

# REPORT

To the Honorable Mayor and City Council  
From the City Manager

July 25, 2005

**Subject**

Submission of certain specified amendments to the Redwood City Charter to the voters of the City of Redwood City at the consolidated General/Special Municipal Election of November 8, 2005.

**Recommendation**

1. Adopt a resolution authorizing submission of certain specified amendments to the Redwood City Charter to the voters of the City of Redwood City at the consolidated General/Special Election of November 8, 2005
2. Authorize the proposed amendments to the Redwood City Charter to be combined in two ballot measures.
3. Direct the City Attorney to prepare an impartial analysis with respect to the proposed Charter amendments.
4. Authorize the Mayor and Vice-Mayor to sign the ballot arguments in favor of the measures.

**Background**

The Redwood City Charter was adopted by the voters of Redwood City in 1929 and has been amended on twelve occasions, last being amended in 2003. In 2003, then Mayor Claire and Vice-Mayor Ira directed the City Attorney to regularly review the City Charter and propose any Charter provisions that would be appropriate for amendment. Attached hereto as Exhibit "A" are the provisions of the City Charter proposed for amendment and which have been carefully reviewed by Mayor Ira and Vice-Mayor Pierce. Also, attached hereto as Exhibit "B" is the proposed City Council resolution submitting the proposed Charter amendments to the voters of Redwood City at the consolidated General/Special Municipal Election to be held on November 8, 2005.

**Alternative**

The City Council may utilize its discretion to determine which, if any, sections of the Charter, or whether the resolution shown as Exhibit "B," should be submitted to the voters of Redwood City at the consolidated General/Special Municipal Election of November 8, 2005.

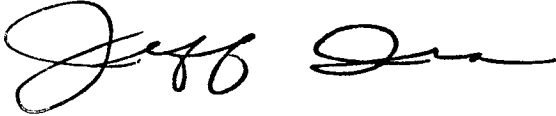
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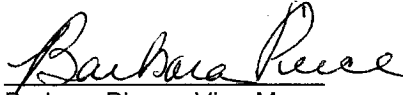
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**Fiscal Impact**

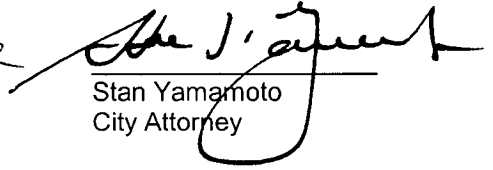
The County Elections Office has estimated the cost to the cities for ballot measures to be between \$1,000 and \$1,500 per sample ballot page. Costs have been budgeted at this time.



Jeff Ira, Mayor



Barbara Pierce, Vice-Mayor



Stan Yamamoto  
City Attorney

**Attachments:**

Exhibit A: Proposed Charter Revisions

Exhibit B: Proposed Resolution re Charter Amendments

## EXHIBIT "A"

Section 15. Legislation and Section 51.5. Adoption of Budget

Section 15, in pertinent part, provides for the appropriation or expenditure of public money in any amount over Two Thousand Dollars (\$2,000) to be adopted by ordinance. A similar provision regarding cancellation of an appropriation by ordinance may be found in Section 51.5 of the City Charter. To reduce the amount of administrative time and expense in processing ordinances for the appropriation or expenditure of public money or cancellation of any appropriation, it is proposed that said action occur by resolution. If the proposed amendments to Sections 15 and 51.5 were to be adopted, they would read in pertinent part as follows:

"Section 15. Legislation. Except as otherwise provided by general law, or this Charter, no action providing for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or change of zoning regulations, or for the imposition of any penalty or fine or imprisonment shall be taken except by ordinance. Any and all other legislative action, including any appropriation or expenditure of public money, may be accomplished by resolution."

"Section 51.5. Adoption of Budget. No appropriation shall be cancelled in whole or in part except by resolution adopted by the affirmative vote of five-sevenths (5/7ths) of the City Council."

Section 51. Budget and Section 51.5. Adoption of Budget

Section 51, in pertinent part, requires that the City Council establish by resolution the date upon which the City Manager is to submit the proposed City budget to the City Council. A similar provision regarding establishment of a budget hearing date by resolution may be found in Section 51.5 of the City Charter. To reduce the amount of administrative time and expense in preparing a resolution establishing a budget hearing date, it is proposed that said action occur by motion. If the proposed amendments to Sections 51 and 51.5 were to be adopted, they would read in pertinent part:

"Section 51. Upon a date established by motion of the City Council, the City Manager shall submit to the City Council a proposed budget for all departments to be known as the general budget."

"Section 51.5. The budget shall be finally adopted ... upon a date established by motion of the City Council."

Section 51.5 Adoption of Budget

This section, in pertinent part, requires that the City budget to be adopted by ordinance. To reduce the amount of administrative time and expense in preparing the ordinance adopting the budget, it is proposed that the budget be adopted by resolution. If the proposed amendment to Section 51.5 is adopted, it would read:

"A copy of the budget as amended by the City Council shall be certified by the City Clerk and the City Manager and shall be filed in the Office of the City Clerk. The budget shall be finally adopted by resolution .... Such resolution

shall adopt the budget by reference to the certified copy thereof, as amended, on file in the Office of the City Clerk, and such resolution shall be effective immediately upon adoption thereof. From and after the effective date of the resolution adopting the budget, the several amounts stated in the budget as proposed expenditures shall become and thereafter be appropriated to the offices, departments, objects and purposes therein stated for the fiscal year to which the budget is intended to apply.”

#### Section 17. Planning Commission

This section, in pertinent part, provides for the establishment of a seven (7) member Planning Commission with each member serving a term of three (3) years. This section makes no provision for said term to continue beyond the completion of the three (3) year term. To assure continuity of the work of the Planning Commission, it is proposed that the term of a member of the Planning Commission continue until such time as a successor is appointed and qualified. If the proposed Charter amendment were to be adopted, it would read:

“There shall be a City Planning Commission which shall consist of seven (7) members, who shall be appointed by the City Council to serve for three (3) years each, and thereafter until their respective successors are appointed and qualified, without compensation, none of whom shall hold any other public office or position in the City.”

#### Section 19-1/2. Library Board-Budget

This section, in pertinent part, requires the Library Board to furnish its proposed budget to the City Manager prior to the third Monday in April of each year. The Library is the only department in the City required to submit a proposed budget by a time certain. To bring consistency to the time in which all departments of the City are to submit their respective budgets to the City Manager, it is proposed that the Library submit its budget at the same time as all other City departments are required to submit their respective budgets. If the proposed Charter amendment were to be adopted, it would read:

“The Library Board shall furnish to the City Manager a proposed budget, which shall be submitted at the same time and in the same form as all other City departments.”

#### Section 47b. Organization: Terms of Office (Board of Port Commissioners)

This section, in pertinent part, establishes a five (5) year term of office for each Port Commissioner. This section makes no provision for said term to continue beyond the completion of the five (5) year term. To assure continuity of the work of the Port Board, it is proposed that the term of a member of the Port Board continue until such time as a successor is appointed and qualified. If the proposed Charter amendment were to be adopted, it would read:

“Members of the Port Board shall hold office for a term of five (5) years each and thereafter until their successors are appointed and qualified. In the case of a vacancy, any person appointed to fill said vacancy shall hold office only for the unexpired term.”

Section 54. Board of Equalization

This section, in pertinent part, establishes the City Council as the Board of Equalization and sets the Board's meeting date as the third Monday in July of each year, at 10:00 a.m. City Council meetings are no longer held at that time. It is proposed that the Board of Equalization conduct its meeting on the same day and hour as City Council meetings are scheduled. If the proposed Charter amendment were to be adopted, it would read:

"The City Council shall serve as the Board of Equalization and shall meet on either the first, second or fourth Monday of July of each year at 7:00 p.m. and continue in session by adjournment from day to day until all returns of the assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment is proposed to be raised, excepting in the case of a uniform increase in assessed valuation of the property of the entire City."

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE COUNCIL OF THE CITY OF REDWOOD CITY  
SUBMITTING TO THE VOTERS CERTAIN CHARTER AMENDMENTS  
AT THE CONSOLIDATED GENERAL AND SPECIAL MUNICIPAL  
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2005, AND  
DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL  
ANALYSIS**

**WHEREAS**, under the provisions of the Redwood City Charter, a consolidated General and Special Election shall be held on November 8, 2005, for the election of municipal officers; and

**WHEREAS**, pursuant to authority provided by Article XI of the Constitution, Title 4, Division 2, Chapter 3 of the Government Code, and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Elections Code of the State of California, the City Council of the City of Redwood City desires to submit to the voters proposed Charter amendments; and

**WHEREAS**, the City Council is authorized and directed by statute to submit the proposed Charter amendments to the voters.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS  
FOLLOWS:**

1. That the City Council, pursuant to the right and authority under California law, hereby orders that the following questions be submitted to the qualified electors of the City of Redwood City at a consolidated General and Special Municipal Election on November 8, 2005:
  - A. "Shall specified sections of the City Charter be amended to allow appropriations or expenditures of public money to be approved by resolution; permit the City Council to establish by motion a date for the City Manager to submit a proposed budget; and permit the City Council to adopt its budget and cancel any approved appropriation by resolution?"
  - B. "Shall specified sections of the City Charter be amended to permit the Library Board to furnish its proposed budget to the City Manager by the same date as required of other city departments; allow Planning Commissioners and Port Commissioners to continue to hold office until their successors are appointed and qualified; and to permit the Board of Equalization to meet on any regular City Council meeting date in July of each year?"
2. That the City Council directs the City Clerk to transmit a copy of the proposed Charter Amendments to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an

impartial analysis of the proposed Charter Amendments, showing the effect of the proposed Charter Amendments on the existing law and the operation of the proposed Charter Amendments. If the proposed Charter Amendments affect the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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