

AUG 03 2017

CITY OF SAN MATEO
RESOLUTION NO. 66 (2017)

By: [Redacted] DEPUTY CLERK

SUBMITTING A PROPOSED SAN MATEO CITY CHARTER AMENDMENT FOR THE ELECTION ON TUESDAY, NOVEMBER 7, 2017 TO REVISE CITY CHARTER SECTIONS TO CONFORM WITH STATE LAW AND UPDATE CERTAIN PROVISIONS

WHEREAS, the City of San Mateo’s Charter is the governing document establishing the powers and providing guidance for the City’s organization and rule; and

WHEREAS, the Charter was ratified by the State of California legislature via Resolution Chapter 10 – Statutes of 1971, and was revised in its entirety on November 4, 2002 and chaptered in Chapter 66 2002 Statutes and was further amended by a vote of the people on November 8, 2016; and

WHEREAS, Changes in state law and management practices necessitate periodic updates to certain provisions of the Charter to be in conformance with the law and current practices; and

WHEREAS, the San Mateo City Council has determined to place on the ballot a measure to amend the City Charter to correct provisions that conflict with State Law and update outdated sections of the Charter; and

WHEREAS, the City of San Mateo has called for consolidation with the County for election services for the November 7, 2017 election through the City of San Mateo Resolution 36 (2017) which has been delivered and accepted by the San Mateo County Board of Supervisors; and

WHEREAS, the City seeks to add this measure on the ballot at the same election for which services have been called; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment to the voters;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Full Text begins

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of San Mateo, California, on Tuesday, November 7, 2017, a Special Municipal Election for the purpose of submitting the following proposed charter amendment:

“Shall the charter amendment revising the City of San Mateo’s charter to: allow for regular council meetings to be held at locations other than City Hall, when necessary; updating the title of Personnel Director to Human Resources Director; and revising the Fiscal Administration provisions to conform with state law and current practices be adopted?”	YES
	NO

SECTION 2. That the text of the charter amendment submitted to the voters to align with State Law shall read as follows:

Section 5.12. Dollar Limit.

Repealed.

SECTION 3. That the text of the charter amendment submitted to the voters to update the Charter shall read as follows:

Section 2.10. Place of Meetings.

All regular and adjourned regular meetings of the council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, or the council determines that another location in the city would be more suitable due to the capacity or condition of the City Hall.

Section 4.12. Human Resources Director. Powers and Duties.

There shall be a human resources director who shall be appointed by and who shall serve at the pleasure of the city manager. The human resources director shall have the responsibility of attending all meetings of any board or commission established to advise or deal with personnel matters, and shall administer laws, rules and ordinances affecting employees in the classified service not specifically reserved to the city manager or other officer or board or commission, by law, ordinance or this Charter, and shall establish and keep records of all officials and employees in the classified service. The human resources director shall have had at least three years progressively responsible experience in human resources administration and such other qualifications as may be required by ordinance.

Section 5.03. Budget Limitation.

The total proposed budget requirements shall not exceed total available resources.

Section 5.04. Unexpended and Unobligated Funds.

Unexpended and unobligated funds shall be held in reserve for contingencies or other purposes as determined by council. Funds held in reserve may be appropriated by resolution of the council, including but not limited to the annual budget resolution.

Section 5.13. Supplemental, Emergency, and Lapsed Appropriations.

(a) Supplemental Appropriations: If during the fiscal year there are funds available for appropriation, the council by resolution may make supplemental appropriations. At any time during the fiscal year the city manager may transfer

part or all of any unencumbered appropriation balance among programs within a department and, upon written request of the city manager, the council may by resolution transfer part or all of any unencumbered appropriation balance from one department to another; provided that no appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

(b) Lapsed Appropriations: Every appropriation, except an appropriation for a capital expenditure, grant funds, or other funds not within the budgeting authority of the city council, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

Section 5.15. Receipts and Expenditures.

All money received by the city shall be deposited in the city treasury and in institutions and investments authorized for cities by law, and no money shall be disbursed without the approval of the city manager or of another officer duly authorized by him/her. No expenditure of city funds shall be made except for the purposes and in the manner specified by an appropriation of the council; nor shall any disbursement be made unless obligations are properly supported by accounting evidence and sufficient funds are available. The city manager or other officer authorized by him/her to make disbursements shall be represented by the city attorney in all legal matters in connection therewith.

Full text ends

SECTION 4. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 5. This amendment shall become effective immediately upon certification of the election results by the City Council.

SECTION 6. That the full text of the measure be printed in the voter information pamphlet.

SECTION 7. The City Clerk is directed to forward the proposed measure to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the Elections Code.

SECTION 8. Arguments for and against the proposition may be submitted to the qualified voters of the City in accordance with sections 9282 through 9287 of the California Elections Code. The deadline date for submitting ballot arguments for or against the proposition shall be Friday, August 18, 2017. 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 Monday, August 28, 2017. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the office of the City Clerk. The provisions of Section 9285(a) of the California Elections Code shall apply to the submittal of rebuttal arguments.

SECTION 9. The City Council authorizes its members either collectively or individually, or any San Mateo voter or association of San Mateo resident, to file written arguments

in favor or against the proposition, and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the proposition may be submitted to the City Clerk. Any argument filed for or against said proposition not exceeding 300 words shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if filed on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

SECTION 10. That the City Council adopted Resolution No. 36 (2017) on June 5, 2017 establishing the election and all particulars related therein to be held within the City boundaries and consolidating services with the County of San Mateo's Election Department.

SECTION 11. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 18. The City Clerk and other City officers are directed to do all things necessary to meet the requirements of law for the November 7, 2017, municipal election.

SECTION 19. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 66 (2017) adopted by the City Council of the City of San Mateo, California, at a regular meeting held on July 17, 2017, by the following vote of the City Council:

AYES: Council Members Bonilla, Freschet, Goethals and Papan
NOES: None
ABSENT: Lim

ATTEST:

[Redacted Signature]

Patrice M. Olds, City Clerk

[Redacted Signature]

Rick Bonilla, Deputy Mayor

I hereby certify this to be a full, true and correct
copy of the document it purports to be as the
same is on file in my office. Res 66 (2017)
Dated: 8/1/2017
[Redacted Signature]
City Clerk of the City of San Mateo

