

Resolution No. 2013-06-11-1502-02

STOCKTON CITY COUNCIL

RESOLUTION ESTABLISHING THE CHARTER REVIEW ADVISORY COMMISSION, APPOINTING THE MEMBERS THEREOF, AND DESIGNATING CERTAIN OPERATING PRINCIPLES AND OBJECTIVES

The City Council desires to consider potential amendments to the City Charter that are both necessary or desirable; and

Amendments to the City Charter must be acceptable to and approved by the City's electorate, and so it is important that the citizens of Stockton have the opportunity to express their views and be involved in the shaping of any proposed amendments; and

It is necessary then to establish a Charter Review Advisory Commission, which will engage in a public process aimed at providing to the City Council guidance regarding such amendments, and to appoint the members of that commission; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS
FOLLOWS:**

1. This City Council hereby approves the formation of the Charter Review Advisory Commission, which will report to and receive guidance from the Charter Review Ad-Hoc Committee.
2. The Charter Review Advisory Commission shall engage in a public process of review of the City Charter, as directed by the Charter Review Ad-Hoc Committee, and it shall complete the Scope of Work and Deliverables attached hereto as Exhibit 1.
3. The Charter Review Advisory Commission shall conduct its meetings in public and shall be subject to the Brown Act, and shall engage in its work guided by the Principles for Charter Review attached hereto as Exhibit 2.
4. The following citizens are appointed to serve on the Charter Review Advisory Commission:

Howard Seligman
Jorge Martinez
Kevin Dougherty
Marcie Bayne
Ralph White

Eddie Brown
Lecia Harrison
Cynthia Summers
Jeff Sanguinetti
District 1: Lanston Sylvester
District 2: Peter Viri
District 3: Max Vargas
District 4: Dale Stocking
District 5: Nicholas Hatten
District 6: Ellen Powell

5. The specifics of the Charter Review Advisory Commission structure shall be established by the Charter Review Advisory Commission at its first meeting.

6. The Charter Review Advisory Commission shall report its progress to the Charter Review Ad-Hoc Committee as directed by that Committee.

7. The Charter Review Advisory Commission shall expire two years from the date of its formation, unless it is reauthorized by action of the City Council.

PASSED, APPROVED and ADOPTED June 11, 2013.

ATTEST:


BONNIE PAIGE
City Clerk of the City of Stockton



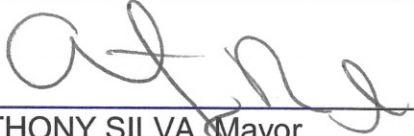

ANTHONY SILVA, Mayor
of the City of Stockton

EXHIBIT 1

SCOPE OF WORK AND DELIVERABLES

SPECIFIC CHARTER REVISIONS REQUIRING ANALYSIS AND ACTION:

BLOCK 1:

Introduction to the Charter [Consider updating to remove outdated references.]

Art. IV The City Council

Section 410 Compensation [To address recommendations from the Council Salary Setting Committee on Mayor's compensation.]

[Lead Staff will include the City Clerk, City Manager's Office, and City Attorney's Office.]

Art. X Officers and Employees

Section 1000 Restrictions [The terms of this section have been a source of significant concern and changes should be considered to remove ambiguities and align this provision with current state law.]

Section 1001 Vacation and Military Leave [This section represents a topic not normally contained within a charter, and if it remains it must be aligned with current external laws.]

Section 1002 Qualifications Prescribed by Ordinance [Changes required to align with current external laws; to remove references to potentially discriminatory employment criteria.]

[Lead staff will include the Human Resources Director, City Manager's Office, and City Attorney's Office.]

Art. XII City Manager

Section 1201 Chief Administrative Officer

[Subsection 1201(g) – Administrative spending limit. [Listed here to address the level of the administrative spending limit, which (as is mentioned below) bears evaluation in order to address potential improvements to operational efficiency. Lead Staff will include the City Manager's Office and the Director of Administrative Services.]

Art. XVI Fire Department

Section 1605 Assignment of Chief Officers [Consider revision to expand discretion of Fire Chief in assigning personnel to various supervisory roles, including the positions of Fire Marshall and Director of Training.]

Art. XX Public Contracts and Supplies

(All) [Revisions are needed to put in place current best practices, provide for desired flexibility, and ensure proper accountability in the City's purchasing process. The current process is slow and cumbersome (e.g. the Request for Proposal process requires two trips to the City Council, which adds significant delay) and for that reason has spawned certain formal and informal practices designed to avoid these delays and increase efficiency. Lead Staff will include the City Manager's Office, Director of Administrative Services, Director of Public Works, Director of Municipal Utilities, and City Attorney's Office.]

Art. XXIV City Planning Commission

Section 2400 Appointment of Members: Terms of Office [Amendments to term of office to coincide with Council terms should be considered. When a member of the Council leaves mid-term, consideration should be given to whether the member elected or appointed to fill the remainder of the vacated term should be able to then appoint a new planning commission member. Lead Staff will include the City Clerk and City Attorney's Office.]

BLOCK 2:

Art. II The Political (Election) Districts [Consider revisions to align with external law]

[Lead Staff will include the City Clerk and City Attorney's Office.]

Art. IV The City Council

Section 409 Statement of Policy [To address incongruence with charter provisions regarding responsibilities assigned to the City Manager and to align with current external laws and best practices.]

Section 411 City Offices [To address incongruence with charter provisions regarding responsibilities assigned to the City Manager and to align with current external laws and best practices.]

Art. V City Council Actions

Section 504 Actions by Ordinance [Any actions taken to address Section 411 will need to be correspondingly addressed here.]

Section 510 Lease of Sale of Real Property [Address whether it is desirable to list property by legal description, due to added costs.]

[Lead Staff will include the City Clerk and City Attorney's Office.]

Art. VI Elective Officers

Section 606 Term Limits [Amendments to clarify language in statement of term limit restriction.]

[Lead Staff will include the City Clerk and City Attorney's Office.]

Art. VII Nomination and Elections [Consider revisions to align with external law]

[Lead Staff will include the City Clerk and City Attorney's Office.]

Art. VIII Recall Of Elective Officers

Section 801 Petition [Technical correction to amend language: reference to district from which the candidate was "nominated" or appointed, since candidates are elected at-large.]

[Changes throughout Article VIII would need to be made to correspond with changes to be made to section 801 to ensure internal consistency. Lead Staff will include the City Clerk and City Attorney's Office.]

Art. XIX Budget and Fiscal Affairs: Fiscal Authority

Section 1903 Capital Improvement Program

Section 1904 Action on Capital Improvement Program

Section 1905 Economic Forecasts and the Mayor's Budget Message

Section 1906 Draft Budget

Section 1907 Mayor's Final Budget Modifications and Adoption of Budget

Section 1908 Appropriations

[This Article may be considered for significant revision in order to accurately reflect the desired budgeting process, provide for current best practices and desired

transparency, and to eliminate conflicts with other charter provisions related to the responsibilities of the City Manager. Lead Staff will include the City Manager's Office, Director of Administrative Services, and City Attorney's Office.]

BLOCK 3:

Art. XXV Civil Service

(All) [A comprehensive reevaluation and reconstitution of the City's Civil Service system is needed to provide internal consistency within the City's employment rules, processes, and procedures and to ensure adherence to current law and best practices. The current charter provisions place administrative burdens on hiring and are more voluminous and specific than normally found in a charter, where one expects statements of policy which are then given expression in various ordinances and civil service rules. Lead Staff will include the Director of Human Resources, City Manager's Office, and City Attorney's Office.]

SCHEDULE AND DELIVERABLES:

As to Blocks 1 and 2, the proposed amendments, presented in "track changes" format, and the proposed ballot arguments in support of those amendments, shall be presented to the Council on or before December 1, 2013, in preparation for the June 2014 election.

As to Block 3, the proposed amendments, presented in "track changes" format, and the proposed ballot arguments in support of those amendments, shall be presented to the Council on or before March 1, 2014, in preparation for the November 2014 election.

EXHIBIT 2

Principals for Charter Review:

Changes should be consistent with and reflect the limitations imposed by current external laws.

Changes should be informed by experience and aimed at fostering efficiency and cost-effective City operations balanced with the need to be accountable to the public, via their elected representatives, the Stockton City Council.

Changes should include the removal of outdated, unnecessary, and redundant provisions.

Conflicts between different charter provisions should be reconciled and/or eliminated.

Where possible, prescriptive business processes and employment practices should be removed from the charter, especially if there are separate commissions (e.g. the Civil Service Commission) that can develop their own rules to effectuate their mission or role.

The terms of the charter must support fairness and inclusiveness within procedures designed to facilitate well-reasoned decision making.

The terms of the charter should be stated in clear and concise language.

The charter should contain only those terms that are essential statements of policy, with matters of implementation being addressed in the City Code and the various Council and administrative policies and directives.