

Redline Version of Recommended Charter Language

ARTICLE IV - THE CITY COUNCIL

Section 401. - NUMBER AND TERM

- A. There shall be a City Council consisting of a Mayor and seven Councilmembers. The seven Councilmembers shall be nominated and elected by district as provided in this Charter. Except as provided in subsection B, the term of office of the Mayor and Councilmembers shall be four years.
- B. Notwithstanding any other provision of this Charter, to transition to new election dates starting in 2018, the terms of office of the Mayor and Councilmembers elected in 2015 shall expire in December 2020 and the terms of office of Councilmembers elected in the year 2017 shall expire in December 2022.
- C. Beginning in the year 2020, the terms of office of the Mayor and Councilmembers elected from Districts 1, 2, 4, and 6 shall commence in the year 2020 and in each fourth anniversary of the year 2020, and the terms of office of the Councilmembers elected from Districts 3, 5, and 7 shall commence in the year 2022 and in each fourth anniversary of the year 2022. The terms of office of the Mayor and Councilmembers shall commence at the time of the City's organizational meeting held on the fifth Monday following the statewide general election and until their respective successors are elected and have duly qualified.
- D. No person may serve more than three consecutive terms of office as a Councilmember. Following a period of hiatus of not less than four years away from the office of Councilmember, a person may serve an additional two terms in the office of Councilmember. In no event shall any person serve more than five terms in the office of Councilmember. Any term of elected service of two years or more shall be considered a full term for purposes of this section. The limitation on the number of terms shall apply only to terms of office that begin after January 1, 2025.
- E. No person may serve more than three consecutive terms of office as Mayor. Following a period of hiatus of not less than four years away from the office of Mayor, a person may serve an additional two terms in the office of Mayor. In no event shall any person serve more than five terms in the office of Mayor. Any term of elected service of two years or more shall be considered a full term for purposes of this section. The limitation on the number of terms shall apply only to terms of office that begin after January 1, 2025.

(Sec. 401 amended by vote of the people 6-5-2018: Sec. 401 amended by vote of the people 11-3-1998: Sec. 401 amended by vote of the people 3-9-1993: Sec. 401 amended by vote of the people 11-4-1980, effective January 1, 1981.)

Section 402. - ELIGIBILITY.

The Mayor and each Councilmember shall be a qualified elector of the City. Each Councilmember shall be a resident of the district from which the Member is elected or appointed.

(Sec. 402 amended by vote of the people 11-3-1998: Sec. 402 amended by vote of the people 3-9-1993: Sec. 402 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 403. - VACANCY DEFINED.

If the Mayor shall cease to be a resident of the City or if any Councilmember shall cease to be a resident of the district, respectively, from which elected or appointed, or if either the Mayor or any Councilmember shall be absent without permission of the City Council from all regular City Council meetings within a period of 60 consecutive days from the last regular meeting attended, shall resign, shall be adjudged legally incompetent, shall be deceased, or shall be otherwise barred from holding office by reason of state or federal law, that office shall thereupon be declared vacant by a majority vote of the City Council.

(Sec. 403 amended by vote of the people 11-3-1998: Sec. 403 amended by vote of the people 3-9-1993: Sec. 403 amended by vote of the people 11-4-1980, effective January 1, 1981.)

Section 404. - VACANCY—APPOINTMENT OR SPECIAL ELECTION.

If a vacancy occurs in the office of Mayor, ~~Vice Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election~~ the remaining members of the Council shall, after such occurrence, elect a Mayor Pro Tempore from amongst the remaining members of the City Council. The ~~Vice Mayor~~ Pro Tempore shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election. The assumption of the duties of the ~~Vice Mayor~~ Pro Tempore shall not require that the ~~Vice Mayor~~ Pro Tempore relinquish his or her seat as a Councilmember elected or appointed from a district. ~~If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.~~

If a vacancy occurs among any member of the City Council that represents a Council District, and less than two years remain on the unexpired term for that office, the remaining members of the City Council shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented Council District who shall hold office until the office is filled at the next general municipal election. Any person seeking an appointment to a Council District vacancy shall be a resident in the district for not less than one hundred and eighty (180) days immediately preceding the vacancy occurring. The City Council shall adopt by ordinance the process to fill vacancies for Council District offices.

If two or more years remain on the unexpired term, or if the City Council cannot agree on one person to fill the vacancy within 75 days of the vacancy occurring, the office shall be filled by special election. The special election shall be called by the remaining members of the City Council (a) no later than thirty (30) days after the occurrence of a vacancy if two or more years remain on the unexpired term; or (b) at the next regular meeting of the City Council following the expiration of the 75-day deadline. The special election shall be held on the next regularly established primary municipal, general municipal, district, county, or state election date not less than 114 days from the call of the special election, unless the City Council chooses to call a special election at an earlier point in time. The unexpired term shall be filled in either the primary or general special election, upon certification of the election results where one candidate receives a majority of the votes cast for the vacant office, consistent with City Charter Section 1204.

Nothing herein provided shall limit the power of the City Council to provide by ordinance for the continuity of the City Government in the event of war, enemy-caused disaster, or common accident in which a majority of the members of the City Council are killed, missing, or injured so as to be unable to perform their duties.

(Sec. 404 amended by vote of the people 11-3-1998: Sec. 404 amended by vote of the people 3-9-1993.)

Section 405. - COMPENSATION.

Pursuant to an ordinance adopted by the City Council authorizing the formation of a Committee on City Councilmembers' Compensation ("the Committee"), each member of the City Council shall nominate one person to the Committee, subject to the approval of the City Council. The duties of the Committee shall be to study, take public input, and make recommendations regarding the compensation paid to members of the City Council and benefits to which the members of the City Council are entitled including, but not limited to, insurance, expense allowances and reimbursement. The Council Compensation Committee shall be convened not less than once every five years.

Each member of the Committee shall be an elector of the City. In making their nominations, City Councilmembers shall consider persons recommended by representatives of the fields of higher education, labor, business, and organizations reflecting the diversity of the City. No person shall be eligible for membership on the Committee who is, or within five years prior to his or her appointment was, an officer or employee of the City; or who has, within five years prior to his or her appointment, had any personal or business-related contractual relation with the City.

The nominee of the Mayor shall act as temporary chair of the Committee, with the power to fix the time and place of the Committee's first meeting. At such meeting, the Committee shall elect a Chair and a Vice-Chair and shall adopt such rules as it deems necessary to conduct its business. The provisions of the Ralph M. Brown Act shall govern the conduct of meetings of the Committee. Records of the Committee shall be maintained as public records as provided by

State law. The Committee shall gather such information as it deems necessary to complete its duties, and prior to making its recommendation, shall hold at least one duly noticed public hearing for the purpose of seeking public input. The City Manager shall provide office space, staff assistance and supplies for the work of the Committee. Committee members shall serve without compensation, other than reimbursement for reasonable expenses pursuant to City ordinance.

Not later than October 1 of the year the Committee is appointed, the Committee shall submit to the City Council a report adopted by a majority of the members of the Committee recommending either that no change be made in the compensation paid to members of the City Council, or that change, either an increase or a decrease, be made and the amount thereof. If such report is not timely submitted or is not adopted by a majority of the members of the Committee, the Committee's recommendation shall be deemed to be a recommendation for no change. The Committee shall cease to exist thirty (30) days after its report is submitted to the City Council.

The City Council may take no action on the recommendation, or it may, by ordinance, adjust the compensation paid to members of the City Council by an amount not to exceed the recommendations of the Committee. No action which increases the compensation of the City Council in excess of the level recommended by the Committee may be taken without a vote of the people. Any ordinance adopted pursuant to a recommendation of the Committee shall be adopted by a 2/3 majority vote and shall be subject to referendum as provided in this Charter. Once compensation has been initially established as provided in this section, no increase in the annual compensation shall be greater than five percent for each calendar year following the operative date of the most recent change for the compensation. No more than one ordinance establishing the compensation of City Council members may be adopted in any two-calendar year period. Any compensation and benefits fixed as a result of this Section shall constitute full compensation for the services of the City Council member and the maximum benefits provided to the City Council member by the City.

Until such time as the City Council adopts an ordinance as provided herein, Councilmembers shall continue to receive the compensation in effect as of the effective date of the Section.

(Sec. 405 amended by vote of the people 11-3-1998: Sec. 405 amended by vote of the people 3-9-1993: Sec. 405 amended by vote of the people 11-4-1980, effective May 4, 1981.)

Section 406. - THE MAYOR.

The Mayor shall be nominated and elected by the voters of the City at large for a term of four years, ~~except as provided in Section 401 (B)~~. The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor shall act as chief executive of the City in performing all acts required to be performed under the laws of the State of California and this Charter. The Mayor shall be recognized as the official head of the

City for all ceremonial purposes, by the Courts for the purpose of serving civil process and by the Governor of the State for military purposes. The Mayor shall have a voice and vote in all proceedings of the City Council and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his or her office.

(Sec. 406 amended by vote of the people 6-5-2018: Sec. 406 amended by vote of the people 11-3-1998: Sec. 406 amended by vote of the people 3-9-1993.)

Section 407 – THE MAYOR PRO TEMPORE

In the event of a vacancy in the Office of Mayor, the City Council shall elect from among the Councilmembers, a Mayor Pro Tem who shall exercise the powers and perform the duties of the Mayor.

Section 4087. - THE VICE MAYOR.

At its organizational meeting held annually in December, on the fifth Monday following the statewide general election held in November of even years, and the fifth Monday following the first Tuesday after a Monday in November in odd years, the City Council shall elect from among the Councilmembers a Vice Mayor who shall exercise the powers and perform the duties of the Mayor during the latter's absence or disability.

(Sec. 407 amended by vote of the people 11-3-1998: Sec. 407 amended by vote of the people 3-9-1993.)

Section 4098. - POWERS VESTED IN THE CITY COUNCIL.

All powers of the City shall be vested in the City Council subject to the provisions of this Charter and to the Constitution of the State of California. The City Council is empowered to carry into effect the provisions of this Charter, to execute the powers vested in the City, and to perform all duties and obligations imposed upon the City by State law.

(Sec. 408 amended by vote of the people 3-9-1993.)

Section 4109. - OFFICERS APPOINTED BY CITY COUNCIL.

The City Council shall appoint and may remove the City Manager, City Attorney, City Prosecutor, and City Clerk.

The City Prosecutor shall prosecute misdemeanor offenses arising out of violations of the law of the State and ordinances of the City.

(Sec. 410 amended by vote of the people 3-9-1993.)

Section 41~~10~~. - ORGANIZATION OF CITY OPERATIONS AND ACTIVITIES.

The City Council shall, by ordinance, provide for the organization of all city operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of city departments, offices and agencies, advisory boards, commissions, and committees. In establishing departments, offices, agencies, boards, commissions and committees, the Council shall provide for the functions, powers, and duties of each such department, office, agency, board, commission, or committee created.

The City Council may, by ordinance, abolish, consolidate, modify, or separate any department, office, agency, board, commission, or committee, and may assign, reassign, or modify any functions, powers, or duties.

(Sec. 411 amended by vote of the people 3-9-1993: Sec. 410 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 41~~21~~. - PROHIBITIONS.

- (A) Neither the Mayor nor any City Council member shall be eligible to hold any paid office created by the City Council while a member thereof and until one year after the expiration of the term for which he or she was elected.
- (B) Except for purposes of inquiry, the Mayor, the City Council, and its members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the Mayor, the City Council nor its members shall attempt to influence or to direct any subordinates of the City Manager.

(Sec. 412 amended by vote of the people 11-3-1998: Sec. 411 amended by vote of the people 3-9-1993.)

Section 41~~32~~. - OFFICIAL BONDS.

The City Council may, by ordinance, require any city officer or employee to give and execute to the City an official bonds for the faithful performance of official duties. The Premium therefor shall be paid by the City.

(Sec. 413 amended by vote of the people 3-9-1993.)

Section 414. - CAMPAIGN CONTRIBUTION LIMITS.

If the City Council adopts an ordinance implementing campaign contribution limits different than state default limits, the campaign contribution limit ordinance may be amended no earlier than following the 2nd election cycle after its enactment or amendment.