

Resolution No. 2016-06-21-1501-01

STOCKTON CITY COUNCIL

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STOCKTON SUBMITTING TO THE QUALIFIED VOTERS AT THE NOVEMBER 8, 2016 MUNICIPAL ELECTION A BALLOT MEASURE PROPOSING AMENDMENTS TO ARTICLES II, VI, VII and XI OF THE CHARTER OF THE CITY OF STOCKTON; REQUESTING THAT THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS ADD THESE CHARTER AMENDMENTS TO THE BALLOT FOR THE NOVEMBER 8, 2016 ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS NECESSARY TO PAY THE CITY OF STOCKTON'S COST OF PLACING THE MEASURE ON THE BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE TO BE PRINTED

Under the provisions of Article XI, Section 3 of the California Constitution and the Charter of the City of Stockton, the City Council of the City of Stockton, on its own motion, has proposed to submit to the qualified electors of the City of Stockton at the General Municipal Election on November 8, 2016, a measure to amend Articles II, VI, VII, and XI of the Stockton City Charter; and

The City Council has engaged in the process for review and evaluation of the current terms of the Stockton City Charter by and through its Charter Review Advisory Commission; and

During the course of the above-referenced process certain changes to the Stockton City Charter were proposed as being both necessary and beneficial to the functioning of the City and the community at large, and the City Council has endorsed those proposed changes as set forth herein and has decided to bring those changes to the voters of the City for their thoughtful consideration; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Section 1. The City Council of the City of Stockton hereby submits to the qualified electors of the City of Stockton at the General Municipal Election of November 8, 2016, a ballot measure to amend the Charter of the City of Stockton. The full text of the proposed Charter amendments shall be in the form attached hereto as Exhibit 1 and is hereby incorporated by this reference into this Resolution.

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That question is to appear as follows:

MEASURE: _____		
Revisions to Stockton City Charter – Elections and Redistricting		
Shall the Stockton City Charter be revised to establish an advisory redistricting commission; require City Council approval of City Council district boundaries; provide for the election of City Council exclusively by district and to rephrase existing term limit provisions?	YES	
	NO	

Section 2. (a) A General Municipal Election is hereby called to be held in the City of Stockton on Tuesday, November 8, 2016, (consolidated with the State of California General Election) for the purpose of submitting to the qualified electors of said city the Measure set forth in Section 1 of this Resolution to amend the Charter of said city.

(b) Said General Municipal Election hereby called shall be held and conducted, and the votes canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this Resolution, said General Municipal Election shall be held as provided for in the City Charter and otherwise in accordance with the Elections Code of the State of California.

Section 3. The City Attorney of the City of Stockton is hereby authorized and directed to prepare an impartial analysis of the measure by August 19, 2016; and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form and manner as required by law.

Section 4. The City Council request the San Joaquin County Board of Supervisors add this proposed charter amendment as set forth in Section 1 of this Resolution to the ballot of the General Municipal Election to be held November 8, 2016.

Section 5. The deadline for filing arguments for or against the measure shall be August 19, 2016, for the direct arguments, and August 29, 2016, for rebuttal arguments.

Section 6. The City Council authorizes Councilmember Holman to oversee the drafting of a direct argument in favor, and to oversee the drafting of a rebuttal to the direct argument against, and authorizes the City Clerk to give preference and priority to such arguments pursuant to Elections Code section 9287(a); and delegates to Councilmember Holman the selection of others to join in the signing of such arguments.

Section 7. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City of Stockton's cost of placing the measure on the ballot.

Section 8. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the measure to be printed. A copy of the measure shall be made available to any voter upon request.

Section 9. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to sign and publish notice as required by law.

Section 10. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of San Joaquin County and the Registrar of San Joaquin County.

Section 11. This measure shall become effective, upon the majority affirmative vote of the eligible voters of the City of Stockton and upon certification and filing of the election results and the filing of the adopted measure with the Secretary of State, in accordance with the provisions of the Elections Code of the State of California.

PASSED, APPROVED AND ADOPTED June 21, 2016.



ANTHONY SILVA, Mayor
City of Stockton

ATTEST:


BONNIE PAIGE, City Clerk
City of Stockton



PROPOSED AMENDMENTS TO THE CITY OF STOCKTON CHARTER

THE PEOPLE OF THE CITY OF STOCKTON DO ORDAIN, AS FOLLOWS:

Article II of the City of Stockton Charter shall be amended to read as follows:

ARTICLE II ~~THE POLITICAL (ELECTION) COUNCIL~~ DISTRICTS
SECTION 200. Council Districts.

The City of Stockton is divided into six (6) ~~political divisions, which shall be known as Council~~ districts. ~~Following adoption of this Section and thereafter following each decennial Federal census, and using the census as a basis, the City Clerk shall adjust the boundaries of any or all of the districts of the City so that the districts shall be as nearly equal in population as may be according to the latest Federal decennial census. The City Clerk shall adjust the boundary lines of the districts in conformance with the following standards:~~

~~(a) — Every district shall be contiguous.~~

~~———— (b) — District boundaries should not cross census tract lines, except to the extent necessary to ensure that the districts are as nearly equal in population as may be according to the latest Federal decennial census.~~

~~———— (c) — Districts shall be numbered consecutively commencing at the northern boundary of the City and ending at the southern boundary.~~

~~———— (d) — District number one shall be composed of the northern-most census tracts in the City that contain one-sixth (1/6) of the population of the City. For purposes of this Section a census tract shall be considered to be to the north of other census tracts if it contains any area that is farther to the north than all areas contained within the other census tracts. In the event that two (2) or more census tracts are equally northern by this definition, the City Clerk shall select the western-most census tract.~~

~~———— (e) — District number two shall be composed of the northern-most census tracts in the City, excluding district number one, that contain one-sixth (1/6) of the population of the City. Districts number three through six shall be determined in the same manner, so that the entire City is divided into six (6) districts.~~

~~———— (f) — If at any time between each Federal decennial census the City annexes territory, the City Clerk shall adjust the boundaries of any or all of the districts of the City so that the districts shall be as nearly equal in population as may be according to the latest Federal decennial census.~~

~~{Amended Election 11/4/86 effective 12/9/86; Amended Election 10/12/71 effective 12/6/71}~~

SECTION 201 – Advisory Commission – Role in Redistricting

- (a) On or before February 1, in the year following the decennial census, an Advisory Commission shall be established in the City. The Mayor shall appoint one member of the Commission who shall be a registered voter of the City. Each Councilmember shall appoint to the Commission one voter registered to vote in the Council District from which the appointing Councilmember was elected.
- (b) The Commission shall use data from the decennial census and such further data as may illuminate the census data, to develop recommendations to the City Council as to the boundaries of Council districts.

- (c) The Commission shall conduct public outreach and hearings throughout the City prior to making its recommendation. The Commission's recommendations to the Council shall be based on the factors set forth in section 202.
- (d) The Commission shall forward its recommendation to the City Council within 120 days of the Commission's receipt of decennial census data.

SECTION 202 – Redistricting Standards

- (a) The districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census.
- (b) The districts shall comply with the applicable provisions of the United States Federal Voting Rights Act of 1965, Section 1973 of Title 42 of the United States Code, as amended and any other applicable provisions of federal or state law.
- (c) In establishing the boundaries of the districts, the City may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts.
- (d) Council districts shall be numbered sequentially with the Council District in the northeastern most section of the City numbered District 1.

SECTION 203 – Council Determination of Boundaries of Council Districts

The Council shall determine the boundaries of the council districts. Before adjusting the boundaries of a district or adopting the ordinance expanding the number of districts to eight the Council shall hold at least one public hearing on the proposal to adjust the boundaries of the district prior to the public hearing at which the Council votes to approve, modify or reject the proposed boundaries.

Article VI, Sections 600, 601 and 606 of the City of Stockton Charter shall be amended to read as follows:

SECTION 600. Nomination and Election of the Mayor and Councilmembers.

~~The six~~ Councilmembers and the Mayor shall be nominated and elected as ~~herein~~ provided in this Article.

SECTION 601. Councilmembers Nominated and Elected by District.

(a) The ~~six (6)~~ Councilmembers shall be nominated and elected from Council districts, ~~and shall be elected by the qualified electors of the City at large~~.

(b) The voters of each Council district shall nominate two (2) candidates for Councilmember at the primary municipal election. The two (2) candidates must be residents of the districts from which they are nominated.

(c) If a candidate for Councilmember nominated from a Council district receives the majority of the votes cast by the voters of that district at the primary municipal election, that candidate shall be deemed elected as Councilmember from that district at the primary municipal election.

(d) If no candidate for Councilmember from a district receives a majority of the votes cast at the primary municipal election, the two candidates receiving the highest number of votes cast shall thereby qualify as candidates for the runoff election for Councilmember from that district. The runoff election for that Council district shall be held at the general municipal election.

~~(b) The voters of the entire City shall elect the Councilmember for each district at the general municipal election. The Councilmember from each district must be one (1) of the two (2) candidates nominated from the district at the primary municipal election.~~

(e) All Councilmembers shall be elected to a term of four (4) years beginning on January 1 of the year following their election.

(f) Each member of the Council must reside in and be a qualified elector of the district from which said member is nominated and elected or appointed for a period of not less than thirty (30) days prior to the filing of his nomination papers or his appointment. The term of office of any Councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

(g) Any member of the Council moving from his or her district during his or her term shall automatically forfeit ~~his~~ office, the same to be refilled by the Council from the electors of the district. Absence from five (5) consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

(h) If a vacancy shall occur in the office of any Councilmember, the Council shall appoint a person to fill such a vacancy. The vacancy in the Council shall be filled by the Council from the electors of the district in which the vacancy occurs. Such person shall hold office until December 31st next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term. If at any municipal election held under the provisions of this Charter, a Councilmember is not nominated or elected from a district by reason of a tie vote among any of the

candidates therefor, then the Council shall select by lot one (1) of the persons receiving such tie vote to fill such nomination or office.

~~(g) — Notwithstanding the provisions of this Section, if the City Clerk fails to adjust the boundaries in the year following the adoption of this Section or thereafter in the year following the year in which the decennial Federal census is taken, or if the boundaries adjusted by the City Clerk are held invalid, each Councilmember to be elected at the next election and at any succeeding election shall be elected by and from the City at large. Councilmembers shall continue to be so elected until the Clerk makes a valid adjustment of the boundaries of the districts.~~

SECTION 606. Term Limits.

No person elected as ~~either Mayor or Councilmember~~ shall be eligible to serve, or serve, as ~~either Mayor or Councilmember~~ for more than two (2) terms. No person elected as a Councilmember shall be eligible to serve, or serve, as Councilmember for more than two (2) terms. ~~but~~ Such service prior to January 1, 1989 shall not disqualify any person for further service as either Mayor or Councilmember.

Article VII, Section 704 of the City of Stockton Charter shall be amended to read as follows:

SECTION 704. Primary and General Election Candidates.

In the primary municipal election, the electors in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from their district; and, except as provided in Section 601, subsection (c), the two (2) candidates for Councilmember in each district receiving the highest number of votes cast by the electors of their district shall be the candidates in the general municipal election. In the general municipal election, the electors ~~in the City shall be entitled to vote for one (1) candidate shall be entitled to vote for one (1) candidate from their district~~ in each district from which a Councilmember is to be elected, and the candidate for Councilmember in each district receiving the highest number of votes cast ~~by the electors of the City~~ shall be declared elected to such office.

If any provisions of this article or the application thereof to any persons or circumstances are held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or applications, and to this end the provisions of this article are severable.

Article XI, Section 1100 of the City of Stockton Charter shall be amended to read as follows:

SECTION 1100. Mayor.

There shall be a Mayor of the City of Stockton, elected pursuant to Section 602 of this Charter, who shall be the **seventh** a member of the Council. The Mayor shall devote his or her full time to the Office of Mayor.