

PROPOSED AMENDMENTS TO CITY OF STOCKTON CHARTER

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

The Introduction to the City of Stockton Charter shall be amended to read as follows:

INTRODUCTION

~~The republication of the Charter and the preparation of an Introduction present an~~A history appendix presents the opportunity for setting down some interesting historical facts. By the year 1848, Charles M. Weber, German-born founder of Stockton, chose to honor Commodore Robert F. Stockton by bestowing his name on the fledgling community. Stockton was the first community in California to have an Anglo-American name, all others being of Spanish or Indian origin.

The City of Stockton was founded in June of 1849, during the year following the signing of the Treaty of Guadalupe Hidalgo between the United States and Mexico. ~~Since the~~The first Constitution of the State was approved by the voters in November of 1849, ~~Stockton was founded prior to the adoption of the first State Constitution.~~

California operated under ~~the~~this Constitution of 1849 ~~from December of 1849 and prior to~~until its admission into the Union on September 9, 1850. In March of 1850 the Legislature passed an act which provided for the incorporation of cities ~~and~~. Stockton was incorporated pursuant to this act in July of 1850, ~~prior to the admission of California into the Union.~~ Stockton was, therefore, founded before California had a constitution and incorporated before it was admitted to the Union.

~~Stockton received its first Charter, a special legislative charter, from the State Legislature in 1851.~~ It was the practice under the 1849 Constitution to enact special legislative city charters which were purely legislative enactments ~~and~~, not initiated by the cities. ~~This practice continued~~Stockton received its first Charter from the State Legislature in 1851. The city operated under several special charters until the

enactment of a new state Constitution in 1879. ~~During the period from 1849 to 1879, Stockton operated under several special charters.~~

The new Constitution of 1879 revolutionized municipal government in California by permitting any city of over 100,000 people to frame its own Charter, subject to ratification by the Legislature ~~which is practically automatic. This.~~ The Constitution was later amended to make the provision apply to any city having more than 3,500 population. Cities which have taken advantage of this provision of the Constitution are referred to as "local charter or home rule municipalities". Such a charter gives a city the right to deal with strictly municipal affairs and gives a city partial independence from the state legislature. ~~This independence is confined to city affairs, however, and does not carry over to matters of state-wide concern.~~

Stockton's first local Charter under the 1879 Constitution was approved by the voters in 1888 and ratified by the State Legislature in 1889. ~~It was under this~~ This Charter that ~~Stockton operated under~~ reestablished a commission form of government, with athe commission composed of department heads who also acted as legislators.

In the year 1921, there was considerable sentiment for a change from the commission form to the city manager-council form of government. Early in 1922, twelve leading civic organizations requested the Commission to call an election for the selection of fifteen freeholders who should propose a new charter. The Commission complied with this request and a ~~freeholders~~ freeholder's election was held in May of 1922. In September of 1922, the freeholders filed with the Commission a complete draft of the new Charter. This Charter was thereafter ratified by a majority of the electors at a special election held in November of 1922 and duly approved by the State Legislature in January, 1923.

The City Charter has been amended ~~404~~ numerous times since it was originally approved in 1922. ~~Amendments were voted on at almost every election since 1926. Normally, the Charter amendments have been presented at the regular municipal elections which, commencing with 1929, have been held in October of the odd numbered years through 1981. Since then, however, the elections have been~~

~~consolidated with the State's primary and general elections held in June and November of even-numbered years.~~

~~———A comment is in order on the number of amendments to the Charter. From the standpoint of good governmental practice, a charter should be a document providing for a basic governmental structure and guaranteeing the city full control of its municipal affairs. Often, it seems to have been used in lieu of the normal legislative procedure which is by ordinance and which provides a greater flexibility. Recent amendments to the Charter have been made to modernize archaic language, clarify ambiguities of text, and develop guidelines that will lead Stockton into the twenty-first century.~~

~~———A colorful and historical note: By the year 1848, Charles M. Weber, German-born founder of Stockton, chose to honor Commodore Robert F. Stockton by bestowing his name on the fledgling community. Stockton was the first community in California to have an American name, all others being of Spanish or Indian origin.~~

A special acknowledgement to William Biddick, Jr., (City Attorney in 1954, Superior Court judge 1960-1980) for his contribution to this introductionaddendum.

Article IV of the City of Stockton Charter, section 410, shall be revised to read as follows:

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 this 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 odd-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 1st of that odd-numbered 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, ~~however the amount received by the Mayor shall be not less than the amount received by the Chairman of the Board of Supervisors of the County of San Joaquin.~~ 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 ~~and shall be commensurate with salaries and benefits then being paid for other public or private positions having similar part time and/or full time duties, responsibilities and obligations.~~

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 as of the effective date of this section shall continue until established as required by this section.

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

ARTICLE X OFFICERS AND EMPLOYEES

SECTION 1000. Restrictions.

A. No person shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the City Council while said person was a member thereof, until after the expiration of one (1) year from the date when such person ceased to be a member of the City Council to the City Council or to the office of Mayor shall be appointed to any City office, position or employment until one year has passed following the expiration of his or her service as a member of the City Council or Mayor.

B. No Councilmember or City Manager shall be interested directly or indirectly in any contract or transaction with the City or any department, board, officer, or employee thereof acting in official capacity, nor become surety for the performance of any contract made with or for the City upon bonds given to the City. No other officer or employee of the City shall be interested in any contract or transaction made by such officer or employee in official capacity, nor by any body or board of which such officer or employee is a member or by any subordinates nor become surety for the performance of any contract made with or for the City upon bonds given to the City. No officer, clerk, assistant, or employee shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the City by such officer, clerk, assistant, or employee or others, except lawful compensation as such officer, clerk, assistant, or employee. No officer or employee of the City shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the City by such officer or employee or others, except lawful compensation as such officer or employee.

~~C. Any contract or transaction made in violation of the provisions of this section may be voided at the election of the City Council. The City Council may elect to void any contract or transaction made in violation of this section.~~

~~D. Any willful violation of the provisions of Any officer or employee who willfully violates this section by any City officer or employee shall work the forfeiture of forfeit such office or employment.~~

SECTION 1001. ~~Vacation and Military Leave.~~

~~All officers and regular employees of the City, after serving for at least one (1) year, shall be entitled to a vacation annually in accordance with the applicable memorandum of understanding, compensation plan or employee contract. Such vacation shall be at such time as the executive head of the department in which such officer or employee may be serving shall direct and shall be without loss of pay. Any City employee in the Reserve Corps, Naval Reserve, Marine Corps, or National Guard of the United States Army and Navy, when called for the annual fifteen (15) day period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such employee but said employee shall have in addition thereto, the usual vacation period on pay allotted to City employees.~~

SECTION 1002. Qualifications Prescribed by Ordinance.

Notwithstanding any other provisions of this Charter to the contrary, in the event that the City assumes, by annexation, contract, or otherwise, any of the functions of any special district or any other agency or entity, the City Council may prescribe by ordinance the qualifications and conditions, including, but not limited to, residency, rank, compensation, and seniority, applicable to the employment by the City of employees of the special district, agency or entity from which functions are assumed. Qualifications for and conditions of said employment shall comply with rules and regulations of the

Civil Service Commission regarding retirement seniority, minimum age, ~~height, weight,~~
and promotional eligibility.

Article XII of the City of Stockton Charter, section 1201, shall be revised to read as follows:

SECTION 1201. Chief Administrative Officer.

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the efficient administration of all the affairs of the City placed in his or her charge by or under this Charter. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the following powers and duties:

(a) Except as otherwise provided elsewhere in this Charter, the City Manager shall appoint all officers and employees of the City; and, when he or she deems it necessary for the good of the service, the City Manager may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any City officer or employee whom under this Charter is appointed by the City Manager; provided, however, that the City Manager shall not appoint to any position any business associate or any person related to him or her or to any member of the City 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 City Council if the City Council finds that the proposed appointment is in the interest of the City;

(b) Except as otherwise provided elsewhere by this Charter, the City Manager shall direct and supervise the administration of all departments, offices and agencies of the City;

(c) The City Manager shall attend all regular and special meetings of the Council, other than closed executive sessions where the City Manager or another Council appointee is the subject of discussion, and to take part in its discussions, but not to vote. If the City Manager is unable to attend any regular or special meeting of the Council, he or she shall notify the Council in writing of such inability and set forth his or her reasons for non-attendance;

(d) The City Manager shall be responsible for the faithful execution of all laws, provisions of this Charter, and acts of the Council which are subject to enforcement by the City Manager or by officers who are under the City Manager's direction and supervision;

(e) The City Manager shall prepare and submit the annual budget to the Council in accordance with the provisions of Article XIX of this Charter;

(f) The City Manager shall recommend to the Council for adoption such measures and ordinances as the City Manager may deem necessary or expedient;

(g) The City Manager may make and execute contracts and authorize expenditures ~~of less than twenty thousand (\$20,000) dollars, or in such amounts as are established~~ pursuant to SECTION 2002 of this Charter, on behalf of the City;

(h) The City Manager shall submit an annual report on the finances and administrative activities of the City as of the end of the preceding fiscal year to the Council at a public meeting to be held within thirty days following receipt of the Annual Financial Statement. The annual report, which shall be personally certified by the City Manager to be accurate and complete, shall contain a statement indicating:

(1) Whether the revenues budgeted for the preceding fiscal year were actually received, and an explanation concerning any material differences between the total revenues budgeted and the revenues actually received;

(2) The extent to which expenditures budgeted actually were incurred, and an explanation for any material variance between budgeted expenditures and actual expenditures;

(3) The amount of the financial reserves of the city;

(4) All other information which, in the opinion of the City Manager, is necessary to provide an accurate and complete picture of the fiscal status and condition

of the city. The report shall be in a form which is susceptible to confirmation by audit. It shall be made available to the public in the Office of the City Clerk.

(i) The City Manager shall make such other reports as the Council from time to time may request concerning the operations of City departments, offices and agencies subject to his or her direction and supervision; shall keep the Council fully advised as to the financial condition and future needs of the City; and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable or as requested by Council;

(j) The City Manager shall appoint such advisory boards and committees as may be necessary or desirable to advise and assist in the work of the City Manager; provided, however, that the members of such boards shall not receive any compensation.

(k) The City Manager shall exercise such other powers, and shall perform such other duties, as are specified in this Charter or as authorized or required by the Council.

Article XVI of the City of Stockton Charter, section 1605, shall be deleted from the Charter as follows:

SECTION 1605. ~~Assignment of Chief Officers~~

~~The Fire Chief shall have the power to assign chief officers to fill the necessary supervisory positions in the Fire Department, and shall assign a chief officer as Fire Marshal and a chief officer as Director of Training.~~

Article XX of the City of Stockton Charter shall be revised to read as follows:

ARTICLE XX PUBLIC CONTRACTS AND SUPPLIES

SECTION 2000. Letting of Certain Contracts.

The City Council by ordinance shall provide for a competitive method of awarding contracts for public works, services, and the purchase of materials and supplies.

~~Except as otherwise provided for in this article, contracts which equal or exceed the amount of twenty thousand (\$20,000.00) dollars shall be let by a process of competitive bidding to the lowest and best responsible bidder.~~

SECTION 2001. Awarding of Contracts Without Bidding.

The ordinance shall permit the award of contracts without competitive bidding in cases where the City Council has approved findings which support and justify exceptions to the competitive bidding process. Those circumstances may include, but are not limited to:

- (a) Cases of emergencies;
- (b) Negotiated contracts following solicitation of competitive proposals instead of sealed bids;
- (c) Sole source vendors.

~~Except in emergencies, no contract shall be awarded pursuant to the exceptions provided in Section 2001 hereunder unless findings to support and justify such exception have been approved by the City Council before any request for proposal is issued.~~

SECTION 2002. ~~Increase of \$20,000.00 Limitation.~~ City Manager Expenditure Authority.

~~“Commencing in 1993, the twenty thousand (\$20,000.00) dollar limitation provided for in this Charter with regard to the requirement for competitive bidding and the ability of the City Manager to make and execute contracts may be increased by resolution of the City Council in an amount not to exceed the percentage increase in the Oakland/San Francisco Bay Area Consumer Price Index, “All Urban Consumers” on a year-to-year basis.~~

~~In the event that the United States Department of Labor, Bureau of Labor Statistics is discontinued or revised, such government index or computation with which it is replaced shall be used.”~~

The City Manager shall recommend and the City Council shall consider and adopt by ordinance the administrative spending authority of the City Manager.