

Legislation Details (With Text)

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Title: Submission to the Voters of a Question Proposing to Change from a General Law City to a Charter City
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Attachments: 1. Resolution Placing Charter on November Ballot, 2. Draft Cathedral City Charter - 8.1.16 - Clean Copy, 3. Charter Comments 8102016

Date	Ver.	Action By	Action	Result
8/10/2016	1	City Council	approved	Pass

City Council

MEETING DATE: 8/10/2016

TITLE:

Submission to the Voters of a Question Proposing to Change from a General Law City to a Charter City

FROM:

Charles P. McClendon, City Manager
Tracey Martinez, Deputy City Clerk

RECOMMENDATION:

Staff recommends that the City Council approve a Resolution Calling and Giving Notice of the Submission to the Voters a Question proposing to change from a General Law City to a Charter City and associated City Charter.

BACKGROUND:

The City Council is considering placing a measure on the November Ballot on whether or not to change from a General Law City to a Charter City. The Council created a Sub- Committee to work on a draft charter, has had many discussions on charter language, and authorized a city wide survey of registered voters to determine the community's interest in moving from a General Law City to a Charter City.

Government Code section 34458 authorizes a City Council to propose a charter for the city on its own motion as an alternative to the procedures in Government Code section 34450 through 34457, which require a vote to be held to establish a charter commission and the election of voters to serve

on that commission. However, if this alternative procedure in Section 34458 is utilized, the City is required to adhere to certain public notice and hearing requirements. Since the Council is considering proposing a Charter on its own motion two public hearings on the draft charter must be held at least thirty days apart, and then the decision to place the charter on the ballot may be made no less than twenty days after the second public hearing.

In accordance with Government Code Section 34458, a Notice of Public Hearing was posted on May 26, 2016 in 3 designated posting locations and a Notice of Public Hearing was published on June 8, 2016 and June 15, 2016 for the first of the two required Public Hearings, which was held on June 20, 2016 at 6:00 pm. For the second required Public Hearing, held on July 20 at 4:30 pm, a Notice of Public Hearing was posted on June 30, 2016 in 3 designated posting locations and a Notice of Public Hearing was published on July 8, 2016 and July 15, 2016. Both required Public Hearings were held and Council received input.

DISCUSSION:

The City Charter Sub-committee met on August 1 for the final time after the final public hearing was held on July 20 to discuss and address issues/concerns raised by the public. The draft proposed City Charter is attached for Council's consideration and includes all of the requested revisions as recommended by the Sub-committee. Included among the revisions are the following:

- Language was added to Section 606 giving the Council the option to call a special election to fill a vacancy in an unexpired Council term.
- The population threshold for converting to by district Council elections was set at 65,000 and clarification was added that the City will use the California Department of Finance population estimate.
- Qualifications for City Treasurer were deleted.

If the City Council approves the draft Charter, a Resolution will also need to be approved calling and giving notice of the submission to the voters of a question proposing the adoption of the City Charter. The draft Charter and the resolution are attached for the Council's review.

The City Attorney will prepare an impartial analysis on the Measure that explains the effect of the Measure.

Pursuant to Elections Code Section 9282, the City Council, or any authorized City Council Member (s), or any individual voter who is eligible to vote on the Measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the proposed measure. No argument shall exceed 300 words in length. Arguments are titled either "Argument In Favor Of Measure ____" or "Argument Against Measure ____", accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. The Riverside County Registrar of Voters assigns letters to the Measures as they are received.

Elections Code Section 9282 provides that any or all members of the City Council, or an individual member of the City Council so authorized by the body may prepare the above-described written

argument. The proposed Resolution provides that any or all members of the City council may prepare the arguments for or against.

The City Clerk, as the City's Elections Official, arranges for arguments for and against the measure to be printed along with the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments: "Arguments in support or opposition of the proposed laws are the opinions of the authors." Ballot arguments must be accompanied by the printed name(s) and signature(s) of the person(s) submitting them, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. No more than five signatures may appear with any argument. (Elections Code Section 9283).

As noted in the Elections Code Section 9287, if more than one argument for or against the measure is submitted to the City Elections Official within the time prescribed, the City Elections Official must select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Elections Official must give preference and priority to the arguments of the following:

1. The City Council or any of its member(s) authorized by that body.
2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure;
3. Bona fide associations of citizens; and
4. Individual voters who are eligible to vote on the measure.

If any person submits an argument against a city measure, and an argument has been filed in favor of the city measure, the City Elections Official must immediately send copies of that argument to the persons filing the argument of the city measure. The persons filing the argument in favor of the city measure may prepare and submit a rebuttal argument not exceeding 250 words.

The City Elections Official must send copies of the argument in favor of the measure to the persons filing the argument against the city measures, who may prepare and submit a rebuttal to the argument in favor of the City measure not exceeding 250 words. The rebuttal argument must be filed with the City Elections Official not more than 10 days after the final date for filing direct arguments. The proposed Resolution specifically allows for the submission and inclusion of rebuttal arguments.

The Resolution is attached for your review and approval.

FISCAL IMPACT:

The cost to add a ballot question is approximately \$8,000 to \$18,000 according to the Registrar of Voters.

ATTACHMENTS:

Final Draft City Charter

Proposed Resolution