

RESOLUTION NO. 16070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY CALLING AN ELECTION TO BE CONSOLIDATED WITH THE GENERAL MUNICIPAL ELECTION AND STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2022, AND SUBMITTING TO THE VOTERS AT THAT ELECTION TWO MEASURES TO AMEND THE CITY CHARTER TO UPDATE CERTAIN PROVISIONS

WHEREAS, a City Charter is the basic document that defines the organization, powers, functions, and essential procedures for City government, equivalent to the constitution for federal or state governments; and

WHEREAS, the Redwood City Charter was adopted by local voters in 1929 and has been amended 17 times since then, most recently in 2018; and

WHEREAS, City Charters are commonly amended from time to time to comply with changes in state or federal law, to comply with changes in technology, and to meet evolving good governance standards; and

WHEREAS, pursuant to article XI, section 3 of the California Constitution and section 9255 of the Elections Code, the City Council may propose on its own motion, a proposal to revise or amend the City Charter; and

WHEREAS, amendments to the City Charter must be approved by a majority of local voters; and

WHEREAS, on April 18, 2022, the Governance Sub-Committee considered amendments to the Charter; and

WHEREAS, on May 9, 2022, at a public hearing, the Governance Sub-Committee's recommendations of proposed amendments to the Charter were presented to the City Council; and

WHEREAS, the City Council desires to submit two ballot measures to the voters of the City of Redwood City for their approval and adoption at the election to be held on next general election; and

WHEREAS, the two ballot measures are as follows:

- a. Amendment to the City Charter to align the date of the Redwood City General Municipal Election with the Statewide General Election date, clarify the date by which Redwood City elections must be certified and City Councilmembers sworn in, and provide for election of City Councilmembers by-district in order to comply with State law.

- b. Amendment to the City Charter to shorten the term of Mayor from two years to one year.

WHEREAS, the City Council heard public comment on the proposed Charter amendments; and

WHEREAS, the City Council is authorized to submit the proposed Charter amendments to the voters at the next general election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDWOOD CITY THAT:

SECTION 1. Calling the Election and Request for Consolidation. Pursuant to California Elections Code sections 1415, 9255 and 10403, the City Council hereby calls an election to be consolidated with the City's general municipal election and statewide general election to be held on November 8, 2022, for the purpose of submitting two proposed Charter amendments described above and set forth in Exhibit A and Exhibit B (attached hereto), to a vote of the qualified voters of the City of Redwood City, and hereby requests the Board of Supervisors of the County of San Mateo to consolidate this election with the November 8, 2022, statewide general election. The consolidated election shall be held and conducted in the manner prescribed by Elections Code section 10418. The City Council hereby appropriates all monies necessary to prepare for and conduct said elections and hereby authorizes the City Clerk to take any and all actions necessary to prepare for and conduct said elections consistent with all applicable laws.

SECTION 2. Request for Services and Conduct of Election. The Board of Supervisors of the County of San Mateo is hereby requested to permit the County Elections Official to render specified services to the City relating to the conduct of the election, and is hereby authorized to canvass the returns of said municipal election, and said election shall be held in all respects as if there were only one election and only one form of ballot. The County shall certify the results of the canvass of the returns of said election to the City Council of this City which shall thereafter declare the results thereof. In all particulars not specified in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 3. Submission of Two Measures to the Voters. Pursuant to Elections Code sections 9255, 10201, 10403, and 12001, the City Council hereby orders the two measures each proposing to amend the Charter to be submitted to the qualified voters of the City of Redwood at the general municipal election and statewide general election on November 8, 2022. The full text of the Charter amendments that shall be voted on is attached hereto as Exhibit A and Exhibit B.

SECTION 4. Ballot Questions.

- a. The City Council, pursuant to California Elections Code sections 13119 and 10403, hereby orders that the abbreviated form of the first measure shall appear on the ballot as follows:

City of Redwood City Election Procedures Charter Amendment. Shall the measure amending the Redwood City Charter to align the date of the Redwood City General Municipal Election with the Statewide General Election date, clarify the date by which Redwood City elections must be certified and City Councilmembers sworn in, and provide for election of City Councilmembers by-district in order to comply with State law, be adopted?	YES	
	NO	

- b. The City Council, pursuant to California Elections Code sections 13119 and 10403, hereby orders that the abbreviated form of the second measure shall appear on the ballot as follows:

City of Redwood City Mayoral Term Charter Amendment. Shall the measure amending the Redwood City Charter to shorten the term of Mayor from two years to one year in order to allow more Councilmembers to serve as Mayor during their tenure on City Council, be adopted?	YES	
	NO	

SECTION 5. Impartial Analysis by City Attorney. The City Clerk is hereby directed to transmit a copy of the measures attached hereto as Exhibit A and Exhibit B to the City Attorney, who shall prepare an impartial analysis for each of the two measures in accordance with California Elections Code section 9280. The City Attorney shall submit the impartial analysis for each of the two measures to the City Clerk no later than August 29, 2022 at 5:00 P.M.

SECTION 6. Written Arguments. Pursuant to California Elections Code sections 9282 and 9285, the City Council authorizes the three City Councilmembers who comprise the Governance Sub-Committee to file the direct arguments in support of the two measures and the rebuttal arguments to the arguments against the two measures, if any. Pursuant to California Elections Code section 9285(b), the City Council hereby authorizes rebuttal arguments if arguments have been filed in favor of or against the two measures. The deadline for submitting ballot arguments for or against the two measures shall be 5:00 P.M. on Friday, August 19, 2022. Proposed arguments shall not exceed 300 words and shall be submitted to the Office of the City Clerk. The deadline for submitting rebuttal arguments shall be 5:00 P.M. on Monday, August 29, 2022. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the Office of the City Clerk. The provisions of Elections Code section 9285(a) shall apply to the submittal of rebuttal arguments. All arguments and rebuttal arguments shall be submitted to the Office of the City Clerk.

SECTION 7. City Clerk. The City Clerk is hereby directed to file a certified copy of this resolution with the San Mateo Clerk of the Board of Supervisors and the County Registrar of Voters in sufficient time so that the two measures may be included on the November 8, 2022, City municipal election and statewide general election ballot. The City Clerk is hereby directed to perform all other acts that are required for submitting the two measures to be voted on at the November 8, 2022, general municipal election and statewide general election. The text of the proposed amendments shall not appear in the voter pamphlet given its length and resulting expense, but the Clerk shall post the two proposed measures on the City's website and provide any person a copy of the two measures upon request.

SECTION 8. Notice. Notice of the time and place of the election on the proposed City Charter amendments is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the calling of the Consolidated Election, in the time, form and manner as required by law.

SECTION 9. Majority Vote. These two measures propose to amend the City Charter and each shall be approved if a majority (50% +1) of those voting on the measure approve it.

SECTION 10. Form of Ballot. The ballots to be used at the election shall be in form and content as required by law.

SECTION 11. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 12. CEQA. This action is not a project and is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(3) of CEQA Guidelines, as it concerns the submittal of two charter amendment measures to the voters of the City.

SECTION 13. Effective Date. This Resolution shall become effective upon its adoption.

* * *

Passed and adopted by the Council of the City of Redwood City at a
Joint City Council/Successor Agency Board/Public Financing Authority Meeting
thereof held on the 25th day of July 2022 by the following votes:

AYES: Espinoza-Garnica, Gee, Howard, Reddy, Smith and Mayor
Hale
NOES: None
ABSENT: Aguirre
ABSTAINED: None
RECUSED: None



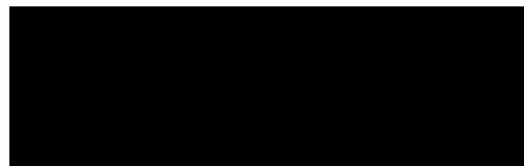
Giselle Hale
Mayor of the City of Redwood City

Attest:



Pamela Aguilar, CMC
City Clerk of Redwood City

I hereby approve the foregoing resolution this
27th day of June 2022.



Giselle Hale
Mayor of the City of Redwood City

Full Text
Start here

EXHIBIT A

NOTE: Unchanged Charter text is in plain font. Proposed additions to the Charter are double-underlined font. Deletions are in ~~strike through font~~. Asterisks (****) indicate the omission of unchanged sections.

The Charter:

Section 4. NOMINATIONS AND ELECTIONS:

General municipal elections shall be held in said City on the first Tuesday after the first Monday in November ~~second Tuesday in April~~ of each even-numbered year under and pursuant to the provisions of the general laws of the State of California governing nominations and elections in general law cities, so far as the same may be applicable, and except as herein otherwise provided.

Notwithstanding the foregoing, the Council may by ordinance require general municipal elections to be held on the same day as the statewide primary election, the day of the statewide general election, or on the day of school district elections in accordance with, and pursuant to the provisions of the general laws of the State of California governing consolidation of municipal elections of general law cities with such statewide or school district elections.

All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held substantially as in this Charter provided for general municipal elections; provided however, that special elections to authorize municipal or local public improvements or the levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the State relative thereto under which any such proceeding is instituted by the Council, in case such general law provides for the procedure and manner of holding elections thereunder. (As amended April 8, 1958, ratified by Legislature April 18, 1958) (As amended November 4, 1986, filed Secretary of State January 5, 1987)

Section 5. CANVASS OF RETURNS:

The Council of said City shall meet at its usual meeting place on the first Monday after certification of any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any; provided, however, that for any such election consolidated with a statewide election or a school district election, the returns shall be canvassed and the results thereof declared in accordance with the provisions of law regulating the statewide or school district election, and newly elected officers, if any, shall be installed at the first regular meeting of the Council following the canvass of returns and declaration of results by the agency or officer so empowered. (As amended November 4, 1986, filed Secretary of State January 5, 1987)

* * * *

Section 7. ELECTIVE OFFICERS:

The elective officers of Redwood City shall be seven Councilmembers, who shall be elected ~~from the City at large~~ by district at a general municipal election therein. Any recall election or special election or appointment to fill a vacancy shall also be by district.

Following each decennial federal census, and at other such times as provided by law, City Council shall, by resolution or ordinance, adopt boundaries for all council districts so that all of the districts shall comply with state and federal law. The term of office of any council member 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 the Councilmember was elected.

Section 8. ELIGIBILITY OF ELECTIVE OFFICERS:

~~No person shall be eligible for election to, or hold any elective office of the City unless such person shall have been a resident and elector thereof for at least 30 days next preceding the time of filing nominating papers or equivalent declaration of candidacy for such office, or such person's appointment to fill a vacancy therein. Each member of the City Council shall be elected by district and must have resided and been an elector in the district in which they are elected for a period of not less than 30 days immediately preceding the date they file a declaration of candidacy for the office of City Councilmember, and must continue to reside and be an elector therein during their incumbency. Any person appointed to fill a City Council vacancy shall have been a resident and elector of the district to which they are appointed for at least 30 days prior to appointment. (As amended April 11, 1978, certified by Secretary of State June 12, 1978)~~

Section 9. THE COUNCIL:

The Council shall be comprised of seven Councilmembers, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmembers shall be elected at each general municipal election and shall hold office for the term of four years from and after the Monday next succeeding the day of such certification of election or, if such election shall have been consolidated with a statewide election or a school district election, from and after the first regular meeting of the Council following the canvass of the returns of the election and the declaration of the results by the agency or officer so empowered. Councilmembers shall hold office until successors are elected and qualified. The Councilmembers in office at the time of this Charter taking effect shall continue in office until the end of the terms for which they were respectively elected.

Any vacancy occurring in the Council shall be filled by appointment by the remaining Councilmembers; but in the event that said remaining Councilmembers fail to fill such vacancy

by appointment within 60 days after such vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is, absent from the City for a period of 90 days, unless by permission of the Council, or ceases to be a resident and elector of the City, such member's office shall by the Council be declared vacant and the same filled as in the case of other vacancies.

The Council may provide by resolution for compensation of its members in an amount not to exceed that allowed for Councilmembers of general law cities of equivalent population. Adjustments to the initial rate of compensation established after the effective date of the amendment hereto providing for compensation by reference to councilmember compensation of general law cities may be made in amounts not to exceed those allowed for general law city councilmembers. Provision for payment in accordance with the foregoing may be made when the amendment hereto providing for such compensation is filed with the Secretary of State, but in no event before July 1, 1982.

No Councilmember shall be eligible during the term for which they were appointed or elected to hold any other office or employment with the City, except as a member of any board, commission, or committee thereof, of which they are constituted such member by general law or by this Charter. (As amended April 9, 1968, Approved by Legislature April 29, 1968, Stats. 1968 Chapter 76) (As amended April 13, 1982, certified by Secretary of State June 10, 1982; as amended April 10, 1984, certified by Secretary of State June 21, 1984.) (As amended November 4, 1986, filed Secretary of State January 5, 1987)

Section 9a. CONSECUTIVE TERMS

Each person who has been elected to the City Council either at large or in any district shall be eligible to hold office as a Councilmember for no more than four consecutive terms of office. A partial term to which a person is appointed or elected to fill a vacancy in the Council shall not be included in computing consecutive terms. The full term during which a Councilmember may resign shall be included in the same manner as if no resignation had taken place. In the event any Councilmember is not elected at a regular election after serving one or more terms, such prior service shall not be included in computing subsequent terms of service and such person shall be eligible to subsequently serve four consecutive terms. ~~Full terms, or partial terms in excess of two (2) years, served prior to the effective date of this section shall not be included in terms of computing consecutive terms.~~ (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968 Chapter 76.)

* * * *

Full Text
Ends Here