

# Comprehensive Charter Update Proposal Presented for Final Council Consideration [November 2022 Ballot]



**JAMES SCOFIELD**

Charter Review Comm. Chair

**GLEN GOOGINS**

City Attorney

August 9, 2022

**MEGAN MCCLURG**

Deputy City Attorney

# Background

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- Over the past year, with input from many City departments, in particular the City Clerk and the City Attorney's office, the CRC undertook an extensive review of the entire Charter and recommended a comprehensive Charter update proposal to conform with current State laws and City administrative practices, eliminate outdated provisions, clarify ambiguous terms, add headings and definitions, reformat and reorganize and, in general, make the Charter easier to understand and use
- On July 1, 2022 the CRC transmitted a draft proposal to Council for preliminary review and consideration. Both underline/strikeout and "clean" versions were provided to facilitate review
- On July 12, 2022 the item was formally presented to Council and Council's initial feedback was solicited
- On July 26, 2022 the proposed Charter update was again presented for Council consideration and possible action. Council indicated support for the majority of update provisions and directed staff to return with the documents required to place a Charter update measure on the November 8, 2022 ballot

# July 26, 2022 Council Direction

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- Councilmembers voted to support all Level 1 and Level 2 changes
- Majority of Councilmembers voted to support the following Level 3 changes:
  - Removing the requirement that board and commission members be qualified electors
  - Requiring the City Attorney to be a City resident and increasing the legal experience requirement from 7 to 10 years
  - Allowing mail only ballots for special elections to fill a vacancy
- Majority of Councilmembers voted not to proceed with Level 3 changes proposing:
  - Conversion of Legislative Counsel to Conflict Counsel
  - Suspension of elected officials with felony charges pending
- Expressed an interest in a 1 year durational City residency requirement for all elected officials if legally possible

# Proposed Resolution

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- Resolution orders ballot measure submitted to voters at the November 8, 2022 special municipal election (consolidated with the statewide election)
- Ballot measure to include all Level 1 and Level 2 changes, and the three Level 3 changes approved by Council
- Resolution does not include durational residency requirements due to legal issues

# Ballot Question

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- Resolution additionally contains the ballot question
- Form of the ballot question must comply with State law requirements
  - Limit of 75 words
  - Must enumerate “new” city powers
  - Must be a true and impartial synopsis of the purpose of the proposed measure. Cannot be argumentative or likely to create prejudice for or against the measure
- Ballot question as proposed:

*Shall the measure modifying the City Charter to conform with State laws, eliminate outdated provisions, clarify ambiguous terms, reorganize and reformat to improve usability, require residency and increased experience for the elected City Attorney, remove the requirement that most board and commission members be qualified electors, and to allow City Council to take action at special Council meetings, use mail ballot elections to fill vacancies, and approve bonded debt under State general laws be adopted?*

# Additional Resolution Actions

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- Directs the City Attorney, with assistance of the City Clerk as appropriate, to prepare an impartial analysis of the measure by August 19, 2022
- Directs the City Clerk to prepare and publish a notice of the measure to be voted on, with ballot arguments in favor of or opposing the measure due by August 18, 2022
- Authorizes the Charter Review Commission Chair, as the City Council's designee, to submit arguments in favor of the measure pursuant to state and local law
- Appropriates \$195,000 from the General Fund reserve to the City Clerk's supplies and services expenditure category to fund the costs of the measure

# Next Steps

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- Tonight:
  - If Council deems it appropriate to proceed with November 2022 ballot measure, recommend adoption of the proposed resolution
- Prior to August 12th:
  - CRC meets (August 10<sup>th</sup>) - could discuss and prepare ballot argument in favor of measure
  - City Clerk would forward all necessary documents to the County Registrar

# Comments by CRC Chair Scofield

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Staff and the CRC Chair are available for questions.



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*Shall the measure modifying the City Charter to allow City Council to take action at special Council meetings, use mail ballot elections to fill vacancies, and approve bonded debt under State general laws, require residency and increased experience for the elected City Attorney, remove the requirement that most board and commission members be qualified electors, eliminate outdated provisions, clarify ambiguous terms, reorganize and reformat to improve usability, and conform with State laws be adopted?*