



AGENDA

MEETING OF THE CHARTER COMMITTEE

Thursday, March 22, 2018, 7:00 p.m.

El Cerrito City Hall

Hillside Room

10890 San Pablo Avenue

El Cerrito, CA 94530

This Meeting Place Is Wheelchair Accessible

Roll Call

1. Oral Communications from the Public for Items Not on the Agenda

(Each speaker is limited to a maximum of 3 minutes.)

2. Approval of the Minutes

a. Approval of the Minutes from the meeting of March 10, 2018.

3. Review and possible Recommendation to City Council on Draft City Charter

- a. Review the draft charter including Statement of Purpose, receive comments and possible recommendation toward its completion for City Council consideration.
- b. Comments from the Public.

4. Items for next meeting (if necessary)

5. Adjournment

Any writings or documents provided to a majority of the Charter Committee regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 10890 San Pablo Avenue during normal business hours.

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Cheryl Morse, City Clerk at 215-4305 at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

10890 San Pablo Avenue., El Cerrito, CA 94530 Tel: 510.215.4305

E-mail: shanin@ci.el-cerrito.ca.us



MINUTES
MEETING OF THE
CHARTER COMMITTEE

Saturday, March 10, 2018, 9:00 a.m.
El Cerrito City Hall
Hillside Room
10890 San Pablo Avenue
El Cerrito, CA 94530

Roll Call

Committee Members Eizenberg, Fadelli, Keller, Lyman, Moore and Chair Patterson all present. City Manager Hanin and City Attorney Woodruff also present.

Convene Special Charter Committee meeting.

Chairperson Patterson convened the Charter Committee meeting at 9:00 a.m.

1. Oral Communications from the Public for Items Not on the Agenda – No speakers

2. Approval of the Minutes

Approval of the Minutes from the meetings of February 26, 2018.

Action: Moved, seconded (Lyman/Keller) and carried unanimously to approve the minutes as corrected.

3. Overview of City Charter Process

Summary of Initial Presentation to Charter Committee.

Presenter: Scott Hanin, City Manager

Action: Received presentation.

4. Review and possible Direction on Draft City Charter and preamble

A. The City Attorney will review the draft charter, receive comments and possible direction/recommendation toward its completion for City Council consideration.

B. Discussion and comments for City Council consideration related to items in the Charter including but not limited to the Real Property Transfer Tax.

C. Comments from the Public.

Presenter: Sky Woodruff, City Attorney.

Speakers: Takashi Ikidoh asked for information regarding the charter process.

Judith Tannenbaum, El Cerrito, stated that she liked the use of the terms “tools and toolbox” in the proposed preamble.

Actions: Discussion held. The Committee by mutual consensus, agreed to the following modifications of the Draft Charter, Version 2:

- Section 101 – Eliminate the word “~~peculiarly~~” and proposed language “about the matters addressed in this Charter.”
- Section 102(b) – Approved language proposed by the City Attorney and City Manager.
- Section 203 – Approved language proposed by the City Attorney and City Manager and correct numerical paragraph formatting within the section.

The Committee discussed the Statement of Purpose (Draft Preamble) and provided the City Attorney and City Manager with a conceptual framework in which to further revise language in the Statement of Purpose for the Committee’s review.

Committee members also discussed what options for rebates or waivers related to the property transfer tax would be presented to the City Council when it considers the ordinance.

5. Items for next meeting

Action: The Committee will review a revised Statement of Purpose and Draft Charter and provide possible direction to staff regarding recommendations to the City Council.

The Committee also discussed its upcoming meeting schedule and agreed by mutual consensus to discuss the meeting schedule on March 22, 2018.

6. Adjourned at 10:52 a.m.

CHARTER OF THE CITY OF EL CERRITO

STATEMENT OF PURPOSE (PREAMBLE)

The City of El Cerrito was incorporated as a general law city in 1917 by residents seeking the right to manage local affairs. ~~Contrary to that desire,~~ Over time, the authority of general law cities over local affairs has diminished ~~over time, as t~~ The State has continually ~~adds added~~ mandates for cities that require local resources to address State concerns, and increased its involvement control over in local matters, ~~while at the same time and~~ redirecting redirected much needed local revenue ~~elsewhere for its own purposes. Compounding these trends, special interests outside El Cerrito~~ Changes in State law have limited the ability of El Cerritans to decide how to use local dollars for local needs. The power of home rule, granted by the California Constitution, makes available to charter cities a variety of tools to use to construct local policy and address local concerns. The voters of each charter city get to decide which tools to put in their tool box. A City Charter will ~~re~~claim more local autonomy and ~~to~~ expand the economic and fiscal independence of ~~our local~~ the City's government, a City Charter will better serve to promote promoting the health, safety, and welfare of all the citizens residents of this City. Therefore, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of El Cerrito.

ARTICLE I. ESTABLISHMENT OF HOME RULE, POWER OVER MUNICIPAL AFFAIRS, GENERAL LAW POWERS

Section 100. Powers of the City. The City of El Cerrito (the "City") shall have full power and authority to adopt, make, exercise, and enforce all legislation, laws, ordinance, resolutions, and regulations with respect to municipal affairs, subject only to the limitations and restrictions imposed on that power by this Charter, the Constitution of the State of California, and the laws of the United States.

Section 101. Municipal Affairs. Municipal affairs encompass all matters of local concern as determined by the City Council consistent with the meaning of "municipal affairs" under the constitutional, statutory, and judicially defined law of the State of California. Each of the matters set forth in this Charter are declared to be municipal affairs, consistent with the laws of the State of California. The municipal affairs set forth in this Charter are not intended to be an exclusive list of municipal affairs over which the City Council may govern. The exercise of home rule over each matter set forth in this Charter uniquely benefits the citizens residents of the City and addresses local concerns within the City ~~about the matters addressed in this Charter.~~

Section 102. Powers under State Law.

- (a) In addition to the power and authority granted by this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise, and enforce all legislation, laws, ordinances,

resolutions, and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between this Charter and the general laws of the State of California related to a municipal affair, this Charter shall control.

- (b) Nothing in this Charter is intended to restrict the City in exercising any right, power or authority granted under the general laws of the State of California. However, the provisions of this Charter shall prevail in the event of any conflict with the general laws of the State of California, unless preempted by state law on matters of statewide concern.

ARTICLE II. CONTINUATION OF BOUNDARIES, FORM OF GOVERNMENT, AND EXISTING LAW

Section 200. Incorporation and Succession. The City shall continue to be a municipal corporation known as the City of El Cerrito. The boundaries of the City shall continue as established prior to this Charter taking effect until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control, and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled, or enjoyed by it at the time this Charter takes effect. The City shall be subject to all debts, obligations, and liabilities of the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules, and regulations, or portions thereof, enforced at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed, or superseded by proper lawful action.

Section 201. Form of Government. The government of the City shall continue to be the Council-Manager form of government as established by the El Cerrito Municipal Code at the time that this Charter takes effect and by the laws of the State of California. The Council-Manager form of government of the City may be changed in the same ways and using the same procedures as a general law city.

Section 202. City Council, City Manager, and City Attorney.

- (a) The City Council shall establish the policy of the City. The City Manager shall carry out that policy.
- (b) The City Council shall appoint the City Manager.
- (c) The City Manager, as the chief administrative officer of the City, shall appoint all department heads other than the City Attorney. Involvement in administrative matters by the City Council or by any individual Councilmember shall occur only through the City Manager or pursuant to direction by the City Manager to members of the administrative staff.

- (d) The City Council shall appoint the City Attorney. The City Attorney may be an employee of the City or an independent contractor providing legal services pursuant to a contract.

Section 203. Continuation of Existing Local Laws. All ordinances, codes, resolutions, regulations, rules, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until repealed, amended, changed, or superseded in the manner provided by this Charter and any other applicable laws.

Section 204. General State Laws. Except as provided in this Charter and in any ordinance, code, resolution, or other law adopted by the City Council regarding a matter that is a municipal affair, the City shall be governed by the general laws of the State of California.

ARTICLE III. MUNICIPAL REVENUE

Section 300. Revenue Raising Power. The City may exercise all powers of a charter city to generate revenue, including but not limited to taxes, fees, assessments, and other charges.

Section 301. Real Property Transfer Tax. Without limiting the general power of the City, as expressed in Section 300 above, to generate revenue, the City may impose a tax on the conveyance of real property, based upon the price paid for the real property ("real property transfer tax"). Any real property transfer tax imposed by the City shall be in addition to any similar tax authorized by the general laws of the State of California.

ARTICLE IV. PREVAILING WAGES FOR PUBLIC WORKS AND PUBLIC CONTRACTING

Section 400. State Prevailing Wage Law. The City shall comply with the laws of the State of California applicable to general law cities regarding the payment of prevailing wages for public works projects.

Section 401. Contracting for Public Works. The City shall comply with the laws of the State of California applicable to general law cities regarding contracting for public works. The City's laws, ordinances, codes, resolutions, and policies implementing State laws regarding contracting for public works shall continue to apply when this Charter takes effect and may be amended thereafter.

ARTICLE V. LABOR RELATIONS

Section 500. State Labor Relations Law. The City shall comply with the laws of the State of California applicable to general law cities regarding labor relations. The City's laws, ordinances, codes, resolutions, and policies implementing State laws regarding

labor relations shall continue to apply when this Charter takes effect and may be amended thereafter.

ARTICLE VI. ELECTIONS

Section 600. State Elections Law. The City shall comply with the laws of the State of California applicable to general law cities regarding elections. The City's laws, ordinances, codes, resolutions, and policies implementing State laws regarding elections shall continue to apply when this Charter takes effect and may be amended thereafter.

Section 601. Initiative, Referendum, and Recall. Without limiting the general applicability of Section 600 of this Charter, the City shall comply with the laws of the State of California applicable to general law cities regarding initiative, referendum, and recall.

ARTICLE VII. INTERPRETATION, SEVERABILITY, AND AMENDMENT

Section 700. Construction and Interpretation. The language of this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

Section 701. Severability. If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

Section 702. Amendment of Charter. As provided by state law, this Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.

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