



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Meeting Agenda

Citizens Advisory Charter Review Committee

Thursday, August 15, 2019

6:00 PM

Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

NOTICE TO PUBLIC

WELCOME

At least 72 hours prior to each regular Board/Commission meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relation to an open session item that are distributed to a majority of the Commission will be available for public inspection at the City Clerk's Office during regular business hours.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE BOARD/COMMISSION CLERK

Members of the audience who wish to address the Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Board/Commission Clerk before the item is called, preferably before the meeting begins.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENT

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. State law prohibits the Board/Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

E. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Board/Commission, provided that any Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

[19-470](#)

SUBJECT: Citizens Advisory Charter Review Minutes of July 25, 2019

REPORT IN BRIEF

Approval of previously held meeting minutes for filing.

RECOMMENDATION

Citizens Advisory Charter Review Committee - adopt a motion approving and filing the meeting minutes of July 25, 2019

F. BUSINESS

[19-462](#)

SUBJECT: Review of Draft Language Regarding Charter Section 402-Compensation of the Mayor and City Council for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Considers proposed revisions to City Charter Section 402 regarding compensation for the Mayor and City Council Members.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a Motion:

- A. Approving the language as submitted; or,
- B. Providing staff with direction on any suggested changes to the proposed language for Section 402; or,
- C. Take no action; or,
- D. Continue the matter to the next regular meeting.

[19-463](#)

SUBJECT: Review of Draft Language Regarding Charter Section 400-Number and term of the Mayor and City Council for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Considers proposed revisions to City Charter Section 400 regarding number and term for the City Council and Mayor.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a Motion:

- A. Approving the language as submitted; or,
- B. Providing staff with direction on any suggested changes to proposed language for Section 400; or,
- C. Take no action; or,
- D. Continue the matter to the next regular meeting.

[19-464](#)

SUBJECT: Review of Draft Language Regarding New Charter Section - Tax Transparency Commission for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Allows for Committee review and discussion of draft language for new Charter Section "Tax Transparency Commission" as requested by the Charter Review Committee

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

- A. Approving language as recommended by Staff;
- B. Providing staff direction on any suggested changes to proposed language for new Charter Section "Tax Transparency Commission"; or,
- C. Take no action; or,
- D. Continue to a future meeting.

[19-460](#)

SUBJECT: Review of Draft Language Regarding Charter Sections 707 and Section 711 to Modify Planning Commission and Recreation and Parks Commission Appointments by District for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Allows for Committee review and discussion of draft language for Charter

Section 707 and 711 as requested by the Charter Review Committee

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

- A. Approving language as recommended by Staff;
- B. Providing staff direction on any suggested changes to proposed language for Charter Section 707 and 711; or,
- C. Take no action; or,
- D. Continue to a future meeting.

[19-472](#)

SUBJECT: Continued Review, Discussion, and Recommendation on Charter Sections 501, 604 and 605 Regarding Officers and Employees Including, but not Limited to, Eliminating Certain Financial Responsibilities from the Powers and Duties of the City Manager and Vesting them in the Finance Officer and Limiting the Contract of Outside Firms as Charter Officers to a One-Year Term

REPORT IN BRIEF

Allows for Committee discussion on Charter Sections 501, 604, and 605 as requested by Committee Member Heller.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

- A. Providing staff direction on any suggested changes to Charter Sections 501, 604 and 605; or,
- B. Take no action; or,
- C. Continue to a future meeting.

[19-474](#)

SUBJECT: Final Citizens Advisory Charter Review Committee Initiated Request to Review Charter Sections

REPORT IN BRIEF

Allows for review requests to be initiated by individual committee members.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion

directing staff to add a Charter Section (specify section in motion) for full committee discussion and review at the next regular meeting.

[19-475](#)

SUBJECT: Initial Discussion on the Form, Content and Other Matters Related to the Citizens Advisory Charter Review Committee Final Report to be Presented at the September 3, 2019 City Council Meeting

REPORT IN BRIEF

Allows for initial discussion on the form and content and other related matters for the final report that will be presented to the Merced City Council

RECOMMENDATION

Citizens Advisory Charter Review Committee - Provide staff direction as needed regarding the draft final report.

G. ADJOURNMENT

Adjourn to the next regular meeting on August 22, 2019 at 6 PM.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 19-470

Meeting Date: 8/15/2019

SUBJECT: Citizens Advisory Charter Review Minutes of July 25, 2019

REPORT IN BRIEF

Approval of previously held meeting minutes for filing.

RECOMMENDATION

Citizens Advisory Charter Review Committee - adopt a motion approving and filing the meeting minutes of July 25, 2019

ATTACHMENTS

1. Minutes of 7-25-2019



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes Citizens Advisory Charter Review Committee

Thursday, July 25, 2019

6:00 PM

A. CALL TO ORDER

Chair SMITH called the meeting to order at 6:03 PM.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair HILL.

C. ROLL CALL

Clerk's Note: Committee Member SPENCE arrived at 6:08 PM.

Ex Officio Members Present: Mayor Mike MURPHY and Mayor Pro Tempore MARTINEZ.

Present: 9 - Shane Smith, Tim O'Neill, Robert Haden, Ryan Heller, Sara Hill, Liliana Prado Nava, Loretta Spence, Sarah Boyle and Stephanie Buttici

Absent: 0

D. PUBLIC COMMENT

There were none.

E. CONSENT CALENDAR

SUBJECT: Citizens Advisory Charter Review Minutes of July 9, 2019

REPORT IN BRIEF

Approval of previously held meeting minutes for filing.

RECOMMENDATION

Citizens Advisory Charter Review Committee - adopt a motion approving and filing the meeting minutes of July 9, 2019

A motion was made by Member Heller, seconded by Member Haden, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Member Smith
Member O'Neill
Member Haden
Member Heller
Member Hill
Member Prado Nava
Member Boyle
Member Butticci

No: 0

Absent: 1 - Member Spence

F. REPORTS

SUBJECT: Continued Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 402 Regarding City Council Compensation Including, but not Limited to, Increasing Council Compensation, Establishing a Salary Setting Commission, or Other Options Presented by the Committee Members

REPORT IN BRIEF

Consider a potential amendment to Charter section 402 to increase City Council compensation

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Recommending a change to Charter Section 402 regarding City Council Compensation (specify amount in motion) and directing staff to draft the appropriate language for final City Council Approval; or,

B. Recommending no change to Charter Section 402 or current City Council compensation amounts.

City Attorney Phaedra NORTON gave a slide show presentation on Council compensation models and options.

The Committee agreed on the need for Council compensation. They discussed using the current Government Code section regarding the amount of salary and the possible use of a salary setting committee to maintain transparency.

Ex Officio Member Mayor MURPHY suggested a salary similar to other local municipalities.

Ex Officio Member MARTINEZ stated that an independent committee to

set the salary could help the measure to pass.

The Committee continued to discuss salary and a salary setting committee and generally agreed that a committee could be convened to set the initial salary and meet at a set interval to review and suggest changes to the Council salary as needed. The Committee expressed interest in a seven member committee by Council District be appointed and use the Government Code as a guide for the appropriate salary.

Clerk's Note: Committee Chair SMITH continued this item to the next regular meeting.

SUBJECT: Continued Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 400 which May Include, but is not Limited to, a Change to the Duration of the Mayoral Term, Number of Terms, and Eligibility Limitations

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REPORT IN BRIEF

Considers changing the current Mayoral term length from 2 to 4 years and considers the number of terms for the Office of Mayor.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Recommending a change to Charter Section 400 regarding the length and number of terms for the Office of Mayor and directing staff to draft the appropriate language for final approval by City Council; or,

B Recommending no changes to Charter Section 400 regarding the Mayor's term.

City Attorney Phaedra NORTON gave a slide show presentation on various different Mayoral terms adopted by other municipalities.

The Committee discussed the various options and unanimously agreed that a 4-year term was warranted. They further discussed the number of terms and the possibility of adding language to allow for re-election of an individual after a cooling off period.

Casey STEED, Merced resident - agreed with the 4-year term but suggested no term limits to let the voters decide.

Clerk's Note: This item was tabled to the next regular meeting to allow for

the City Attorney to come up with draft language.

G. BUSINESS

SUBJECT: Continued Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 1118 Independent Audit Including, but not Limited to, Additional Transparency and/or Accountability Provisions

REPORT IN BRIEF

Review Charter Section 1118 Independent Audit

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Making a recommendation to the City Council to modify Charter Section 1118; or

B. Making no changes to Charter Section 1118.

The Committee discussed Charter Section 1118 for the possible creation of a citizens audit committee or a Council subcommittee. The Committee agreed that if a Council subcommittee could be created, no change to the Charter would be necessary.

A motion was made by Member Smith, seconded by Member Haden, that no changes be made to Section 1118 and to add comments in the final report. The motion carried by the following vote:

Aye: 9 - Member Smith
Member O'Neill
Member Haden
Member Heller
Member Hill
Member Prado Nava
Member Spence
Member Boyle
Member Butticci

No: 0

Absent: 0

SUBJECT: Discussion on Article VII of the Merced City Charter to Potentially Add a Tax Transparency Commission Which Would be Charged with Oversight of Existing and Future Tax Measures

REPORT IN BRIEF

Allows for Charter Review Committee discussion on Article VII of the Merced City Charter to allow for the development of a Tax Transparency Commission as requested by Staff.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Providing staff direction on the addition of a Tax Transparency Commission to Article VII of the Charter; or,

B. Take no action

Assistant City Manager Stephanie DIETZ presented to the Committee an idea to combine existing tax oversight committees into one Tax Transparency Committee for current and future tax measures.

The Committee agreed that this concept was sound and requested staff return to the next meeting with draft language for Committee review.

Clerk's Note: This item was tabled to the next regular meeting.

SUBJECT: Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 1111 Competitive Bidding - Supplies, Materials, or Equipment Including, but not Limited to, the Local Vendor Preference

REPORT IN BRIEF

Allows for Committee discussion on Charter Section 1111 as requested by Committee Member O'Neill

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Providing staff direction on any suggested changes to Charter Section 1111; or,

B. Take no action

Clerk's Note: This item was brought forward for discussion by Committee Member O'NEILL.

Committee Member O'NEILL asked for clarification on how the current Local Preference Policy was being implemented.

Finance Officer Venus RODRIGUEZ explained the process used by the

Purchasing Supervisor to ensure that local businesses receive a 5% preference.

A motion was made by Member Haden, seconded by Member O'Neill, that no changes be made to Charter Section 1111 regarding local preference. The motion carried by the following vote:

Aye: 9 - Member Smith
Member O'Neill
Member Haden
Member Heller
Member Hill
Member Prado Nava
Member Spence
Member Boyle
Member Butticci

No: 0

Absent: 0

SUBJECT: Review, Discussion, and Recommendation on Charter Sections 501, 604 and 605 Regarding Officers and Employees Including, but not Limited to, Eliminating Certain Financial Responsibilities from the Powers and Duties of the City Manager and Vesting them in the Finance Officer and Modifying the Reporting Structure Set Forth in Section 605

REPORT IN BRIEF

Allows for Committee discussion on Charter Sections 501, 604, and 605 as requested by Committee Member Heller.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Providing staff direction on any suggested changes to Charter Sections 501, 604 and 605; or,

B. Take no action

Clerk's Note: These items were brought forward for discussion by Committee Member HELLER.

Committee Member HELLER presented reasons for possible updates to Charter Sections regarding Charter Officers in order to maintain the proper balance of power. He expressed concern with the combining of Charter Officer Positions, suggested some language changes to the Finance Officer section in the Charter, suggested placing limits on the length of contracting out Charter Officer positions and the way interim appointments

to Charter Officer positions are handled.

The Committee discussed the proposals and agreed that clean up language for the Finance Officer should be considered.

Ex Officio Members Mayor MURPHY and Mayor Pro Tempore MARTINEZ clarified why the Council may use contracted Charter Officers and extend the contracts in order to find qualified candidates to fill the positions.

The Committee agreed that the conversation on the Finance Officer language and discussion on contracted Charter Officers should be continued to the next meeting.

Casey STEED, Merced Resident - spoke in favor of the proposed changes.

**SUBJECT: Discussion on Charter Sections 707 and Section 711
Regarding Planning Commission and Recreation and Parks
Commission Appointments by District**

REPORT IN BRIEF

Allows for Committee discussion on Charter Section 707 and 711 as requested by Staff

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

A. Providing staff direction on any suggested changes to Charter Section 707 and 711; or,

B. Take no action

Assistant City Manager Stephanie DIETZ presented the idea of making both the Planning Commission and the Recreation and Parks Commission members appointed by Council District to align with how Council is now elected.

Ex-Officio Member Mayor MURPHY stated that district appointments would make City Council more accountable in keeping commissions filled.

The Committee discussed Council accountability, moving to districts to include all areas of the City, committees as a stepping stone to running for City Council, and possibly using at-large appointments to fill an extended vacancy in a district with no applicants.

Clerk's Note: This item was continued to the next regular meeting to allow staff to present language to the Committee for consideration.

SUBJECT: Citizens Advisory Charter Review Committee Initiated Request to Review Charter Sections

REPORT IN BRIEF

Allows for review requests to be initiated by individual committee members.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion directing staff to add a Charter Section (specify section in motion) for full committee discussion and review at the next regular meeting.

Ex Officio Member Mayor MURPHY suggested the Committee consider a conversation on Merced having a Strong Mayor.

The Committee agreed that this was out of their scope and declined to bring the conversation to a future meeting.

Committee Member HELLER requested to speak about campaign finance at the city level on the next agenda.

The Committee declined to bring Member HELLER's item forward.

H. ADJOURNMENT

Clerk's Note: The meeting adjourned at 8:15 PM.

A motion was made by Member Haden, seconded by Member Prado Nava, that the meeting be adjourned. The motion carried by the following vote:

Aye: 9 - Member Smith
Member O'Neill
Member Haden
Member Heller
Member Hill
Member Prado Nava
Member Spence
Member Boyle
Member Butticci

No: 0

Absent: 0



ADMINISTRATIVE REPORT

File #: 19-462

Meeting Date: 9/3/2019

Report Prepared by: Phaedra Norton, City Attorney

SUBJECT: Review of Draft Language Regarding Charter Section 402-Compensation of the Mayor and City Council for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Considers proposed revisions to City Charter Section 402 regarding compensation for the Mayor and City Council Members.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a Motion:

- A. Approving the language as submitted; or,
- B. Providing staff with direction on any suggested changes to the proposed language for Section 402; or,
- C. Take no action; or,
- D. Continue the matter to the next regular meeting.

CITY COUNCIL PRIORITIES

Recommendations regarding Charter Amendments.

DISCUSSION

On July 25, 2019, staff presented the Committee with options to consider regarding Charter Section 402, "Compensation." The Committee directed staff to prepare draft language for consideration. The draft language is set forth below:

"Sec. 402. - Compensation and Reimbursement.

- (a) The members of the city council, including the Mayor, shall receive a monthly salary for their services as such, and shall receive reimbursement for expenses incurred while performing official duties of their office. Absence of a councilmember, including the Mayor, from all

regular and special meetings of the council during any calendar month shall render such councilmember ineligible to receive such compensation for such calendar month.

(b)(1) There shall be established a Citizen's Salary Setting Commission consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City.

(2) The Commission's shall hold at least two (2) public hearings between March 1st and June 30th of every even-numbered year and shall recommend, by majority vote and in writing, to the Council the amount of the monthly salary which it deems appropriate for the members of the Council for the two year period beginning January 1st of the next year. The amount recommended for each Councilmember shall be the same.

(3) The Commission's shall hold at least two (2) public hearings between March 1st and June 30th of a Mayoral election year and shall recommend, by majority vote and in writing, to the Council the amount of the monthly salary which it deems appropriate for the Mayor for his/her entire term beginning in January of the next year. The salary recommended for the Mayor shall, at a minimum, be the same as the other Councilmembers; however, the Commission may recommend providing the Mayor with greater compensation beyond his/her salary as a member of the City Council.

(4) The Council shall, by resolution, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. Salaries of the Councilmembers and Mayor may be reduced at any time by two-thirds (2/3) of the Council. Salaries shall remain in effect until amended by a subsequent resolution adopted pursuant to the provisions of this section."

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Legislative Drafts (red-line version) of Section 402-Compensation

Sec. 402. – Compensation and Reimbursement.

(a) The members of the city council, including the Mayor, shall receive a monthly salary for their services as such, and shall receive reimbursement for expenses incurred while performing official duties of their office. Absence of a councilmember, including the Mayor, from all regular and special meetings of the council during any calendar month shall render such councilmember ineligible to receive such compensation for such calendar month.

(b)(1) There shall be established a Citizen's Salary Setting Commission consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City.

(2) The Commission's shall hold at least two (2) public hearings between March 1st and June 30th of every even-numbered year and shall recommend, by majority vote and in writing, to the Council the amount of the monthly salary which it deems appropriate for the members of the Council for the two year period beginning January 1st of the next year. The amount recommended for each Councilmember shall be the same.

(3) The Commission's shall hold at least two (2) public hearings between March 1st and June 30th of a Mayoral election year and shall recommend, by majority vote and in writing, to the Council the amount of the monthly salary which it deems appropriate for the Mayor for his/her entire term beginning in January of the next year. The salary recommended for the Mayor shall, at a minimum, be the same as the other Councilmembers; however, the Commission may recommend providing the Mayor with greater compensation beyond his/her salary as a member of the City Council.

(4) The Council shall, by resolution, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. Salaries of the Councilmembers and

Mayor may be reduced at any time by two-thirds (2/3) of the Council.
Salaries shall remain in effect until amended by a subsequent resolution
adopted pursuant to the provisions of this section.



ADMINISTRATIVE REPORT

File #: 19-463

Meeting Date: 9/3/2019

Report Prepared by: Phaedra Norton, City Attorney

SUBJECT: Review of Draft Language Regarding Charter Section 400-Number and term of the Mayor and City Council for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Considers proposed revisions to City Charter Section 400 regarding number and term for the City Council and Mayor.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a Motion:

- A. Approving the language as submitted; or,
- B. Providing staff with direction on any suggested changes to proposed language for Section 400; or,
- C. Take no action; or,
- D. Continue the matter to the next regular meeting.

CITY COUNCIL PRIORITIES

Recommendations regarding Charter Amendments.

DISCUSSION

On July 25, 2019, staff presented the Committee with actions to consider regarding Charter Section 400, "Number and term." The Committee directed staff to prepare draft language for consideration. The draft language is set forth below:

"Sec. 400. - Number and term.

- A. The City Council shall consist of a Mayor elected from the City at large and six City Council Members elected by single-member district election at the times and in the manner provided in this Charter.
- B. The Mayor shall serve a term of four (4) years and until his/her successor is elected and qualified. The Mayor shall be limited to no more

than two, four-year terms. For purposes of this subsection, a "term" shall be defined to include serving fifty percent plus one day of a term as Mayor, while service as Mayor for fifty percent or less of a term shall not constitute a term for purposes of term limits.

C. Individual City Council Members shall serve a term of four (4) years and until his/her successor is elected and qualified. Individual City Council Members shall be limited to no more than two, four-year terms. For purposes of this subsection, a "term" shall be defined to include serving fifty-percent plus one day of a term as a City Council Member, while service as a City Council Member for fifty percent or less of a term shall not constitute a term for purposes of term limits.

D. (1) Once the Mayor or an individual City Council Member has served the maximum number of terms in that respective office, he/she shall be ineligible to be elected or appointed to that office again until at least four (4) consecutive four-year terms (16 years total), has lapsed from the Mayor or Councilmember(s) second term. At any time after the expiration of said time, the individual may be elected or appointed to serve as the Mayor or a Councilmember.

E. District boundaries shall be drawn by ordinance."

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Legislative Draft (red-lined version) of Section 400 - Number and term.

Sec. 400. - Number and term.

- A. The City Council shall consist of a Mayor elected from the City at large and six City Council Members elected by single-member district election at the times and in the manner provided in this Charter.
- B. The Mayor shall serve a term of four (4) years and until his/her successor is elected and qualified. The Mayor shall be limited to no more than two, four-year terms. For purposes of this subsection, a "term" shall be defined to include serving fifty percent plus one day of a term as Mayor, while service as Mayor for fifty percent or less of a term shall not constitute a term for purposes of term limits.
- C. Individual City Council Members shall serve a term of four (4) years and until his/her successor is elected and qualified. Individual City Council Members shall be limited to no more than two, four-year terms. For purposes of this subsection, a "term" shall be defined to include serving fifty-percent plus one day of a term as a City Council Member, while service as a City Council Member for fifty percent or less of a term shall not constitute a term for purposes of term limits.
- D. (1) Once the Mayor or an individual City Council Member has served the maximum number of terms in that respective office, he/she shall be ineligible to be elected or appointed to that office again until at least four (4) consecutive four-year terms (16 years total), has lapsed from the Mayor or Councilmember(s) second term. At any time after the expiration of said time, the individual may be elected or appointed to serve as the Mayor or a Councilmember.
- E. District boundaries shall be drawn by ordinance.



ADMINISTRATIVE REPORT

File #: 19-464

Meeting Date: 8/15/2019

SUBJECT: Review of Draft Language Regarding New Charter Section - Tax Transparency Commission for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Allows for Committee review and discussion of draft language for new Charter Section “Tax Transparency Commission” as requested by the Charter Review Committee

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

- A. Approving language as recommended by Staff;
- B. Providing staff direction on any suggested changes to proposed language for new Charter Section “Tax Transparency Commission”; or,
- C. Take no action; or,
- D. Continue to a future meeting.

DISCUSSION

On July 25, 2019, staff presented to the Citizens Advisory Charter Review Committee the concept of combining current and future tax oversight committees into one committee. Staff believes that this will increase transparency and citizen participation at the same time.

Staff was directed by the Committee to return to the August 15, 2019 meeting with draft language for review and possible approval for inclusion in the recommendation to the City Council for placement on the March 2020 Primary Ballot.

ATTACHMENTS

- 1. Draft Charter Section - “Tax Transparency Commission”

Sec. 7XX. – Tax Transparency Commission.

There shall be a Tax Transparency Commission consisting of not less than seven (7) nor more than nine (9) members to be appointed by the City Council from the qualified electors of the City. Six (6) members will be appointed from each of the six (6) districts and the remaining member(s) will be appointed at large, and no member of said commission shall hold any paid office or employment in the city government. Should district appointments remain vacant for more than ninety (90) days, the City Council has the authority and may elect to appoint an at large member to fill the vacancy. The Tax Transparency Commission shall meet quarterly, but not less than once per year.

Sec. 7XX. – Tax Transparency Commission—Powers and Duties.

The Tax Transparency Commission shall have authority to:

- A. Review the projected revenue and expenditures for the funds generated by each general or special tax measure.
- B. Make budget recommendations to the City Council in accordance with and to maintain compliance with each general or special tax measure.
- C. Review annual audits of each general or special tax measure and report any findings to the City Council.



ADMINISTRATIVE REPORT

File #: 19-460

Meeting Date: 8/15/2019

SUBJECT: Review of Draft Language Regarding Charter Sections 707 and Section 711 to Modify Planning Commission and Recreation and Parks Commission Appointments by District for Citizens Advisory Charter Review Committee Discussion, Consideration and Potential Modification

REPORT IN BRIEF

Allows for Committee review and discussion of draft language for Charter Section 707 and 711 as requested by the Charter Review Committee

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

- A. Approving language as recommended by Staff;
- B. Providing staff direction on any suggested changes to proposed language for Charter Section 707 and 711; or,
- C. Take no action; or,
- D. Continue to a future meeting.

DISCUSSION

On July 25, 2019, staff presented Charter Sections 707 and 711 to the Charter Review Committee to allow for discussion of Commission appointments by districts to mirror Council representation. During the meeting, the Charter Review Committee directed staff to prepare draft language for consideration at the August 15, 2019 meeting. Attached are proposed draft language of Charter Sections 707 and 711 for the committee's consideration.

ATTACHMENTS

- 1. Draft Charter Section 707
- 2. Draft Charter Section 711

Sec. 707. - Planning commission.

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City. Six (6) members will be appointed from each of the six (6) districts and one (1) member will be appointed at large, none of whom shall hold any paid office or employment in the City government. Should district appointments remain unfilled for more than ninety (90) days, the City Council has the authority and may elect to appoint an at large member to fill the vacancy. The number of members to comprise the commission may be changed by Ordinance of the City Council to not less than five nor more than nine members.

The services of the City Engineer, City Attorney, Chief Building Official, Director of Development Services and other City staff shall be made available to such commission.

(Amended November 6, 2007).

Sec. 711. - Recreation and parks commission.

There shall be a recreation and parks commission consisting of seven members to be appointed by the city council from the qualified electors of the city. Six (6) members will be appointed from each of the six (6) districts and one (1) member will be appointed at large, and no member of said commission shall hold any paid office or employment in the city government. Should district appointments remain vacant for more than ninety (90) days, the City Council has the authority and may elect to appoint an at large member to fill the vacancy. The number of members to comprise the commission may be changed by ordinance of the city council to not less than five nor more than nine members. In the event the city council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the commission of representatives of such agencies during the existence of such contract or extensions thereof.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 19-472

Meeting Date: 8/15/2019

SUBJECT: Continued Review, Discussion, and Recommendation on Charter Sections 501, 604 and 605 Regarding Officers and Employees Including, but not Limited to, Eliminating Certain Financial Responsibilities from the Powers and Duties of the City Manager and Vesting them in the Finance Officer and Limiting the Contract of Outside Firms as Charter Officers to a One-Year Term

REPORT IN BRIEF

Allows for Committee discussion on Charter Sections 501, 604, and 605 as requested by Committee Member Heller.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion:

- A. Providing staff direction on any suggested changes to Charter Sections 501, 604 and 605; or,
- B. Take no action; or,
- C. Continue to a future meeting.

DISCUSSION

Committee Member Heller requested a discussion on Charter Section 501, 604 and 605 regarding Charter Officers and their duties. Attached is a redline version of the suggested changes submitted by Committee Member Heller. "In the interest of protecting the independence and accountability of Charter Officers and the balance of powers already set forth in the Charter, I am submitting the proposed changes appended here."

ATTACHMENTS

1. Redline document from Committee Member Heller

Sec. 501. - City manager—Powers and duties.

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. He/She shall be responsible to the City 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. Appoint and remove all department heads and officers of the City except those officers the power of appointment of whom is vested in the City Council, and pass upon and approve all proposed appointments and removals of subordinate employees by all officers and department heads;
- B. Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- C. Prepare and submit to the City Council as of the end of the fiscal year a complete report on the ~~finances and~~ administrative activities of the City for the preceding year;
- D. ~~Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable;~~
- E. Enforce the laws of the State pertaining to the City, the provisions of this Charter and the Ordinances of the City; and,
- F. Perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with this Charter.

(Am Sec. 604. - Finance officer—Powers and duties.

The Finance Officer shall have power and be required to:

- A. Have charge of the administration of the financial affairs of the City ~~under the direction of the City Manager;~~
- B. Compile the budget expense and revenue estimates for the City ~~Manager~~Council, based upon the City Manager's proposed budget;

Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances of the City for the preceding year

Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable;

- C. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;
- D. Maintain a general accounting system for the City government and each of its offices, departments and agencies;
- E. Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as he/she may deem expedient;
- F. Submit to the City Council and the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and as of the end of each fiscal year, submit a complete financial statement and report;
- G. Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all money receivable by the City from the county, state or federal government, or from any court, or from any office, department or agency of the City;

- H. Have custody of all public funds belonging to or under the control of the City or any office, department, or agency of the City government, and deposit all funds coming into his/her hands in such depository as may be designated by Resolution of the City Council, or, if no such Resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State, governing the handling, depositing and securing of public funds;
- I. Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies;
- J. Establish a centralized purchasing system for all City offices, departments and agencies; and,
- K. Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Manager and the City Council for adoption by Ordinance; and prepare administrative policies and procedures implementing this Section and recommend them for review and approval by the City Manager.

(Amended November 6, 2007: Amended May 2, 1977

Sec. 605. - Duties of officers and employees.

The City Council, by Ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

~~Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter.~~ No office provided in this Charter, to be filled by appointment by the City Manager, may be combined with an office provided in this Charter to be filled by appointment by the City Council. No person appointed as(/to) an office(r) provided for in this Charter may simultaneously hold a position that reports to another officer as provided in this Charter, and shall only report directly to the City Council.

Notwithstanding the foregoing, the City 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.

Notwithstanding the foregoing, the City Council may enter into a contract for services with an outside entity to fulfill the duties of an office(r) or office(r)s provided in Sec. 600 et. seq. for a period not to exceed one year



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 19-474

Meeting Date: 8/15/2019

SUBJECT: Final Citizens Advisory Charter Review Committee Initiated Request to Review Charter Sections

REPORT IN BRIEF

Allows for review requests to be initiated by individual committee members.

RECOMMENDATION

Citizens Advisory Charter Review Committee - Adopt a motion directing staff to add a Charter Section (specify section in motion) for full committee discussion and review at the next regular meeting.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 19-475

Meeting Date: 8/15/2019

SUBJECT: Initial Discussion on the Form, Content and Other Matters Related to the Citizens Advisory Charter Review Committee Final Report to be Presented at the September 3, 2019 City Council Meeting

REPORT IN BRIEF

Allows for initial discussion on the form and content and other related matters for the final report that will be presented to the Merced City Council

RECOMMENDATION

Citizens Advisory Charter Review Committee - Provide staff direction as needed regarding the draft final report.