices renders the answers less reliable as a measure of public opinion. In any event, the polling was done as it was done and as recommended by the experts and we can't really go back and do it over. **The point that the City survey proved the people were in favor of voting for their Mayor; and that it is not respected, followed by a clear question as to why? was totally ignored.**

I'm sure this was an oversight, but the question above was not completely answered.

Question 29 was a two-part question. The first part's answer stated Response #29. Perhaps another option could have been included. It was the advice, however, of the professional firm hired to do the survey that too many choices renders the answers less reliable as a measure of public opinion. We ask why a third answer would render the results less reliable? Please explain. Other questions in the survey were multi-faceted. and if the council felt a two-year mayoralship is undesirable, why didn't they reword the question to a four-year mayoralship?

The second part stated; "why, if the city spent such a large sum of taxpayer dollars to find out what the voters want (\$35,000.), did they go against what 69% of the survey participants said they wanted, that is to vote for their mayor? It was probably an oversight on the part of the council, but the second part of the question was not answered.

#30 If Cathedral City goes charter, is it allowed to create their own elections dates, instead of using normal state and federal election dates?

Response #30. NO. The Charter requires that elections be held in even numbered years (which are the state and federal election years). State law now dictates that cities, even Charter cities, must hold elections in November in most cases.

There is no reason a city can't hold elections at any time of the year they like. Perhaps if the City wants the State to pay for the printing of ballots etc. there is a

law why this is not allowed.

Arbitrary laws which have little or no merit should not be laws.

I'm sure this was an oversight, but the question above was not completely answered.

However in 2014 the city held an election in June asking voters to continue the extra 1 cent sales tax. That fact seems to contradict your answer.

Tracey Martinez

From: Gloria <GloriaJHook@verizon.net>
Sent: Tuesday, August 09, 2016 2:01 PM
To: Tracey Martinez
Subject: Charter City vote August 10, 2016

Tracey R. Martinez, CMC
Deputy City Clerk

August 9, 2016

Ms. Martinez:

Thank you for the opportunity to express my views concerning the prospect of changing our current form of government to a Charter City form of government.

I would like my comments to be included in the record.

I am unable to attend this meeting, however I wish to express my deep concern with the direction a few citizens are trying to take our City.

I've read answers to questions posed to the City regarding this change in our government. The feeling I get is that those wanting this change really don't have the answers that will give me the satisfaction that changing to a Charter City Government is a positive choice for our City.

Questions have been asked about how a Charter Government will benefit Cathedral City and I have yet to be convinced it will be a positive move for us. I also get the feeling that those promoting this idea cannot provide a convincing answer, either.

Just knowing that the Mayor's position is diminished - or the manner in which the Mayor is selected - is troubling.

I don't believe that we have adequate resources to support such a form of government. If there is information (with projected financial information) to show Cathedral City's ability to support itself I haven't seen it.

Another troubling aspect is that this vote seems to be calculated so that many will not be able to participate in this important process. For example, as I've stated before, there are many out of the Valley during the Summer - shouldn't their input be considered?

Who were the few hundred voters that participated in this Survey - were they from only one area of the City? Since this survey is the basis on which this change is being considered, I feel we should have had that information to determine the credibility of the Survey.

Are we a democracy or are we headed towards the governance of only the few in power staying in power because of this Charter's structure?

Because there are too many unanswered questions, and because some of the answers we've been given are not adequate - I sincerely hope that we will not choose this form of Government for our City.

Respectfully,
Gloria J. Hooker
68459 Descanso Circle
Cathedral City, CA 92234

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