

DESCRIPTION OF LEVEL 1, LEVEL 2, and LEVEL 3 CHANGES

Level 1

Changes in form and appearance that are not substantive. Includes corrections, rewording for clarity, reorganization, elimination of redundancies, consistency of cross-references and numbering, consolidation of sections, elimination of headings for previously deleted sections, rewording of headings to better reflect content, addition of subheadings, defined terms, and other Charter-wide conventions to improve comprehension and usability.

Level 2

Rewordings, deletions, and additions intended to add clarity, fill gaps, eliminate ambiguities, replace outdated (no longer used) practices with current “best” practices, and provide consistency with state law. Some changes might be considered substantive but are not thought to be that significant or inconsistent with the concept of clarifying and updating the Charter so as to warrant consideration as possible separate ballot measures. The more significant of these types of changes include¹:

- (A) Adding language making explicit the City’s “Council-City Manager” form of government [Section 201]
- (B) New section makes clear a person signing nomination papers can only nominate one person for each office, including only one City Council candidate from their district [Section 900(C)]
- (C) Added language specifies what it means to “run again” (submit nomination papers) in the context of how long a termed-out candidate must wait before they can “run again” [Section 300(E)]
- (D) Old Section 301 relating to certain City Council “Powers” has been revised to indicate City Council authority to judge elections and member qualifications are subject to Elections Code and constitutional limits [Section 301]
- (E) Consistent with previous interpretations, write-in candidate rules have been clarified to confirm that you must qualify and be one of the top two vote getters in the primary election in order to participate in the general election run-off [Section 902(A)]
- (F) Authority of Mayor to command the police to maintain order in the event of an emergency has been revised to be clear that it’s only during the state of emergency and that the authority would be exercised with the advice of the City Manager and the City Attorney [Section 305(A)(3)]
- (G) Rules regarding special meetings have been updated to allow City Council to take any action at a special meeting that it could at a regular meeting subject to the limitations of applicable law [Section 308(C)]
- (H) The specific requirements for publication of legal notices in a newspaper of “general circulation” has been replaced with a reference to the requirements of “applicable law” [Section 313]
- (I) Language regarding the City Council authority with respect to the City Manager has been clarified and updated to reflect current standards/practices [Section 401]

¹ This list of Level 2 changes is not exhaustive. Reference should be made to the full underline/strikeout version for all of the changes proposed across all three “Levels.” Staff will provide additional details on the proposed changes, with a focus on the changes believed to be the most “significant,” at the July 12th City Council presentation.

- (J) Language regarding a process for a “name clearing hearing” for Unclassified positions is proposed for deletion as antiquated [Section 500]
- (K) Language changes throughout Section 503 clarify, refine and make corrections to how the authority and employment status of the elected City Attorney is described [Section 503]
- (L) The section regarding “illegal contracts” has been revised and clarified to be more referential to the extensive state law in this area [Section 508]
- (M) Revisions to the section triggering elected official forfeiture of office if they accept other employment now limits applicability to full-time elected officials (Mayor and City Attorney) [Section 509]
- (N) Requirements that board and commission members be “residents” of the City unless the board or commission is advisory and involves “regional issues” has been replaced by a reference to City Council’s ability to appoint non-residents where provided by ordinance and with four fifths vote [Section 602(D)]
- (O) Parks and Recreation provision for appointment of non-residents when required by contract has been replaced to allow for this where allowed by ordinance [Section 608]
- (P) A variety of relatively minor changes are proposed to the “Civil Service” sections in the Charter. Although relatively minor, any proposed changes to these sections will, nonetheless, require notice to bargaining units and an opportunity to meet and confer with respect to possible “impacts.” If this process cannot reasonably be completed in time to allow the City to meet the August 12 deadline for submittal of the measure to the County Registrar, proposed changes in these Sections may be withdrawn. [Section 606 and Article 7]
- (Q) Language has been added to specify that any temporary department head appointment (in the case of a vacancy) must be ratified by Council if the appointment is for longer than one year. Temporary appointments for positions in the Classified Service in the event of vacancy are now permitted for up to one year instead of six months [Section 704]
- (R) Improper political activity prohibitions have been moved and revised to include Unclassified employees and make other clarifying changes [Section 707]
- (S) Election provisions from Article III and have moved and consolidated with other election provisions in Article IX
- (T) What has been standard practice for budget consideration and adoption implementing Sections 1002 through 1004 is now expressly provided with revisions to those Sections
- (U) City bonded debt limit provisions have been reviewed by outside counsel with proposed revisions to make consistent with state law requirements [Section 1008]
- (V) Provisions for a “Capital Outlays Fund” and “Department Trust Fund” have been deleted as these are no longer maintained or consistent with “best practices” [Old Sections 1013 and 1014]
- (W) Violations of the Charter used to be punishable as “infractions” with \$50 fines; revised language now makes violations potential misdemeanors. [Section 1301]

Level 3

Proposed changes that may be substantive enough to warrant presentation to the voters as separate ballot measures but could also be included as part of the larger Charter update along with the Level 1 and Level 2 changes because those changes reflect a natural evolution of the Charter due to the growth and evolution of our City. These include:

- (A) Eliminating the requirement for most boards and commissions that members be “qualified electors” (i.e., U.S. citizens), and instead requiring “residency” [Section 602(D)]
- (B) Providing for the suspension of elected officials when under felony indictment [Section 304]
- (C) Requiring residency for elected City Attorney, and 10 versus 7 years of legal experience [Section 503(D) and (E)]
- (D) Converting the provisions for “Legislative Counsel” into provisions for “Conflict Counsel” [Section 504]
- (E) Adding provisions for using a “mail in ballot” system for special elections [Section 303(C)(6)]