

**RESOLUTION NO. 133-24 (CM)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE SUBMITTING A BALLOT MEASURE TO THE VOTERS TO AMEND THE CITY OF WATSONVILLE CHARTER TO CLARIFY STAFF POSITIONS AND REFERENCES TO CITY REGULATIONS, CLARIFY REQUIREMENTS REGARDING ORDINANCE PUBLICATION AND HIRING ATTORNEYS, UPDATE QUALIFICATIONS AND DUTIES OF CITY MANAGER, MODIFY COUNCIL MEETING REQUIREMENTS, ALLOW THE COUNCIL TO SET COMPENSATION FOR PLANNING COMMISSIONS, MAKE THE BOARD OF LIBRARY TRUSTEES A COMMISSION, ALLOW COUNCIL MEMBERS TO RECEIVE EMPLOYMENT BENEFITS, ADJUST THE MAYOR'S SALARY, AND REMOVE OR REVISE PROVISIONS TO BE CONSISTENT WITH CURRENT LAW; ORDERING AN ELECTION; REQUESTING THE SANTA CRUZ COUNTY ELECTIONS DEPARTMENT CONDUCT THE ELECTION AND CONSOLIDATE IT WITH THE GENERAL STATEWIDE ELECTION TO BE HELD ON NOVEMBER 5, 2024**

**WHEREAS**, on or about February 16, 1960, the voters of the City of Watsonville adopted the City Charter; and

**WHEREAS**, the Charter of the City of Watsonville has not been reviewed or amended since 2014; and

**WHEREAS**, on June 27, 2023, the City Council established a subcommittee of three Councilmembers ("Charter Review Subcommittee") to review the City Charter and provide Council with proposed amendments; and

**WHEREAS**, the Charter Review Subcommittee focused on inclusivity, removing gender specific language, improving options for public participation, adjusting compensation for the City Council and City Commissions to broaden access to public service, creating opportunities for more civil engagement, and modernizing City practices, and recommended certain amendments consistent with this approach; and

**WHEREAS**, the City Council considered possible amendments to the Charter and held public hearings throughout 2023 and 2024, including on February 13, March 26, and April 23, 2024, to receive public input and discuss the Charter Review Subcommittee's proposed amendments to the Charter; and

**WHEREAS**, as a result of the work of the Charter Review Subcommittee, robust discussion of the City Council, and input from the community, the City Council has determined that amendments to clarify staff positions and references to City regulations, clarify requirements regarding ordinance publication and hiring attorneys, update qualifications and duties of City Manager, modify Council meeting requirements, allow the Council to set compensation for Planning Commissioners, make the Library Board a Commission, allow Councilmembers to receive employment benefits, adjust the Mayor's salary, and remove or revise provisions to be consistent with current law should be placed before the voters of the City of Watsonville for their consideration; and

**WHEREAS**, on June 25, 2024, by Resolution No. 123-24 (CM), the City Council called and gave notice of a General Municipal Election on Tuesday, November 5, 2024, to be consolidated with the election to be conducted by the County of Santa Cruz on the same date; and

**WHEREAS**, the City Council is authorized by the California Constitution, Elections Code section 1415, and Watsonville Charter Section 1505 to submit to the voters at the election a measure amending the City Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

**Section 1. Call for Election and Ballot Language.** Pursuant to its right, power, and authority under the California Constitution, the laws of the State of California, and the City of Watsonville Charter, the City Council on its own motion hereby orders submitted to the voters at the General Municipal Election to be held on November 5, 2024, a ballot measure designated by letter of the Santa Cruz County Registrar of Voters proposing to amend the Charter of the City of Watsonville, to appear on the ballot in substantially the following form:

<p>CHARTER AMENDMENT MEASURE NO. ____                  Shall the measure amending the Charter of the City of Watsonville to clarify staff positions and references to City regulations, clarify requirements regarding ordinance publication and hiring attorneys, update qualifications and duties of City Manager, modify Council meeting requirements, allow the Council to set compensation for Planning Commissioners, make the Library Board a Commission, allow Councilmembers to receive employment benefits, adjust the Mayor’s salary, and remove or revise provisions to be consistent with current law be adopted?</p>	<p>YES</p>
	<p>NO</p>

**Section 2. Text of Measure.** The full text of the proposed amendments to be submitted to the voters is set forth in Attachment 1 and incorporated herein by reference as if set forth in full (the “Charter Update Measure”). The City Council hereby approves the proposed Charter Update Measure, the form thereof, and its submission to the voters of the City at the November 5, 2024, election. The text of the Charter Update Measure shall be printed in the ballot materials and available for public inspection in the City Clerk’s office and on the City’s website at [www.watsonville.gov](http://www.watsonville.gov). The proposed Charter Update Measure shall not take effect unless approved by a vote of the majority of the voters voting on the question.

**Section 3. Publication of Measure.** The City Council directs the City Clerk to publish the Charter Update Measure in accordance with Section 12111 of the California Elections Code.

**Section 4. Request to Consolidate and Conduct Election and Canvass Returns.**

(a) The City Council hereby requests that the Santa Cruz County Board of Supervisors consolidate the election called by this Resolution with the statewide election to be conducted on November 5, 2024 and order the election to be conducted by the Registrar of Voters. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of Santa Cruz County and the Registrar of Voters of Santa Cruz County on or before August 9, 2024.

(b) The election on the Charter Update Measure set forth in Section 2 shall be held and conducted, the voters canvassed, and the returns made, and the results ascertained and determined as provided herein. The election shall be held in accordance with the Elections Code of the State of California. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. In all particulars not recited in this resolution, the election shall be held and conducted as provided by Resolution No. 124-24 (CM), the City of Watsonville Charter, and State law for holding municipal elections.

(c) The election on the Charter Update Measure set forth in Section 2 shall be held in Santa Cruz County in the City of Watsonville on November 5, 2024, as required by law, and the Board of Supervisors of Santa Cruz County is authorized to canvass the returns of the election with respect to the votes cast in the City of Watsonville and certify

the results to the City Council of the City of Watsonville.

(d) At the first regular meeting of the City Council of the City of Watsonville occurring after the returns of the election for the Charter Update Measure set forth in Section 2 have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

(e) The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

**Section 5. Submission of Ballot Arguments.**

(a) The deadline for filing direct arguments for or against the measure shall be 5:00 p.m. August 16, 2024, based upon the consolidation of the election as contemplated in Elections Code Section 10400. All such arguments shall not exceed three hundred (300) words and shall be filed with the Watsonville City Clerk.

(b) The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals no later than August 23, 2024. The Council appoints a subcommittee of Mayor Pro Tempore Orozco, Councilmember Salcido and Councilmember Dutra to draft the argument in favor of the referenced measure.

(c) If more than one argument is submitted in favor or against the measure, the Clerk shall select the argument based upon the priorities set forth in Elections Code 9287, and if more than one argument shares the same highest priority, the City Clerk shall use a random selection methodology. Arguments received prior to the deadline shall be confidential until the deadline.

(d) The deadline for filing rebuttal arguments for or against the ballot measure shall be 5:00 p.m. August 23, 2024 and all such arguments shall be filed with the Watsonville City Clerk, and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline. The City Council is not releasing the ability to draft a rebuttal argument for this measure.

**Section 6. Impartial Analysis.** The City Council hereby authorizes and directs the City Attorney to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 16, 2024, at 5:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

**Section 7. Effect of Additional Ballot Measure Amending Charter on the Same Ballot.** By Resolution No. 132-24 (CM), the City Council places additional amendments to the Charter of the City of Watsonville on the ballot for the November 5, 2024 general statewide election (“Commission Service Measure”). The Commission Service Measure and this Charter Update Measure do not conflict. The measures amend different portions of Watsonville Charter Section 900. Thus, should either or both measures receive a majority of votes, the measure or measures that receive a majority shall go into effect. If both measures receive a majority of votes, the term “registered voter” in Section 24 of the Charter Update Measure shall be replaced with “resident” pursuant to the Commission Service Measure.

**Section 8. California Environmental Quality Act.** Adopting this Resolution, in which the Council calls for an election, places a measure on the ballot, and takes other

necessary actions regarding the election, is not subject to review under the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378(a) as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment. If it is a “project” it is exempt under the common sense exception (12 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

**Section 9. Services of City Clerk.** The City Clerk is hereby directed to file a certified copy of this Resolution with the Santa Cruz County Board of Supervisors and the Registrar of Voters of the County of Santa Cruz and take all necessary steps to place the Charter Update Measure on the ballot and to cause the Charter Update Measure to be printed. A copy of the Charter Update Measure shall be made available to any voter upon request.

**Section 10. Severance.** Should any section, subsection, clause or provision of this Resolution for any reason be held to be invalid, then the remainder of the Resolution shall be deemed valid, it being expressly declared that this Resolution, and each and every section, subsection, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this Resolution were declared invalid.

**Section 11. Effective Date.** This Resolution shall take effect upon its adoption.

## Attachment 1

Text of Proposed Charter Update Measure to be Submitted to the Voters: Proposal to Amend the Charter of the City of Watsonville to clarify staff positions, update the qualifications and duties of City Manager, allow Councilmembers to receive employment benefits, adjust the Mayor's salary, modify Council meeting requirements, allow the Council to set compensation for Planning Commissioners, make the Library Board a Commission, clarify requirements regarding ordinance publication and hiring attorneys, clarify references to City regulations, and remove or revise provisions to be consistent with current law should be placed before the voters of the City of Watsonville for their consideration.

**PART 1. AMENDMENTS TO CITY OF WATSONVILLE CHARTER.** The Council of the City of Watsonville hereby submits to the registered qualified electors of the City for their adoption or rejection, the following proposal to amend the Charter of the City of Watsonville, with amended text shown in underlined text, and deleted text shown in ~~strikeout~~ text.

**Section 1.** Section 404 of the City Charter be amended to read as follows:

Section 404. Council Member to Hold No Other Office.

No member of the Council shall hold any other public office or City employment except as is otherwise provided in this Charter. No member of the Council shall be appointed to any City position, office or employment during the term of office ~~for which he~~



~~was elected or appointed~~ until one (1) year after the expiration of the term ~~for which he was elected or appointed~~ except to fill a vacancy in the office of Mayor. Nothing in this Section shall prevent a Council Member or the Mayor from resigning ~~his~~ office to accept either an elective or appointive office under the government of a county, state or of the United States, or any governmental agency, other than the City of Watsonville. Nor shall the provisions of this Section prohibit any such officer from being a Notary Public or a member of the armed services of this State or of the United States.

**Section 2.** Section 405 of the City Charter is amended to read as follows:

Section 405. Compensation.

The members of the Council shall receive reimbursement for expenses incurred while performing official business of the City as authorized and approved by the Council. In addition, each member of the Council shall receive such an amount as may be fixed by ordinance, not to exceed the amount provided in the schedule set forth in Section 36516(a) of the Government Code, ~~and~~ as may be amended. ~~Such amount shall constitute total compensation which may include fringe benefits. Council Members shall be eligible for benefits in addition to salary as permitted by the Government Code. Absence of a member of the Council from all regular and special meetings of the Council during any calendar month shall render such Council Member ineligible to receive the allowed compensation for such calendar month unless such absence is with the permission of the Council expressed in its official minutes.~~

**Section 3.** Section 406 of the City Charter is amended to read as follows:

Section 406. Vacancies.

California Government Code Section 1770 as it now exist or may hereafter be amended lists the conditions upon which a vacancy is created, ~~upon the occurrence of, create a vacancy~~. If a vacancy shall occur in the office of a Council Member, then the vacancy shall be filled only by the election of a new Council Member to be held at either a General Municipal Election or a Special Municipal Election which the Council must cause to be held no later than ninety (90) days from the date of the occurrence of the vacancy.

A Council Member elected to fill a vacancy shall serve for the remaining period of the unexpired term of office that the new Council Member was elected to fill.

**Section 4.** Section 407 of the City Charter is amended to read as follows:

Section 407. Interference in Administrative Matters Prohibited

Neither the Council nor any of its members shall interfere with the ~~execution by the~~ City Manager's execution of ~~his~~ powers and duties, or order or request, directly or indirectly, the appointment by the City Manager, or by any ~~of his~~ subordinates, of any person to any office or employment, or their~~his~~ removal therefrom. Except for the purpose

of obtaining information, the Council and its members shall deal with the administrative branch of the City government solely through the City Manager, or ~~the~~his designated deputy, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

**Section 5.** Section 408 of the City Charter is amended to read as follows:

Section 408. Meetings of the Council.

The Council shall provide for the time, place and manner of holding its meetings by ordinance, not inconsistent with the provisions of this Section. Copies of such ordinances shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Except as is otherwise provided by the laws of this State, all meetings of the Council shall be open to the public, and all persons shall be permitted to attend any meeting thereof. The Council shall hold at least one (1) ~~regular~~ meeting each month.

A special meeting may be ordered at any time by the Mayor whenever ~~in his~~ ~~opinion~~ the public business may require it, or upon the written request of any three (3) members of the Council. Whenever a special meeting shall be called, notice of such meeting shall be given as provided in Chapter 9, Part 1, Division 2, Title 5 of the Government Code of the State of California.

**Section 6.** Section 409 -of the City Charter is amended to read as follows:

Section 409. ~~Citizen~~-Participation.

Within the established rules for the conduct of its official proceedings, no person ~~citizen~~ shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any ~~regular~~ meeting of the Council.

**Section 7.** Section 501 of the City Charter is amended to read as follows.

Section 501. Powers and Duties.

The Mayor shall be recognized as the official head of the City for all political, representative and ceremonial purposes, by the Courts for the purposes of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency, the Mayor~~he~~ may direct the administration of the City government through the City Manager.

The Mayor shall be charged with the duty of making recommendations to the Council on all matters of policy and program which require Council decision, provided, that if the Mayor ~~he~~ recommends any increases in the City budget, ~~he~~the Mayor shall recommend the method of financing such expenditures; and provided further, that if ~~he~~ proposes the Mayor proposes such recommendations and ~~the~~his reasons therefore shall

be specific. The Mayor shall have the primary, but not exclusive, responsibility for interpreting the policies, programs and needs of the City government to the community.

~~He~~The Mayor may also, ~~on his own account~~, inform the community on any matters of policy or program which ~~he~~is believesd to be for the welfare of the community ~~makes necessary~~. It shall be the duty of the Mayor to represent the Council in its relationships with civic groups within the City, and by direction of the Council, ~~he~~ shall represent the City in its relationships with other governmental agencies on matters of policy and program.

The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council, ~~but~~. ~~He~~ shall have no power to veto any ordinance or resolution adopted by the Council.

The Mayor shall have authority to preserve order at all Council meetings and to move 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.

The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the Council, 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. The Mayor shall possess only such authority over the City Manager and the administrative branch as ~~he possesses as~~ one member of the Council.

**Section 8.** Section 502 of the City Charter is amended to read as follows:

Section 502. Salary.

In addition to the remuneration authorized by Section 405, the Mayor shall receive an additional 25% of that amount as compensation for services as Mayor. ~~The Mayor shall receive as compensation for his services as such the sum of One Hundred and no/100th (\$100.00) Dollars per month which shall be in addition to his remuneration as a member of the Council.~~

**Section 9.** Section 607 of the City Charter is amended to read as follows:

Section 607. Publication of Ordinances.

The City Clerk shall cause at least the title and a summary of each proposed ordinance, with the exception of those ordinances which take effect upon adoption referred to in this Article or as permitted by State law, to be published in a newspaper of general circulation in the City at least three (3) days prior to its adoption or if there is none the Clerk shall cause it to be posted or published as otherwise allowed in accordance with State law. The City Clerk shall cause at least the title and a summary of each ordinance which takes effect upon adoption to be published at least ~~once in the official newspaper of the City~~ within fifteen (15) days after its adoption.

**Section 10.** Section 700 of the City Charter is amended to read as follows:

Section 700. City Manager.

There shall be a City Manager who shall be the chief executive officer and head of the administrative branch of the City government. ~~He~~The City Manager shall be chosen on the basis of ~~his~~ executive and administrative qualifications with special reference to ~~his~~ actual experience in, or ~~his~~ knowledge of, accepted practices with respect to the duties of ~~his~~the office as hereinafter set forth. ~~He shall have at least one (1) year's previous experience as a City Manager, or three (3) years' previous experience as an Assistant City Manager in a city of comparable or larger size.~~Candidates for City Manager shall have a minimum of one (1) year previous experience as a City Manager or two (2) years previous experience as an Assistant City Manager, or a minimum of five (5) years of senior level municipal management experience in a public service setting with extensive experience working with City Council or County Board of Supervisors.

No member of the Council shall be eligible for appointment to the office of City Manager during the ~~ir~~ir term ~~for which he shall have been elected or appointed~~ nor within one (1) year thereafter.

**Section 11.** Section 701 of the City Charter is amended to read as follows:

Section 701. Appointment and Removal.

The Council shall appoint the City Manager for an indefinite term and may remove ~~him~~ such person by a resolution adopted by at least four (4) affirmative votes.

**Section 12.** Section 702 of the City Charter is amended to read as follows:

Section 702. Compensation.

The City Manager shall be paid a salary commensurate with ~~his~~ the responsibilities as chief executive officer of the City which salary shall be established by the Council.

**Section 13.** Section 703 of the City Charter is amended to read as follows:

Section 703. Powers and Duties.

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

- (a) Take a continuing interest in the effectiveness and economy of all administrative arrangements throughout the City;
- (b) Insure that administrative activities with which two (2) or more departments are concerned are effectively coordinated;
- (c) Appoint, suspend and/or remove, subject to the personnel provisions of this Charter, all department heads, officers and employees of the City except



those department heads and officers appointment of whom is vested in the Council. The City Manager may authorize the head of any department or office to appoint or remove subordinates in such office;

- (d) Prepare the budget annually, submit it to the Council, and be responsible for its administration after its adoption;
- (e) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year;
- (f) Make and execute contracts on behalf of the City involving expenditures budgeted or appropriated by the Council, subject to such rules or regulations as may be adopted by the Council by ordinance or resolution;
- (g) Regularly meet with and communicate with a Council Member on various topics or agenda items, if requested by the Council Member;
- (hg) Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may ~~to him~~ seem desirable;
- (ih) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced;
- (ij) Submit a monthly report to the Council covering significant activities of City agencies, offices and departments ~~under his supervision~~ and any significant changes in administrative rules and procedures ~~promulgated by him~~;

- (kj) Submit special reports in writing to the Council in answer to any requests for information when requested ~~of him~~ by the Council; ~~and~~
- (l) Act as Director of Emergency Services pursuant to Watsonville Municipal Code section 4-2.03, as may be amended from time to time; and
- (mk) Perform such other duties consistent with this Charter as may be required ~~of him~~ by the Council.

**Section 14.** Section 704 of the City Charter is amended to read as follows:

Section 704. Participation in Official Proceedings.

The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations but shall not have a vote. The City Manager~~He~~ shall attend all regular and special meetings of the Council unless physically unable to do so or unless ~~he has received~~upon prior approval for such absence from the Council.

**Section 15.** Section 800 of the City Charter is amended to read as follows:

Section 800. City Administrative Organization.

The Council shall provide by ordinance, not inconsistent with this Charter, for the organization, conduct and operation of the several offices, departments and other agencies of the City. It may further provide by ordinance for the creation of additional departments, divisions, offices and agencies or for their alteration or abolition or for their assignment and reassignment to departments. Each new department so created shall be headed by an officer as department head who shall be appointed by the City Manager and may be suspended and removed by the City Manager, except as otherwise provided by this Charter. Subject to the provisions of this Charter, the Council shall provide by ordinance or resolution for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

The Council by ordinance may assign additional functions or duties to officers, departments or other agencies established by this Charter, but shall not discontinue or assign to any other office, department, or any other agency any function or duty assigned by this Charter to a particular office, department or agency. No office provided in this Charter to be filled by appointment by the City Manager shall be combined with an office provided in this Charter to be filled by appointment by the Council. When the positions are not incompatible, the Council may combine in one person the powers and duties of two (2) or more offices.

The City Manager, within the earliest practicable time following the effective date of this Charter, shall cause to be prepared and submitted to the Council, and the Council, by ordinance, shall adopt an administrative code. Such code shall provide for a complete plan of administrative organization of the City government, and provide for the powers, duties, responsibilities, obligations and procedures of the officers and employees of the

City, including rules and regulations of the City departments adopted by ordinance. Such code may be adopted by reference.

Rules and regulations governing administrative procedures of the City government, such as those covering personnel, budgeting, accounting and purchasing methods, shall be included in the administrative code. The code shall be amended by ordinance as necessary or advisable to keep it up to date. Sufficient copies shall be available for all officers of the City and other interested ~~citizens~~ persons.

Notwithstanding the foregoing, the Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government and in case of any such transfer or consolidation, the provisions of this Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

**Section 16.** Section 801 of the City Charter is amended to read as follows:

Section 801. Enumeration.

The officers of the City shall consist of the Mayor, the Council ~~men~~ Members, the City Manager, the City Attorney, the City Clerk and such other officers, assistants, deputies and employees as the Council may provide.

**Section 17.** Section 802 of the City Charter is amended to read as follows:

Section 802. Appointment and Removal.

The City Attorney and City Clerk shall be appointed by and may be removed by the affirmative votes of at least four (4) members of the Council. Except as otherwise provided in this Charter, all other officers, department heads and employees of the City shall be appointed by the City Manager ~~and shall serve at his pleasure.~~

**Section 18.** Section 803 of the City Charter is amended to read as follows:

Section 803. City Clerk.

The City Clerk shall have the power and be required to:

- (a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose;
- (b) Maintain ~~separate books, in which shall be recorded respectively~~ all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an

ordinance requiring publication, stating that the same has been published in accordance with this Charter;

- (c) Maintain ~~separate books, in which a record shall be made of~~ all written contracts and official bonds;
- (d) Keep all aforementioned ~~books~~ documents properly indexed and open to public inspection when not in actual use;
- (e) Be the custodian of the seal of the City;
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records;
- (g) Have charge of all City elections;
- (h) Be responsible for the publication of all official advertising of the City; and
- (i) Perform such other duties consistent with this Charter as may be required ~~of him~~ by the Council.

**Section 19.** Section 804 of the City Charter is amended to read as follows:

Section 804. City Attorney: Powers and Duties.

The City Attorney shall ~~have power and~~ be authorized and required to:

- (a) Represent and advise the Council and all City officers in all matters of law pertaining to their offices;

- (b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee or former City officer or employee in any or all actions and proceedings in which any such City officer or employee is concerned or is a party, for any action arising out of ~~his~~ employment or by reason of this official capacity;
- (c) Attend all meetings of the Council and give ~~his~~ advice or opinion in writing whenever requested to do so by the Council or by any of the boards or officers of the City as authorized by Council;
- (d) Approve the form of ~~all~~ bonds given to and all contracts made by the City, endorsing ~~his~~ approval thereon in writing;
- (e) Prepare all proposed ordinances, contracts and other legal instruments for the City;
- (f) Prosecute on behalf of the City all cases for violation of the Charter, City ordinances and other City laws and regulations;
- (g) Perform such other legal duties consistent with this Charter as may be required ~~of him~~ by the Council; and
- (h) Upon vacating the office, surrender to ~~his~~the successor all books, papers, files and documents pertaining to the City's affairs.

To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of

California, and shall have been engaged in the practice of law for at least two (2) years immediately prior to ~~his~~ appointment.

Nothing stated herein shall prohibit the Council from employing other attorneys to take charge of any litigated matter or to assist the City Attorney therein. ~~The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.~~

**Section 20.** Section 805 of the City Charter amended to read as follows:

Section 805. Compensation.

The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation for the performance of ~~his~~their official duties aside from the salary or compensation as fixed by the Council, but all fees received ~~by him~~them in connection with ~~their~~his official duties shall be paid ~~by him~~ into the City treasury. The provisions of this Section shall not preclude officers and employees from being reimbursed for actual and necessary expenses incurred while performing official business of the City when said expenses have been authorized or approved by the Council or the City Manager.



**Section 21.** Section 806 of the City Charter is amended to read as follows:

Section 806. Oath of Office.

Each officer of the City, before entering upon the duties of ~~the~~his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

**Section 22.** Section 807 of the City Charter is amended to read as follows:

Section 807. Administering Oaths.

Each department head and ~~his~~ deputy shall have the power to administer oaths and affirmations in connection with any official business pertaining to ~~that~~his department.

**Section 23.** Section 810 of the City Charter is amended to read as follows:

Section 810. Nepotism.

The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council nor shall any department head or other officer

having appointive power appoint any relative ~~of his~~ within such degree to any such position.

**Section 24.** Article IX and Section 900 of the City Charter are amended to read as follows:

Article IX. ~~Boards and~~ Commissions.

Section 900. ~~Boards and~~ Commissions: Intents and Purposes.

Except as otherwise provided in this Article, the appointive ~~boards and~~ commissions established by or pursuant to this Charter are intended to serve as advisory bodies to the Council and the City Manager in carrying out their respective duties. Membership on such bodies shall be representative of the entire community insofar as that is possible, and members on such ~~boards~~ commissions shall be willing to serve as a civic responsibility. No member of any advisory ~~board or~~ commission shall hold any paid office or employment in the City Government. In order to be eligible for appointment to any ~~board or~~ commission, a person shall be a ~~qualified registered elector~~ registered voter of the City. In addition to those ~~boards and~~ commissions herein provided, the Council may create by ordinance such advisory boards or commissions as in its judgment are required and may grant them such powers and duties as are consistent with the provisions of this Charter. In addition, the Council by motion adopted by at least four (4) affirmative votes, or the City Manager with the consent of the Council, may appoint from time to time such

temporary committees as are deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subject within the jurisdiction of such authorities.

Any vacancies ~~in~~on any ~~board or~~ commission, from whatever cause arising, shall be filled by appointment by the Council except as otherwise provided in this Article. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy except that if a member of a ~~board or~~ commission ~~absents himself~~is absent from three (3) consecutive regular meetings of such ~~board or~~ commission, unless by permission of such ~~board or~~ commission expressed in its official minutes, ~~his~~that office shall become vacant and shall be so declared by the Council.

**Section 25.** Section 901 of the City Charter is amended to read as follows:

Section 901. Appropriations.

The Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such ~~boards and~~ commissions.

**Section 26.** Section 902 of the City Charter is amended to read as follows:

Section 902. Appointments.

The appointive ~~boards and~~ commissions created by or pursuant to this Charter shall be composed of seven (7) members. Each member of the Council shall appoint one member to each such ~~board or~~ commission subject to approval by resolution of the Council adopted by at least four (4) affirmative votes.

The members of each ~~such board or~~ commission shall be subject to removal by resolution of the Council adopted by at least four (4) affirmative votes. Except as otherwise provided by Charter or by Ordinance, the members thereof shall serve for a term of four (4) years and until their respective successors are appointed and qualified. No person shall serve more than two (2) consecutive full terms on the same ~~board or~~ commission. No person who has served two (2) consecutive full terms on any ~~board or~~ commission shall be eligible for reappointment to the same ~~board or~~ commission until four years after the expiration of their second term. For purposes of this Section, a full term shall include one-half or more of any term.

Commencing December 1, 1994, members appointed to such ~~boards and~~ commissions shall be classified according to the term of office of the member of the Council making such appointment so that term of four (4) members would commence on December 1, 1994, and the term of three (3) members would commence on December 1, 1996. The respective terms of office of the four (4) and three (3) members of such ~~boards and~~ commissions in existence on either December 1, 1994, or December 1, 1996,

as the case may be, shall terminate upon said date or until their respective successors are appointed and qualified. Their successors shall be appointed for a full term.

**Section 27.** Section 903 of the City Charter is amended to read as follows:

Section 903. Existing ~~Boards~~Commissions.

The respective terms of office of all members of the ~~boards and~~ commissions in existence at the time the amendment of Section 902 of this Charter takes effect shall terminate upon the effective date of said amendment to this Charter.

**Section 28.** Section 904 of the City Charter is amended to read as follows:

SECTION 904. Meetings: Chair~~men~~.

As soon as practicable following their original appointment, and following the first day of January of each year thereafter, each of such ~~boards and~~ commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such ~~board or~~ commission. Each ~~board or~~ commission shall hold regular meetings as provided by resolution of the Council and such special meetings as such ~~board or~~ commission may require. Except as is otherwise provided by the laws of this State, all proceedings shall be open to the public.

The affirmative or negative vote of a majority of the entire membership of such ~~board or~~ commission shall be necessary for it to take action.

Unless otherwise provided, the City Manager shall provide a secretary for the recording of the minutes of each of such ~~boards and~~ commissions who shall keep a record of its proceedings and transactions. Each ~~board or~~ commission may prescribe its own procedural rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each ~~board or~~ commission shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations in any investigation or proceeding pending before it.

**Section 29.** Section 905 of the City Charter is amended to read as follows:

Section 905. Compensation.

The members of ~~boards and commissions~~the Planning Commission shall receive compensation as established by resolution of the Council, which may be amended from time to time. All other commission members shall serve without compensation for their services as such but shall receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have been authorized by the Council.

**Section 30.** Section 908 of the City Charter is amended to read as follows:

Section 908. Personnel Commission: Established.

There shall be a Personnel Commission consisting of seven (7) members none of whom, while a member of the Commission, or for a period of one (1) year after the term has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the City.

**Section 31.** Section 910 of the City Charter is amended to read as follows:

Section 910. ~~Board of Library Trustees~~Library Commission Established: Powers and Duties.

There shall be a ~~Board of Library Trustees~~Library Commission consisting of seven (7) members which shall have the power and duty to:

- (a) ~~Have charge of the administration of~~Act in an advisory capacity to the City Council and City Manager in all matters pertaining to City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefore;
- ~~(b) Designate its own secretary;~~

(~~eb~~) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the Council and the City Manager;

(~~dc~~) ~~Purchase and acquire~~Recommend and set policy for acquisition of books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in the Charter provided;

(~~de~~) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the Council and City Manager;

(~~fe~~) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the Council; and

(~~fg~~) Perform such other duties relating to library matters as may be prescribed by the Council not inconsistent with the provisions of this Charter.

**Section 32.** Section 1001 of the City Charter is amended to read as follows:

Section 1001. Competitive and General Service.

The administrative service of the City shall be divided into the General Service and the Competitive Service.

(a) The General Service shall comprise the following offices and positions:



~~(1) All elective offices;~~

~~(2) All members of boards and commissions;~~

~~(13)~~ The City Manager, the City Clerk, the City Attorney, and head of each department;

~~(24)~~ Persons employed for a special or temporary purpose; and positions of any class or grade exempted from the competitive service for a maximum period of six (6) months in any calendar year;

~~(35)~~ Persons ~~employed~~ retained to render professional, scientific, technical or expert services of an occasional or exceptional character;

~~(46) Part time positions or employments, school crossing guards, and voluntary personnel.~~ Persons employed on a part-time basis and all volunteers.

(b) The Competitive Service shall consist of all positions in the City administrative service which are not in the General Service.

**Section 33.** Section 1003 of the City Charter is repealed in its entirety.

~~Section 1003. Status of Existing Employees.~~

~~Any person who, on the effective date of this Charter, holds a position or employment included in the Competitive Service as defined by this Charter, and who has~~

~~been performing the duties of a certain classification for a period of at least six (6) months immediately prior thereto, shall acquire competitive status in said classification.~~

~~Any person who, on the effective date of this Charter, holds a position or employment not included in the Competitive Service by the provisions of this Charter, and who has been performing the duties of said position for a period of at least six (6) months immediately prior thereto, shall be entitled, upon request, to assume regular status in the Competitive Service under this Charter in a position the duties of which shall be prescribed by the Council. All other persons who, on the effective date of this Charter, hold a position or employment included in the Competitive Service as defined by this Charter shall have a probationary status in the personnel system.~~

**Section 34.** Section 1004 of the City Charter is amended to read as follows:

Section 1004. Suspension, Demotion, and Dismissal.

An officer or employee holding a regular position in the Competitive Service may be suspended without pay, demoted or removed from ~~their~~his position for malfeasance, misconduct, incompetence, inefficiency, or for failure to perform the duties of ~~his~~their position or to observe the established rules and regulations in relation thereto, or to cooperate reasonably with ~~his~~ superiors or fellow employees, or as may be otherwise provided in the Personnel Rules and Regulations, but subject to the right to a hearing before Personnel Commission in the manner set forth herein.

~~Upon his request an officer or~~An employee who is suspended, demoted or removed shall be given in writing the reasons for ~~his~~ suspension, demotion or removal. ~~He~~The employee shall be allowed a reasonable time for answering the same and may demand a public hearing upon the charges before the Personnel Commission. Such hearings shall be held in accordance with procedures established ~~therefore~~in the City's Personnel Rules and Regulations.

The findings and recommendations of the Personnel Commission with respect to hearings shall be transmitted to the appointing authority for final decision.

**Section 35.** Section 1006 of the City Charter is amended to read as follows:

Section 1006. Pension and Retirement System

The City, its Council and its several officers and employees are hereby vested with the power to do and perform any act, and to exercise any authority granted, permitted or required under the provisions of the ~~State Employees' Retirement Act~~Public Employees' Retirement Law, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the ~~State Employees' Retirement System~~California Public Employees Retirement System, and, in addition, to participate in any pension system now or hereafter existing under the laws of the United States of America to which municipal officers and employees are eligible.

Participation in any such plan or retirement benefits shall not be extended to any officer or employee theretofore retired except by approval of the Council; provided, however, that no person heretofore retired shall be deprived of ~~his~~ existing pension rights.

No retirement or pension plan, heretofore or hereafter established, may be discontinued or terminated except under authority granted by an ordinance adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented, unless such action has been approved by a majority vote of the members affected.

**Section 36.** Section 1007 of the City Charter is amended to read as follows:

Section 1007. Compulsory Arbitration for Fire Department Employee Disputes

It is hereby declared to be the policy of the City of Watsonville that strikes by firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

If any firefighter employed by the City of Watsonville willfully engages in a strike against the City, said employee shall be dismissed from ~~his or her~~ employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any ~~employee~~ firefighter charged with engaging in a strike against the City.

The City, through its duly authorized representatives, shall negotiate in good faith with the recognized fire department employee organization on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances submitted by either employee organization over the interpretation or application of any negotiated agreement including a provision for binding arbitration of those grievances. Unless and until agreement is reached through negotiations between the City and the recognized employee organization for the fire department or a determination is made through the arbitration procedure hereinafter provided no existing benefit or condition of employment for the members of the fire department bargaining unit shall be eliminated or changed, except as to individual employee discipline.

All disputes or controversies pertaining to wages, hours, or terms and conditions of employment, which remain unresolved after good faith negotiations between the City and the fire department employee organization shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute, controversy or grievance, shall each select one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairman of the Board. In the event that the arbitrators selected by the City and the

employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the ~~State of California Conciliation Service~~California State Mediation & Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one (1) of seven (7) to act as the third arbitrator, they shall alternatively strike names from the list of nominees until only one name remains and that person shall then become the third arbitrator and chairman of the Arbitration Board.

Any arbitration convened pursuant to this section shall be conducted in conformance with, subject, and governed by Title 9 of Part 3 of the California Code of Civil Procedure.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten-day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten-day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board together with any amendments or modifications agreed to by the parties shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the award.

The expenses of any arbitration convened pursuant to this section, including the fee for the services of the Chairman of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expense.

**Section 37.** Section 1104 of the City Charter is amended to read as follows:

Section 1104. Budget: Public Hearing

Upon receipt of the proposed budget from the City Manager, the Council shall proceed to consider the proposed budget and may increase, decrease or omit any item or insert new items therein. Before adopting the budget, the Council shall fix the time and place for holding a public hearing on the proposed budget and shall cause a notice thereof

to be published not less than ten (10) days prior to said hearing in a newspaper of general circulation in the City or if there is none, the Clerk shall cause it to be posted or published as otherwise allowed according to State law. by at least one (1) insertion in the official newspaper of the City. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten (10-) days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

**Section 38.** Section 1106 of the City Charter is amended to read as follows:

Section 1106. Tax Levy.

The Council shall determine the amount of money required to be raised by a tax sufficient to meet the obligations of the City to the State Employees' Retirement System, or other system for the retirement of City Employees, as described in Section 1122 herein. The tax shall not exceed 7.7 cents on each One Hundred and no/100th (\$100.00) Dollars of assessed value. ~~ad valorem municipal property taxation and shall fix the ad valorem municipal tax rate on or before August 31 of each year and certify the same to the County authorities if the County system of ad valorem assessment and tax collection is used by the City.~~

**Section 39.** Section 1110 of the City Charter is amended to read as follows:



Section 1110. Budget Message. Capital Program.

The City Manager shall also include in the message, or attach thereto, a program of proposed public improvements for the ensuing five (5) year period prepared by the Planning Commission in accordance with Section 907 (b), together with ~~his~~ comments thereon.

**Section 40.** That Section 1113 of the City Charter is amended to read as follows:

Section 1113. Funds: Capital Outlays Fund.

~~A fund for capital outlays generally is hereby created to be known as the "Capital Outlays Funds".~~ The Council may create by ordinance or resolution a special fund or funds for a special capital outlay purpose. ~~The Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The number of years in which such increased levy is to be made shall be specified in such proposition.~~

The Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electorate voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, ~~established by this Charter.~~

**Section 41.** Section 1117 of the City Charter is amended to read as follows:

Section 1117. Public Bid Requirements.

Every expenditure of City moneys for public works construction as hereafter defined of more than that amount set forth in Section 20162 of the Public Contracts Code of the State of California shall be let to the lowest responsible bidder after notice of publication in a newspaper of general circulation in the City, or in accordance with state law when such newspaper does not exist, the official newspaper by one (1) or more insertions, the first of which shall be at least ten (10) days before time for opening bids; provided, however, that upon adoption of ordinance by the Council the "Uniform Public

Construction Cost Accounting Act" set forth in Chapter 2 (commencing with Section 224000) to Part 3 of Division 2 of the Public Contracts Code, an alternative public bidding procedure, shall be enacted to have the City be subject to such procedure notwithstanding other procedure set forth in this Section.

The Council may reject any and all bids presented and may re-advertise in its discretion. The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this Section.

Such expenditures may be made without advertising for bids, if such expenditures shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

All bids for public works construction shall be accompanied by either a certified or cashier's check or a bidder's bond executed by a corporate surety authorized to engage in such business in California made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten (10%) percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of the bidder's security may be declared

forfeited to the City and may be collected and paid into its General Fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

For the purposes of this Section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parking lots, parks or playgrounds, provided, however, that expenditures for the extension, improvement or development of the City water system shall be excepted from the requirements of this Section. Maintenance or repair of public buildings, streets, drains, sewers, parking lots, parks or playgrounds shall not be considered as public works construction. The provisions of this Section shall not apply to materials, supplies or equipment obtained or purchased from any governmental agency, or for materials, supplies or equipment which can be obtained from only one vendor.

All bids shall be sealed and be filed with the officer in charge of the purchasing function no later than the opening time specified in the notice inviting bids, who shall receive and be custodian of such bids and keep the same confidential until they are opened and declared.

All bids shall be publicly opened and declared at the time and the place fixed in the notice inviting bids.

Thereafter, the bids shall be tabulated and analyzed by the officer in charge of the purchasing function, who shall submit them, together with recommendations thereon, to the City Manager. The City Manager shall review the bids and submit them to the Council, along with ~~his~~ recommendations, at the next regular meeting of the Council.

The Council shall have the right to waive any informality or minor irregularity in a bid.

**Section 42.** Section 1118 of the City Charter is repealed in its entirety.

~~Section 1118. Contracts for Official Advertising.~~

~~The Council shall let annually contracts for the official advertising of the City for the ensuing fiscal year. In the event there is more than one daily newspaper of general circulation published and circulated in the City, the Council shall advertise for one (1) day, in one (1) or more such papers, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefore. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City which is a newspaper of general circulation and has been in existence at the time of awarding the contract at least one (1) year; provided that the Council may reject any or all bids and advertise for new bids.~~

**Section 43.** Section 1122 of the City Charter is amended to read as follows:

Section 1122. Tax Limits

~~(a) — General. The Council shall not levy a property tax for municipal purposes in excess of One and fifty five/100ths (\$1.55) Dollars on each One Hundred and no/100ths (\$100.00) Dollars of the assessed value of taxable property~~

~~in the City, except as otherwise provided in this Section, unless authorized by the affirmative votes of a majority of the electorate voting on a proposition to increase such levy at any election at which the question of such increased levy for municipal purposes is submitted to the electors. The number of years for which such increased levy is to be made shall be specified in such proposition.~~

~~(a)~~ (a) Additional Taxes. There shall be levied and collected, as additional taxes, at the time and in the same manner as other property taxes for municipal purposes are levied and collected if no other provision for the same is made:

~~(1) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and~~

~~(12)~~ (12) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, or other system for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

~~(23)~~ (23) The tax provided for in Subdivision (b)(2) of this section shall not be collected at a rate exceeding 7.7 cents on each One Hundred and no/100<sup>th</sup> (\$100.00) Dollars of assessed value.

**Section 44.** Section 1200 of the City Charter is amended to read as follows:

Section 1200. Franchises to Operate.

No person, firm or corporation shall exercise any public utility franchise right or privilege in the City except insofar as ~~he or it~~they may be entitled to do so by direct grant by the Constitution of the State of California or of the United States of America, unless ~~he or it~~they shall have obtained a grant therefore in accordance with the provisions of this Article of this Charter and in accordance with the procedure prescribed by ordinance. Until such a procedural ordinance shall hereafter be adopted, the method provided by any law of the State relative to the granting of a franchise of the character of that for which application is being made shall apply. Nothing contained in this Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise. Nothing contained in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Watsonville.

**Section 45.** Section 1202 of the City Charter is amended to read as follows:

Section 1202. Franchise Terms, Conditions, and Procedures.

~~The Council, by ordinance, shall prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of public notice of franchise applications, for protests against the granting of such franchise and for public hearings on such applications.~~

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

**Section 46.** Section 1503 of the City Charter is amended to read as follows:

Section 1503. Definitions.

Unless the provisions or the context otherwise require, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive;
- (b) "City" is the City of Watsonville and "department", "board", "commission", "agency", "officer" or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Watsonville;
- (c) "Council" is the City Council of the City of Watsonville;



- (d) A "member of the Council" means any one of the seven (7) members of the Council, including the Mayor;
- (e) A "Councilman" or "Council Member" means any one of the seven (7) members of the Council, including the Mayor;
- (f) "County" is the County of Santa Cruz;
- (g) "State" is the State of California;
- (h) "Newspaper of general circulation within the City" is as defined by Section 6000 of the Government Code of the State of California;
- ~~(i) "He", "Him", "His" or any word in this Charter importing the masculine~~  
gender shall extend to and be applied to females as well as males;
- ~~(j)~~ "District" means any one of seven geographical areas of the City divided for the purpose of electing members of the Council.
- ~~(k)~~ "Vacancy" means empty or unoccupied. A "vacancy" cannot begin or be in effect until there is no one in actual existence discharging the duties of the office.

**Section 47.** Section 1504 of the City Charter is amended to read as follows:

Section 1504. Violations.

The violation of any provision of this Charter ~~may~~ shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding One Thousand (\$1,000.00)

Dollars or by imprisonment for a term of not exceeding six (6) months or by both such fine and imprisonment."

**Section 48.** Section 1506 of the City Charter is amended to read as follows:

Section 1506. Publicity of Records.

All records and accounts of every office, department or other agency of the City shall be open to inspection by any ~~citizen~~person, any representative of an ~~citizens'~~organization, or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, or as otherwise exempted from disclosure pursuant to State law.

We do further certify and declare that the foregoing constitutes a true and correct statement of the actions and proceedings had by the City of Watsonville and the Board of Aldermen of said City, in the matter of the framing, proposal and submission of said proposed Charter for the government of the City of Watsonville, and in the calling, voting upon, and canvassing the returns and declaring the results of said election.

**PART 2. BALLOT DESCRIPTION.** As provided in Government Code section 34458.5, the following ballot description is included in this Proposed Charter Update Measure:

The proposed Charter Update Measure amends City of Watsonville Charter Sections 404 through 409, 501, 502, 607, 700 through 704, 800 through 807, 810, 900 through 905, 908, 910, 1001, 1003, 1004, 1006, 1007, 1104, 1106, 1110, 1113, 1117, 1118, 1122, 1200, 1202, 1503, 1504, and 1506 to ~~of~~ the Charter of the City of Watsonville.

The amendments provide for certain new City powers as a result of the Charter. Section 405 would be amended to allow Council Members to consider obtaining fringe benefits, such as health insurance, in addition to their salary. Section 408 would be amended to remove the requirement that the Council hold one regular meeting each month, and to require, instead, either one special or one regular meeting per month. Section 804 would clarify the City's ability to hire additional attorneys to assist the City Attorney. Amendments to Section 905 would allow the City Council to consider compensating Planning Commissioners, as established by a resolution of the Council. Amendments to Section 1004 would add the City's Personnel Rules and Regulations as a basis for City employee or officer discipline. Section 1117 would revise requirements for posting notices inviting bids to facilitate posting such notices inviting bids in a manner reasonably calculated to reach a broad range of potential bidders and incentivize a competitive bidding process. Section 1202 would be amended to remove the requirement that the City establish general terms and conditions for all franchises through ordinance and, instead, consider franchises individually. Section 1506 would be amended to allow the City flexibility in imposing punishment for violations of the Charter.

The proposed Charter Update Measure also affect the City Council's power to raise its own compensation or that of other city officials. The amendments to Section 405

would provide that Councilmembers are eligible for employment benefits in addition to salary. Section 502 would change the Mayor's compensation, granting the Mayor an additional 25% of the City Council salary in addition to the remuneration granted all Council Members. The proposed amendments to Section 905 allow the City Council to compensate City Planning Commissioners by subsequent resolution.

**PART 3. SEVERABILITY.** It is the intent of the people that the provisions of this Charter Update Measure are severable and that if any provision of this Charter Update Measure or the application thereof to any person or circumstance, is held invalid then such invalidity shall not affect any other provision or the application of this Charter Update Measure which can be given effect without the invalid provision or application.


**PART 4. CERTIFICATION AND FILING.** Upon ratification by the voters, the City Clerk is directed to certify to the passage of this Charter Update Measure and to file it in the Office of the Secretary of State forthwith, and to take such other actions required by law as are necessary to give effect to its passage.

**PART 5. EFFECTIVE DATE.** This Charter Update Measure shall become effective in the manner provided for by law.

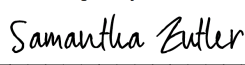
The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 25<sup>th</sup> day of June, **2024**, by Mayor Pro Tempore Orozco, who moved its adoption, which motion being duly seconded by Mayor Quiroz-Carter, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: **Clark, Dutra, Montesino, Orozco, Parker, Salcido, Quiroz-Carter**  
NOES: COUNCIL MEMBERS: **None**  
ABSENT: COUNCIL MEMBERS: **None**

DocuSigned by:  
  
F579F9F4228949B...  
Vanessa Quiroz-Carter, Mayor

DocuSigned by:  
ATTEST:   
CITY OF WATSONVILLE  
95926F9A882E4FA...  
City Clerk

7/5/2024 | 4:26 PM PDT  
Date

APPROVED AS TO FORM:  
DocuSigned by:  
  
C0E26B96468341A...  
City Attorney

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I, Irwin I. Ortiz, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 133-24 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 25<sup>th</sup> day of June, 2024, and that the foregoing is a full, true and correct copy of said Resolution.

DocuSigned by:  
  
95926F9A882E4FA...  
Irwin I. Ortiz, City Clerk

Date 7/5/2024 | 4:26 PM PDT