

MEMORANDUM

January 24, 2024

TO: Charter Review Advisory Commission
FROM: Lori M. Asuncion, City Attorney
RE: City of Stockton Charter Articles XI and XI-A and City Job Specifications

The Charter Review Advisory Commission Chair requested an opinion from the City Attorney's Office regarding City of Stockton Charter Articles XI and XI-A. Specifically, whether the language of certain City Job Specifications are in conflict with those Charter provisions.

The Commission requested an opinion on the following questions:

1. Is there a conflict between the Charter language and the job specifications for the Public Information Officer position(s) within the City?
2. If there is a conflict, what language is controlling?
3. If a conflict exists and the job specifications are revised, would a ballot measure be needed?

All three questions are answered below.

Conflict

City of Stockton Charter Article XI-A, Section 1151 provides:

“The Public Information Office shall be administered by a Public Information Officer appointed by the Mayor who shall serve at his or her pleasure. The Public Information Officer shall be under the direction and supervision of the Mayor.”

Accordingly, any job specifications that assign work that fall under the Public Information Office to individuals outside of the direction and supervision of the Mayor would be inconsistent with the Charter language.

Order of Precedence

The City Charter takes precedence over all other City regulations, policies, administrative directives, and procedures. In the event of a conflict, the language of the City Charter controls.

Ballot Initiative

A ballot measure is required to amend the City Charter. City job specifications can be revised through the City's administrative processes.

If at the end of all processes before the Charter Review Commission, Council Ad Hoc, and ultimately, the City Council, Council decides that no change is needed to the City Charter language, and direction is given to staff to resolve any inconsistencies by revising and aligning current practice with that language, then no ballot measure would be required.