

PROPOSED AMENDMENTS TO THE CITY OF STOCKTON CHARTER

THE PEOPLE OF THE CITY OF STOCKTON DO ORDAIN, AS FOLLOWS:

Article IV, Section 409 and 410 of the City of Stockton Charter shall be amended to read as follows:

SECTION 409 – RESERVED ~~Statement of Policy.~~

~~———— The Council shall adopt a written Statement of Policy for each City department which is under the administration of the City Manager. Said Statement of Policy shall set forth the broad goals, objectives and aspirations to be accomplished by that department. When the position of the head of such a department becomes vacant, the Council shall review and, if necessary, amend the previously approved Statement of Policy. The Mayor and Councilmembers shall adopt a set of questions which are intended to elicit responses from each prospective appointee concerning the goals, objectives and aspirations in the Statement of Policy.~~

~~———— For purposes of this section, the term “department” shall mean any department specified in Charter Section 405 as well as any department created by the Council pursuant to Charter Section 411.~~

~~———— Prior to appointing any department head, the City Manager shall submit to the Mayor and Councilmembers, for their review, the responses to the Mayor and Councilmembers’ questions submitted by the proposed appointee. This section shall not apply to the appointment of any “acting” department head to serve in an interim capacity.~~

SECTION 410. Compensation.

Each member of the Council, including the Mayor, shall be paid as compensation for his or her services as a member of the Council, for each calendar month during which he or she is a member of the Council, a monthly salary together with appropriate benefits, which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in the Section. No salary shall be established for any member of the Council, including the Mayor, except as provided in this Section.

Between March 1st and April 30th of every ~~oddeven~~-numbered year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary and the benefits which it deems appropriate for the members of the Council, ~~including the Mayor,~~ for the two-year period commencing ~~July~~ January 1st of ~~that odd-numbered the next~~ year. The amount recommended for each Councilmember shall be the same. ~~The amount recommended for the Mayor may exceed that of the other members of the Council. The monthly salaries and benefits shall be in an amount which takes into account the time devoted to the office of Councilmember, and the full time nature of the office of Mayor.~~

Between March 1st and April 30th of a Mayoral election year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary and the benefits which it deems appropriate for the Mayor for the entire term commencing on January 1st of the next year at the beginning of the term of the elected Mayor. The amount recommended for the Mayor shall exceed that of the other members of the Council.

No recommendation shall be made except upon the affirmative vote of three (3) members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no changes be made.

Each ~~biennial~~ recommendation, together with the reasons therefor, shall be made in writing. Before it submits any such recommendation to the Council, the Commission shall conduct at least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance, ~~which shall be subject to the referendum provisions of this Charter,~~ adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. Salaries of the Councilmembers and Mayor may be reduced at any time by a two-thirds (2/3) vote of the Council.

Salaries established by ordinance adopted pursuant to the provisions of this section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

The compensation being paid to the Councilmembers and Mayor as of the effective date of this section shall continue until established as required by this section. In the first year after passage, which will be the odd year, the Salary Setting Commission will make salary recommendations for the Mayor as per prior to this amendment with, however the exception that the Mayor's salary will be shall not be set further adjusted for the full remaindering period of the Mayor's current term of office and the Councilmembers' salaries will be set for the remaining period of the terms of the Councilmembers to next be elected.

Article V, Section 510 of the City of Stockton Charter shall be amended to read as follows:

SECTION 510. Lease or Sale of Real Property.

Prior to any action by the City Council for the lease or sale of City's real property, notice shall be published in the official newspaper of the City at least ten (10) days before such action is taken. In the case of leases of City's real property, said notice shall contain the name of the lessee, the term of the lease, the amount of the rental ~~and a general description of the property to be leased~~ the address of the location. The authorizing resolution shall state explicitly the terms and conditions of the proposed lease; provided, that no lease of City's real property shall be for a longer period than fifty-five (55) years. In the case of the sale of City's real property, notice shall state explicitly the terms and conditions of the proposed sale as well as the names of the parties to the transaction, the amount of the sale, ~~and a general description of the property~~ the address of the location. The authorizing resolution shall state or incorporate by reference the terms and conditions of the proposed transaction as well as a legal description of such property.

Article XI, Section 1102 of the City of Stockton Charter shall be amended to read as follows:

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, commission and ad hoc committees as may be necessary or desirable to advise and assist in the work of the City Council. All members of the Council, including the Mayor and Vice-Mayor, may be so appointed;
- (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;
- (i) 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;
- (j) 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;
- (k) 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;
- (l) To preside at meetings of the Council and to vote as a member of the Council without power of veto.
- (m) 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;
- (n) 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 and 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. The Council shall provide in the annual budget funding for no less than three positions in the office of the Mayor, including the Public Information Officer appointed by the Mayor pursuant to Section 1151 of Article XI;
- (o) 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 Chapter, the Mayor shall possess only such activity over the City Manager and the administrative branch as he or she possesses as one member of the Council.

Article XIX of the City of Stockton Charter shall be amended to read as follows:

SECTION 1900. Powers.

The City of Stockton shall have the power to make and enforce all ordinances and regulations in respect to the conduct of the fiscal affairs of the City, subject only to the restrictions and limitations provided in this Charter, the Constitution of the State of California, and the Constitution of the United States.

(Repealed and Added Election 03/07/2000 Effective 01/01/2001; Repealed and added Election 11/8/94 effective 5/22/95; Added Election 10/9/73 effective 1/17/74)

SECTION 1901. Fiscal Year.

The fiscal year of the City of Stockton shall commence upon the first day of July of each year or such other time as may be fixed by ordinance.

(Repealed and Added Election 03/07/2000 Effective 01/01/2001; Repealed and added Election 11/8/94 effective 5/22/95; Added Election 10/9/73 effective 1/17/74)

SECTION 1902. Taxes.

* See Historical Notes at end of Article.

The City shall, by ordinance, provide a system for the assessment, levy and collection of all City taxes.

(Repealed and added Election 11/8/94 effective 5/22/95; Added Election 10/9/73 effective 1/17/74)

SECTION 1903. Reserves ~~Capital Improvement Program~~.

The Council shall adopt a reserve policy intended to prudently protect the fiscal solvency of the City.

~~At least ninety (90) days prior to the beginning of each fiscal year, or at such earlier time as the Council may specify, the City Manager shall prepare and shall submit to the Council a Capital Improvement Program for the five (5) fiscal years immediately following the fiscal year within which such Program is submitted to the Council. On or before the day that he or she submits such Program to the Council, the City Manager shall also file a copy of the Program with the Planning Commission of the City. Such Capital Improvement Program shall include:~~

~~———— (a) ——— A clear summary of its contents;~~

~~———— (b) ——— A list of all capital improvements which are proposed to be undertaken during the five fiscal years immediately following the fiscal year within which such Program is submitted to the Council with appropriate supporting information as to the necessity of such improvements;~~

~~———— (c) ——— Cost estimates, methods of financing and recommended time schedules for each such improvement; and~~

~~———— (d) ——— Such other information as the City Manager may deem desirable.~~

~~(Repealed and Added Election 03/07/2000 Effective 01/01/2001; Repealed and added Election 11/8/94 effective 5/22/95; Added Election 10/9/73 effective 1/17/74)~~

~~SECTION 1904. Action on Capital Improvement Program.~~

~~— Upon receipt of the copy of the Capital Improvement Program prepared by the City Manager, the Planning Commission shall consider the Program and, within thirty (30) days from and after the date a copy of such Program was filed with the Commission, shall submit to the Council a written report setting forth its findings of consistency or inconsistency of the Program with the General Plan of the City.~~

~~— The Council shall hold a public hearing on the Capital Improvement Program as submitted by the City Manager within thirty (30) days of the receipt of the Planning Commission's report. Copies of the Capital Improvement Program as submitted by the City Manager, and copies of such reports as may have been submitted by the Commission, shall be filed and available for inspection by the public in the office of the City Clerk for at least ten (10) days prior to said public hearing. The notice of public hearing shall state the time and place of hearing and the times and place when and where copies of the Capital Improvement Program as submitted by the City Manager and the report of the Planning Commission will be available for inspection by the public. At the time and place so advertised or at any time or place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the Capital Improvement Program as submitted by the City Manager at which time interested persons desiring to be heard shall be given reasonable opportunity to be heard.~~

~~— Upon conclusion of such hearing, the Council shall adopt a Capital Improvement Program for the five (5) fiscal years covered by the City Manager's proposed Capital Improvement Program with such amendments as it may deem desirable. Upon its adoption and until adoption of a new budget and a new five (5) year Capital Improvement Program, such Capital Improvement Program, as adopted by the Council, shall serve as a general guide to the Council and to the City administration in the planning and scheduling of capital improvements. From time to time, however, the Council may authorize such departures therefrom as it may deem necessary or desirable.~~

~~(Repealed and Added Election 03/07/2000 Effective 01/01/2001; Repealed and added Election 11/8/94 effective 5/22/95; Added Election 10/9/73 effective 1/17/74)~~

SECTION 1904 ~~1905~~. Economic Forecasts and Mayor's Budget Message.

~~Each Council Appointee shall, on or before December 15 of each year, The City Manager shall submit to the Mayor and to the Council a five (5) year economic forecast of expenditures and revenues for each City department, office or agency under his or her administration. the the City's General Fund, Enterprise Funds and significant operating funds. The five year economic forecast shall be provided at least annually.~~

~~The Mayor shall, on or before January 15 of each year, prepare and deliver to the Council the Mayor's Proposed Budget Priorities and Direction.~~

~~— Each Council Appointee shall, on or before February 1 of each year, prepare and deliver to the Mayor and to the Council a Capital and Operating Mid-Year Report for each City department, office or agency under his or her administration.~~

~~— The Mayor shall, on or before February 15 of each year prepare and deliver to the Council the Mayor's Budget Message which shall include:~~

~~_____ (a) _____ A statement of the fiscal priorities which the City should adopt for the ensuing fiscal year; and~~

~~_____ (b) _____ Which City services, departments, offices or agencies the Mayor proposes to be expanded or reduced.~~

~~_____ The Council shall hold a public hearing to consider the Mayor's Budget Message and to make any additions or revisions the Council deems advisable.~~

~~_____ Upon close of the public hearing, the Council shall approve the Mayor's Budget Message as presented, or as revised.~~

~~(Repealed and Added Election 03/07/2000 Effective 01/01/2001; Repealed and added Election 11/8/94 effective 5/22/95; Added Election 10/9/73 effective 1/17/74)~~

SECTION ~~1905~~ 1906. Proposed Draft Budget.

~~At least forty-five (45) days Not later than May 15th of the prior to the beginning of each fiscal year, or at such earlier time as the Council may specify, the City Manager shall prepare and present submit to the Mayor and to the Council a draft proposed annual budget of recommended expenditures and appropriations for the ensuing next fiscal year necessary to support city operations within available resources together with an accompanying report.~~

~~The draft proposed annual budget shall include anticipated revenues, projected expenditures, transfers for each fund and/or department, proposed capital improvement plan, proposed fee schedule and projected current year annualized financial activity for comparability provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Council may require or, in the absence of Council requirements, in such form as the City Manager deems desirable. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, including the amount proposed to be raised by property taxation, estimated unencumbered balances of funds to be carried over from the preceding year, estimated unencumbered available reserves, and all proposed expenditures, including debt service, for the ensuing year. The total of proposed expenditures shall not exceed the total of estimated income, estimated unencumbered balances of funds to be carried over from the preceding year and unencumbered available reserves.~~

~~In addition to complying with the requirements of this section, the draft budget shall accurately reflect the recommendations and priorities specified in the Mayor's Budget Message as adopted by the Council.~~

~~_____ The report of the City Manager accompanying the draft budget shall specify the budget allocations which implement each component included within the Mayor's Budget Message as adopted by the Council.~~

~~_____ The total proposed expenditures shall not exceed the total of estimated income, estimated unencumbered balances of funds to be carried over from the preceding year and unencumbered available reserves.~~

SECTION ~~1906~~ 1907. ~~Mayor's Final~~ Budget Modifications and Adoption of Budget.

~~At least thirty (30) days prior to the new fiscal year, the Mayor shall submit to the Council the Mayor's Final Budget Modifications to the draft budget.~~

~~Following receipt of the Mayor's Final Budget Modifications, the Council shall proceed to consider the same together with the draft budget, but the Council shall not adopt a budget, either as proposed by the City Manager or as revised by the Mayor's Final Budget Modifications, until after the Council shall have held a public hearing in accordance with the provisions of this section.~~

~~Copies of the draft The Proposed Annual Bbudget as submitted by the City Manager together with the Mayor's Final Budget Modifications and any revisions or changes as shall have been approved and recommended by the Council shall be filed and available for inspection by the public in the office of the City Clerk and on the City's accessible website for at least ten (10) days prior to said a public hearing to adopt the Annual Budget. The notice of hearing shall state the time and place of the hearing and the times and place where copies of the draft budget together with the Mayor's Final Budget Modifications and revisions or changes as shall have been approved and recommended by the Council will be available for public inspection.~~

~~Following the public hearing, the Council shall adopt the Annual Bbudget with such amendments revisions, if any, as it may deem desirable. Such amendments may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law or for debt service, provided that no amendment to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.~~

~~In the event the Council shall fail to adopt the budget by the beginning of the fiscal year, the various amounts proposed in the Proposed Annual budget shall be deemed appropriated until the Council adopts a budget for the fiscal year.~~

SECTION ~~1907~~ 1908. Appropriations.

~~After adoption of the budget, the various amounts proposed for the operation of each of the offices, departments and agencies of the City during the budget year and for other purposes or objects named in the budget shall be deemed appropriated. At any public Council meeting after the adoption of the Annual Bbudget, the Council may take action to increase or decrease the operating budget by resolution amending the budget by a majority of affirmative votes of the members be amended from time to time during the fiscal year.~~

~~In the event the Council shall fail to adopt the budget by the beginning of the fiscal year, the various amounts proposed in the draft budget shall be deemed appropriated until the Council adopts a budget for the fiscal year.~~

No part of any appropriation shall be transferred from one fund to another fund unless authorized by the City Council.

No member of the Council, officer, department or agency of the City, during any budget year, shall expend or incur any obligation to expend money ~~for any class or category of expenditure~~ not authorized by or in excess of the amounts appropriated in the budget.

Except as otherwise provided in this Charter or where the Council may have, by resolution, provided for the continuance of an appropriation beyond the end of the fiscal year, all appropriations approved by the City Council shall lapse at the end of the fiscal year to the extent they shall not have

been expended or encumbered, except for appropriations for capital and grant projects which shall continue to their completion unless a different rule has been established by action of the Council.

SECTION 1908 ~~1909~~. Control of Expenditures by City Manager.

~~The several items of expenditure appropriated each fiscal year being based on estimated receipts, income or revenues which may not be fully realized, it shall be incumbent upon the City Manager to establish a schedule of allotments, monthly or quarterly or as he or she may otherwise determine, under which the sums appropriated to the several departments, offices and agencies shall be expended. The City Manager shall revise revenue estimates from time to time, and may revise allotments at any time.~~

The City Manager shall have the responsibility and authority to implement and administer the Annual Budget and Capital Improvement Plan as approved by the Council and maintained by regulations, ordinances, and operating procedures, and shall advise the Council of the financial condition and future needs of the City.

SECTION 1909 ~~1910~~. Annual Financial Statement.

~~At the conclusion of each~~ As soon as practical after the close of the fiscal year, ~~a comprehensive Annual Financial Statement~~ an annual financial statement shall be prepared in sufficient detail to show the financial condition of the City's funds for the preceding fiscal year. Such ~~Annual Financial Statement~~ annual financial statement shall be prepared in accordance with generally accepted accounting principles.

SECTION 1910 ~~1911~~. Annual Audit.

As soon as practical after the close of the fiscal year, an ~~Annual Audit~~ annual audit shall be made of ~~all accounts of~~ the City's funds. Such audit shall be made by a firm of independent certified public accountants selected using Audit Committee recommendation and approved by the City Council. The audit shall be made in accordance with generally accepted audit standards for audits of public agencies.

The auditor shall have free access to the books, records, inventories and reports of the City. The audit shall be submitted as soon as practical after the closing of the books for the fiscal year for which the auditor is engaged by City Council. The audit shall be placed on file with the City Clerk and on the City's accessible website where they shall be available for inspection by the general public.

SECTION 1911 ~~1912~~. Council Salary Setting Commission.

There shall be, and there is hereby established, a Council Salary Setting Commission. The following provisions shall be applicable thereto:

(a) Membership: The Council Salary Setting Commission shall consist of five (5) members appointed by the Civil Service Commission. Members must be qualified electors of the City at all times during their term of office.

(b) Terms of Office: Except as provided herein below, the regular term of office of each member of the Council Salary Setting Commission shall be four (4) years. The initial members of the Council Salary Setting Commission shall be appointed by the Civil Service Commission during the month of June 2000. Two (2) of the members so appointed shall be appointed for a term expiring on December 31, 2002. Three (3) of the members so appointed shall be appointed for a term expiring on December 31, 2004. Commencing in December 2002, the Civil Service Commission shall, during the month of

December of each even-numbered year, make appointments to fill the offices of the members whose terms are expiring at the end of such even-numbered years. Such appointments shall be for regular terms of four (4) years commencing on the first day of January of the following odd-numbered year and expiring on the thirty-first day of December of the second even-numbered year thereafter.

(c) Vacancies: The Civil Service Commission may remove a member from office at any time for misconduct, inefficiency or willful neglect in the performance of the duties of his or her office providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Civil Service Commission in his or her own defense. If a vacancy occurs before the expiration of a member's term, the Civil Service Commission shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of such member.

(d) Powers and Duties: The Council Salary Setting Commission shall biennially make recommendations respecting salaries for members of the Council, including the Mayor, as provided in Charter Section 410.