

Alternative to Subcommittee Report & Recommendations

Article II

The Political (Election) Districts

Section 200. Districts.

The City of Stockton is divided into ~~six (6)~~ **nine (9)** political divisions, which shall be known as districts. Following adoption **or amendment** of this Section and thereafter following each decennial Federal census, ~~and using the census as a basis, the City Clerk shall adjust the boundaries of any or all of the districts of the City so that the districts shall be as nearly equal in population as may be according to the latest Federal decennial census. The City Clerk shall adjust the boundary lines of the districts in conformance~~ **the Council shall, by ordinance, redistrict the City into ~~six (6)~~ nine (9) numbered districts with the following standards.**

- ~~(a) Every district shall be congruous.~~
- ~~(b) District boundaries should not cross census tract lines, except to the extent necessary to ensure that the districts are as nearly equal in population as many according to the latest Federal decennial census.~~
- ~~(c) District shall be numbered consecutively commencing at the northern boundary of the City and ending at the southern boundary~~
- ~~(d) District number one shall be composes of the northern most census tracts in the City that contain one sixth (1/6) of the population of the City. For purposes of this Section a census tract shall be considered to be the north of other census tracts if it contains any area that is farther to the north than all areas contained within the other census tracts. In the event that two (2) or more census tracts are equally northern by this definition, the City Clerk shall select the western most census tract.~~
- a. By no later than February 1 in the year following the decennial census, the Council shall appoint an Advisory Commission whose purpose shall be to study and make appropriate recommendations with respect to such redistricting. The Advisory Commission shall consist of one (1) member from each district, who shall be nominated by the Council member from that district. Each nominee shall become a member of the Commission upon ratification by a majority vote of the city council.**
- b. The Advisory commission shall conduct public hearings at various locations and districts in the City concerning its recommendations regarding district boundaries, and shall submit its report and recommendations to the Council within one hundred twenty (120) days following its receipt of the decennial Federal census data.**
- c. The Council shall duly consider the report and recommendations of the Advisory commission in adopting any redistricting ordinance. However, the Council is required to adopt an ordinance by November 30th under this Section, even if the Advisory commission fails to provide recommendations or reports as specified in this Section.**
- d. Any ordinance adopted by the Council and establishing, changing or altering the boundaries of any district shall describe the new boundaries by reference to a map on file in the office of the City Clerk and/or by a metes-and-bounds description.**

- e. All districts shall be drawn in conformance with the requirements of state and federal law. The Council shall make the districts as nearly equal in population as may be practicable, and may, in establishing the boundaries of the districts, give consideration to
- i. Natural boundaries, street lines, and/or City boundaries;
 - ii. Geography;
 - iii. Cohesiveness, contiguity, integrity and compactness of territory;
 - iv. Community of interests within each district.
- f. District number one shall be generally composed of the ~~northern~~ north-eastern most census tracts in the City, ~~excluding district number one,~~ that contain ~~one-sixth (1/6)~~ one ninth (1/9) of the population of the City. The Districts shall be numbered one through six nine and shall be determined in the same manner, contain one-ninth (1/9) of the population of the City so that the entire City is divided into six (6) nine (9) districts.

Upon any redistricting pursuant to the provisions of this Charter, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and to represent the district by which the member was elected prior to redistricting, notwithstanding any provision of Section 601 of Article VI requiring a member to be a resident of the district represented by such member

Any territory which is annexed to or consolidated with the City but not included within a district shall, prior to or concurrently with completion of proceedings, be added to an adjacent district or districts by the Council by ordinance, which shall become effective after adoption and shall apply to all elections held on and after the effective dates.

Article VI Elective Officers

Section 601. Councilmembers (as proposed)

The ~~six (6) nine (9)~~ Councilmembers ~~shall be nominated from districts, and~~ shall be elected by the qualified electors of ~~the City at large~~ each district and shall hold such office for a term of four (4) years beginning on January 1 of the year following the Councilmember's election and until a successor is elected and qualified.

~~(a) The voters of each district shall elect the Councilmember for that district in the manner specified in Section 704 of Article VII. nominate two (2) candidates for Councilmember at the primary municipal election. The two (2) candidates must be residents of the districts from which they are nominated.~~

~~(a) The voters of the entire City shall elect the Councilmember for each district at the general municipal election. The Councilmember from each district must be one (1) of the two (2) candidates nominated from the district at the primary municipal election.~~

~~(b)(b) All Councilmembers shall be elected to a term of four (4) years beginning on January 1 of the year following their election.~~

~~(c) b~~ Each member of the Council must reside in and be a qualified elector of the district from which said member is nominated and elected or appointed for a period of not less than thirty (30) days prior to the filing of his nomination papers or his appointment. The term of office of any Councilmember who has been

elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

~~(d)~~ **c.** Any member of the Council moving from his district during his term shall automatically forfeit his office, the same to be refilled by the Council from the electors of the district. Absence from five (5) consecutive regular meeting, unless excused by resolution of the Council, shall operate to vacate the seat of the member so absent.

~~(e)~~ **d.** If a vacancy shall occur in the office of any Councilmember, the Council shall appoint a person to fill such a vacancy. The vacancy in the Council shall be filled by the Council from the electors of the district in which the vacancy occurs. Such person shall hold office until December 31st next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

~~(f)~~ **e.** If at any municipal election held under the provisions of this Charter, a Councilmember is not ~~nominated or~~ elected from a district by reason of a tie vote among any of candidates therefor, the Council shall select by lot one (1) of the persons receiving such tie vote to fill such nomination or office.

~~(f) Notwithstanding the provisions of this Section, if the City Clerk fails to adjust the boundaries in the year following the adoption of this Section or thereafter in the year following the year in which the decennial Federal census is taken, or if the boundaries adjusted by the City Clerk are held invalid, each Councilmember to be elected at the next election and at any succeeding elections shall be elected by and from the City at large. Councilmembers shall continue to be so elected until the Clerk makes a valid adjustment of the boundaries of the districts.~~

Section 602. Mayor

~~Following each general municipal election, councilmembers whose terms will not expire on the subsequent December 31st and who have will have served at least two years on the Council as of December 31st shall be eligible to be a candidate for Mayor or Vice Mayor.~~

~~At the first meeting of a newly elected City Council, the Mayor and Vice-Mayor shall be elected by the qualified electors of the City at large the members of the City Council and shall hold such office for a term of four (4) two (2) years beginning on January 1 of the year following the of their Mayor's election and until a successor is elected and qualified.~~

~~**At said election for Mayor, the councilmember receiving the highest number of votes shall be elected to the office of Mayor, and the councilmember receiving the second highest number of votes shall be elected to the office of Vice-Mayor.**~~

~~**In the event the councilmember holding the office of Mayor or Vice-Mayor vacates or forfeits his or her office of councilmember, for any reason, or is recalled as a councilmember, the office of Mayor or Vice-Mayor shall be automatically forfeited.**~~

~~(a) The voters of the entire City shall elect the Mayor at the primary municipal election; provided, however, that should no candidate for the office of Mayor receive at the primary municipal election a majority of the votes cast for all candidates for said office, the two (2) candidates receiving the highest number of votes cast for any such candidates shall thereby qualify as~~

- ~~candidates for the office of Mayor at the runoff election to be held at the general municipal election.~~
- ~~(b) The Mayor must be a Council member and reside in and be a qualified elector of the City for a period of not less than thirty (30) days prior to the filing of nomination papers election or appointment.~~
- (c) ~~(a)~~ Moving from the City during the term shall automatically forfeit the office. Absence from five (5) consecutive regular meeting, unless excused by resolution of the Council. Shall operate to vacate the office.
- ~~(d) (b)~~ Any vacancy shall be refilled by the Council from the ~~electors of the City~~ Council-members who had been eligible for election to the vacating Mayor's position. Any persons elected shall hold office ~~until December 31 next following the next general election, and at such election a person shall be elected to hold office~~ for the remainder of any unexpired term.
- ~~(e) (c)~~ During the temporary absence or disability of the Mayor, the Vice-Mayor shall act as Mayor. In case of the temporary absence or disability of both the Mayor and Vice-Mayor, the council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of Mayor, the Vice-Mayor shall act as Mayor until such vacancy can be filled as provide in this Charter.

Article VI – Section 606 – Term Limits: Elective Officers

NOTE: Term Limits was introduced as an approved Block 2 item at the February 26, 2014 Commission meeting. After deliberation, the commission proposed two amendments, one to amend the current section, and one to remove the section in its entirety. If the Commission approves the Alternate Proposal then the **clarifying** amendment would have to be amended as well

The alternatives become:

Amend Section 606 – Term Limits – Elective Officers - **Delete this section.**

~~No person elected as either Mayor or Councilmember shall be eligible to serve or serve, as either Mayor or Councilmember for more than two (2) terms; but such service prior to January 1, 1989 shall not disqualify any person for further service as either Mayor or Councilmember.~~

Amend Section 606 – Term Limits – Elective Officers (**clarifying**)

~~No person elected as either Mayor or Councilmember shall be eligible to serve or serve, as either Mayor or Councilmember for more than two (2) terms; but such service prior to January 1, 1989 shall not disqualify any person for further service as either Mayor or Councilmember.~~

- a) No person elected as a Councilmember may serve as a Councilmember for more than two (2) terms. This limit includes any time served as Mayor.

ARTICLE VII

SECTION 703. Nominating Papers.

Notwithstanding any provision of the Elections Code of the State of California to the contrary, nominating papers for candidates for the City Council ~~and Mayor~~ shall be signed by not less than ten (10) nor more than twenty-five (25) persons. Each signer and each person who circulates a nominating paper for a candidate for the City Council shall be a resident and qualified elector of the same City Council district as that of the candidate. ~~Each signer and each person who circulates a nominating paper for a candidate for Mayor shall be a resident of the City and a qualified elector of the City.~~

Section 704. Primary and General Election Candidates (as proposed)

In the primary municipal election, the electors in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from their district. ~~and the two (2) candidates for Councilmember in each district receiving the highest number of votes cast by the electors of their district shall be candidates in the general municipal election.~~

The voters of each Council District shall elect the Councilmember at the primary municipal election. However, should no candidate for the office of Councilmember receive a majority of votes cast at the primary municipal election, the two candidates receiving the most votes for that office shall thereby qualify as candidates for the office of Councilmember at the runoff election to be held at the general municipal election.

In the general municipal election, the electors in ~~the City each district~~ shall be entitled to vote for one (1) candidate ~~for Councilmember~~ from their district, ~~in each district from which a Councilmember from their district is to be elected~~, and the candidate for Councilmember in each district receiving the highest number of votes cast by the electors of the ~~City district~~ shall be declared elected to such office.

If any provisions of this article of the application thereof to any persons or circumstances are held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or applications, and to this end the provisions of this article are severable.

Article XI. The Mayor

Section 1100 Mayor:

There shall be a Mayor of the City of Stockton, elected pursuant to SECTION 602 of this Charter, who shall be ~~the seventh a~~ member of the Council. ~~The Mayor shall devote his or her full time to the Office of Mayor.~~ (NOTE: the Commission struck the part time language from this amendment at their April 22, 2015 meeting.)

SECTION 1102. Powers and Duties.

The Mayor shall have the following powers and duties:

- (a) To review with the City Manager, City Attorney and City Clerk prior to each Council meeting the items on the Council's agenda and to add matters thereto;
- (b) To make recommendations to the Council on matters of policy and programs which require Council decision;
- (c) To make recommendations to the City Manager on matters of policy and programs;
- (d) To direct those officials appointed by the Council to prepare and provide information to the Council on matters of policy and programs which require Council decision;
- (e) To request budgetary and any other information from those officials appointed by the Council that the Mayor determines is necessary for the conduct of the Mayor's Council's duties;
- (f) To appoint, with the advice and consent of the Council, a Chairman, a Vice-Chairman, one regular member and one alternate member to each standing, special and ad hoc committee of the Council;
- (g) To appoint, with the advice and consent of the Council, such advisory boards, commissions and ad hoc committees as may be necessary or desirable to advise and assist in the work of the City Council;
- ~~(h) To appoint such other advisory boards and ad hoc committees as may be necessary or desirable to advise and assist in the work of the Mayor;~~ provided, however, that the members of such advisory boards or ad hoc committees shall not receive any compensation;
- ~~(h)~~ (h) To address, not less than annually, the citizens of the City concerning the current status of City affairs and articulating the policy plans which the Mayor proposes for the City during the ensuing year;
- ~~(i)~~ (i) To inform the citizens, at other times during the year, of any matters of policy or programs which the Mayor believes are for the welfare of the community;
- ~~(j)~~ (j) To recommend adjustments to the City Budget and to propose the modification or curtailment of any city service. If the Mayor recommends any increases in the City budget, the Mayor shall recommend the method of financing such expenditures. If the Mayor proposes the modification or curtailment of any city service, the Mayor shall provide specific recommendations and the reasons for such proposal;
- ~~(k)~~ (k) To preside at meetings of the Council and to vote as a member of the Council without power of veto;
- ~~(l)~~ (l) To preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council;
- ~~(m)~~ (m) To select and appoint, with the advice and consent of the Council, such professional, technical and clerical employees to the office of Mayor as may be necessary or desirable to advise and assist in the work of the Mayor; provided, however, that the Mayor shall not appoint to any position any business associate or any person related to him or her or to the City Manager or to any member of the Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least two-thirds (2/3) of the members of the Council if the Council finds that the proposed appointment is in the interest of the City. All such appointees shall serve at the pleasure of the Mayor in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are similar to other unclassified employees;
- ~~(n)~~ (n) To exercise such other powers and perform such other duties as may be prescribed by the Council, provided the same are not inconsistent with this Charter.

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter.

Except as otherwise provided in this Charter, the Mayor shall possess only such authority over the City Manager and the administrative branch as he or she possesses as one member of the Council.

SECTION 1103. Vice Mayor.

~~The Mayor shall nominate one (1) of the Councilmembers to serve as Vice Mayor.~~

~~(a) The term of the Vice Mayor shall commence upon ratification of the nomination by the Council and shall continue until the December 31 following the next general municipal election.~~

~~(b)~~ During the temporary absence or disability of the Mayor, the Vice Mayor shall act as Mayor. In case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall elect one (1) of its members to be Mayor pro tempore. In case of vacancy in the office of the Mayor, the Vice Mayor shall act as Mayor until such vacancy can be filled as provided in this Charter.
