

# Proposed Charter Amendments

Special Election

November 2023





# What is a City Charter?

- A document that outlines the City's governmental structure, identifies jurisdiction, and provides enabling authority for self-rule
- All city authority stems from state law
  - A city charter does not grant additional authority (e.g. a city charter cannot give cities authority to adopt fees for affordable housing or climate action programs – that authority needs to come from the state)



# Flagstaff City Charter

- Originally voted on by the citizens in 1958 and has been amended 8 times since then
  - Last amendment 2015
- Any amendment to the City Charter requires approval by a majority of the qualified electors voting in the election
- Amendments identified by staff
  - Administrative/technical to bring Charter more in line with current practices or changes in state law



# Internal Charter Review Committee

- 15 Members from across the organization
  - Management Services, Sustainability, Economic Vitality, Human Resources, Fire Department, PROSE, Legal, City Manager's Office
- Meetings held between November and April
  - Education, review, rank, and formulate recommendation
- 21 total amendments recommended
  - Overall ranking
  - Three priorities of high, medium, low



# Internal Charter Review Committee

- Proposed amendments primarily technical
  - Improve efficiencies within the organization
  - Standardize operations
  - Clean up outdated language or practices
  
- 6 High Priority
- 6 Medium Priority
- 9 Low Priority



# No. 1 – Nomination For Primary Election



## Summary Analysis

- Current candidate signature requirements
  - Minimum of 5% of voters at prior General Election
    - 2024 – 1,131
    - 2022 – 1,302
    - 2020 – 1,045
    - 2018 – 1,313
- Amendment provides Council the ability to adopt an ordinance that sets the minimum number of signatures at 1,000 **OR** 5% whichever is less (ARS 16-322(A)(8))
- Amendment would also remove the specific filing date requirement to allow flexibility as state law changes





# No. 1 – Proposed Amendment

## **NOMINATION FOR PRIMARY ELECTION**

(b) The petition or petitions for nomination, consisting of signatures of qualified voters, aggregating not less than five (5) percent, nor more than ten (10) percent of the number of electors voting at the last preceding municipal General Election, shall be presented to the City Clerk **BEFORE THE DATE SET FOR THE PRIMARY ELECTION AS DETERMINED BY ARIZONA STATUTES AS MAY BE AMENDED** ~~not earlier than one hundred twenty (120) days, nor later than ninety (90) days before the date set for the Primary Election.~~ **THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR THE CANDIDATE BE ONE THOUSAND SIGNATURES OR FIVE PERCENT OF THE VOTE IN THE CITY, WHICHEVER IS LESS, BUT NOT MORE THAN TEN PERCENT OF THE VOTE IN THE CITY.** The City Clerk shall endorse on such petition or petitions the date and the time when the same was received by the City Clerk, and shall cause the candidates' names to be printed on the ballot.



# No. 2 – Purchases and Contracts for City Improvements



## Summary Analysis



- Updates the title of the Article to cover all purchases and contracts, not just those for city improvements
- The amendment would increase the formal purchasing threshold from \$50,000 to \$100,000
  - Addresses inflation and mimics other Arizona jurisdictions thresholds
  - Allows for more efficiencies within the procurement process
- Removes antiquated provision that requires written approval of City Manager for contract amendments



# No. 2 – Proposed Amendment

## **PURCHASES, AND CONTRACTS, AND FOR CITY IMPROVEMENTS**

(a) The City Manager shall contract for and purchase, or issue purchase authorization for, all supplies, materials, equipment, ~~and~~ services, **AND CITY IMPROVEMENTS** for the offices, departments, and agencies of the City.

(b) Any **PURCHASE OR** City improvement costing ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** or more, ~~or any purchase costing more than fifty thousand dollars (\$50,000)~~, shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, **SCOPE OF WORK**, and estimates approved by the City Manager. Such contracts shall be advertised for **SOLICITATION bids**, as directed in **THE PROCUREMENT CODE ESTABLISHED BY ORDINANCE OF THE CITY COUNCIL** ~~Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.~~

(c) **ALL CONTRACTS ARE SUBJECT TO LEGAL REVIEW, AT THE CITY ATTORNEY'S DISCRETION.** Any contract or purchase exceeding the sum of **ONE HUNDRED** ~~fifty~~ thousand dollars (~~\$10050,000~~) shall require the prior approval of the Council.

~~(d) Alterations in any contract may be made when authorized by the Council upon the written recommendation of the City Manager.~~



# No. 3 – Administrative Departments and Offices



## Summary Analysis



- Currently, the City Clerk, City Treasurer, Deputy City Managers, and City Attorney are required to live within the official city limits
- The amendment would remove the residency requirement
  - Could help with recruitment and retention
  - Acknowledges the housing challenges within the city
- The residency requirement would remain for the City Manager as called for in Article III, Section 2 of the Charter



# No. 3 – Proposed Amendment



## ADMINISTRATIVE DEPARTMENTS AND OFFICES

~~(d) City officials, as designated by this Article, and all heads of departments shall be residents of the City during their tenure of office.~~



## Summary Analysis



- Title of Article would be updated from Bids to Procurement
  - Acknowledges the variety of procurement methods used
- The City uses a variety of procurement methods authorized by law, not just low/high bids. The amendments provide flexibility for the various types of procurement methods utilized
- The amendments are consistent with the Arizona Procurement Code and city practices
- Amendments would also provide for consistent language throughout the Charter



# No. 4 – Proposed Amendment

## **BIDS PROCUREMENT**

(A) CITY PURCHASES OF IMPROVEMENTS, SUPPLIES, MATERIALS, EQUIPMENT, AND SERVICES SHALL BE MADE PURSUANT TO PROCUREMENT PROCESSES SET FORTH IN THE PROCUREMENT CODE ESTABLISHED BY ORDINANCE OF THE CITY COUNCIL.

(B) The advertisement for ~~bids~~, FORMAL SOLICITATIONS FOR PURCHASES ABOVE THE FORMAL THRESHOLD, shall distinctly and specifically state the character of the City improvement, purchase or kind of supplies, materials, equipment, and services required. Such notice shall be published at least once in the official newspaper, not less than five (5) days prior to the opening of THE RESPONSES ~~bids~~. CITY WILL ADOPT MEASURES TO PROVIDE FOR SECURITY AND CONFIDENTIALITY OF SEALED RESPONSES. SOLICITING Bidding shall be: (1) Pursuant to the Arizona State Procurement Code AND THE CITY OF FLAGSTAFF PROCUREMENT CODE ~~as amended by the City Council~~; or (2) by sealed ~~proposals~~ RESPONSE; or (3) by other methods that provide for security of ~~bids~~ RESPONSES and competitive SOLICITING bidding and under such regulations as may be prescribed by the Council. The City Manager, with the approval of the Council, shall have the power to reject any or all ~~bids~~ RESPONSES, and advertise for SOLICITATIONS ~~bids~~ again.

(C) CONTRACTS MAY BE AWARDED TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, OR TO THE RESPONDENT WHOSE RESPONSE IS MOST ADVANTAGEOUS TO THE CITY. The City Manager, with the approval of the Council, shall have the power to reject any or all ~~bids, and advertise for bids again~~ RESPONSES TO THE SOLICITATION.



# No. 5 – Leases of City Properties



## Summary Analysis



- Article title updated to “Leases and SALE of City REAL Properties”
  - This reflects a consolidation of all Charter provisions related to real property in one section of the Charter
- Allows the city to lease or sell property for a specific purpose
  - For example, the city seeks to lease buildings for after-school child care, community services, local theater, affordable housing, that benefit the community

HIGH PRIORITY – 5 of 6



# No. 5 – Proposed Amendment

## LEASES **AND SALE** OF CITY **REAL** PROPERTIES

(A) The Council may lease **OR SELL** any land, **AND** buildings, ~~or equipment~~ now or hereafter owned by the City on such terms and conditions as the Council may prescribe. ~~All leases shall be made to the highest responsible bidder after publication of notice thereof for at least one time per week for two weeks, stating explicitly the time and conditions of the proposed lease. However, the Council may, in its discretion, reject any and all bids.~~

(B) **THE COUNCIL MAY SELL SUCH PORTIONS OF THE REAL PROPERTY OF THE CITY NOT NEEDED OR NOT LIKELY TO BE NEEDED WITHIN A REASONABLE FUTURE TIME. IF THERE ARE NO RESPONSES SUBMITTED, THEN FOR A TWO-YEAR PERIOD THE CITY MANAGER MAY, SUBJECT TO COUNCIL APPROVAL, ENTER INTO AN AGREEMENT TO SELL THE PROPERTY FOR AN AMOUNT REASONABLY CONSISTENT WITH AN APPRAISAL WITHOUT FURTHER NOTICE AND SOLICITATION PROCESS. SALE OR TRADE OF REAL PROPERTY WITH ANOTHER GOVERNMENT ENTITY DOES NOT REQUIRE A NOTIFICATION AND SOLICITATION PROCESS.**

(C) **THE COUNCIL MAY ALSO IN ITS DISCRETION SUBDIVIDE AND PLAT CITY PROPERTY WHICH IT DETERMINES TO SELL, PROVIDING RESTRICTIONS RELATIVE TO ITS USE AND DEDICATE STREETS AND ALLEYS AS DETERMINED NECESSARY FOR THE USE OF THE PUBLIC.**



# No. 6 – Contracts



## Summary Analysis



- Sections 1, 5(a), 6, and 7
- These are all updates to language used in the Charter and making it consistent throughout.
  - Bid → Solicitation/Response
  - Bidder → Responder
- The amendments better reflect and include the various types of procurement methods utilized.



# No. 6 – Proposed Amendment

## PREPARATION

All contracts shall be drawn under the supervision of the City Attorney, must be in writing, executed in the name of the City of Flagstaff by the Mayor, except as it may be otherwise provided, either by this Charter or by law, and must be countersigned by the City Clerk, who shall number and register the same in a book kept for that purpose. It is the intent of this Article that all contracts be awarded pursuant to the **SOLICITATION bidding** process whenever possible unless otherwise provided.

## CONTRACTS FOR OFFICIAL ADVERTISING

(a) The City Manager shall let contracts annually for official advertising for the ensuing fiscal year. For this purpose, the Manager shall submit to each newspaper published in the City a notice describing the contemplated advertising, and asking for sealed ~~proposals~~ **RESPONSES**. The ~~proposals~~ **RESPONSES** shall specify the type and space to be used at the rate or rates named in the ~~bid~~ **RESPONSES**. The City Manager shall let the contracts for such official advertising to the lowest qualified ~~bidder~~ **RESPONDER OR HIGHEST SCORING PROPOSAL** publishing a newspaper of general circulation in the City; provided that, the Manager may reject any and all **RESPONSES bids**, and proceed to secure new bids in the manner provided herein.



# No. 6 – Proposed Amendment (cont.)

## **FRAUD AND COLLUSION**

Any member of the Council, or any officer or employee of the City who shall aid or assist a ~~bidder~~ **RESPONDER** in securing a contract to furnish labor, material, equipment, supplies, or services at a higher price than that proposed by any other ~~bidder~~ **RESPONDER**, or who shall favor one ~~bidder~~ **RESPONDER** over another by giving or withholding information, or who shall willfully mislead any ~~bidder~~ **RESPONDER** in regard to the character of the labor, material, equipment, supplies, or services called for, or the conditions under which the proposed work is to be done, or who shall knowingly certify to a greater amount of labor or service performed than actually has been performed, or to receipt of a greater amount or different kind of material, supplies, or equipment than actually has been received, shall be guilty of a misdemeanor, and shall be removed from office.

## **AVOIDANCE OF CONTRACTS MADE THROUGH FRAUD AND COLLUSION**

If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any ~~bid~~ **RESPONSE OR RESPONSES**, colluded with any other party or parties for the purpose of preventing any other ~~bid~~ **RESPONSE** being made, then the contract so awarded shall be null and void, and the City Manager shall advertise for **A new bids SOLICITATION** for said City improvements and/or supplies, materials, equipment, and services required, or the Council may provide for such public work to be done by the City under the<sup>18</sup> direction of the City Manager.



# No. 7 – Personnel Rules and Regulations



## Summary Analysis



- Currently, City Council establishes the Personnel Rules and Regulations.
- The amendment would allow the City Manager to establish Personnel Rules and Regulations which is more in line with the Council/Manager form of government.
- The amendment removes volunteers from the list of those subject to Council control, but leaves Board and Commission members under Council control. This is consistent with regular practice.
- Updates the name of Police Judges to Presiding Magistrate



# No. 7 – Proposed Amendment

## PERSONNEL RULES AND REGULATIONS

The Council shall **ADOPT AN**, ~~by~~ ordinance **THAT REQUIRES THE CITY MANAGER TO ESTABLISH**, ~~provide for the establishment of~~ Personnel Rules and Regulations for the purpose of regulating and controlling the appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions ~~and volunteers who serve without pay~~, and also except the City Manager, the City Attorney, and the **PRESIDING MAGISTRATE Police Judges**.



# No. 8 – When Actions are to be Taken by Ordinance



## Summary Analysis



- Simplify the process for land exchange
- Clarifies that the city may grant and accept easements without an ordinance
- Requiring debt related financing to go through an ordinance process delays the ability to issue debt by 35 days. Having additional flexibility on speed of issuing debt could improve the rate of return on the debt. It would also allow us to be more proactive when issuing debt and be more responsive especially in terms of emergency management.



# No. 8 – Proposed Amendment

## WHEN ACTIONS ARE TO BE TAKEN BY ORDINANCE

In addition to other acts required by law, or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which provide for acquisition, sale, or exchange of public real property **IN FEE SIMPLE** and to sell personal property valued in excess of that amount established by ordinance; establishment or change of fire limits or zones; establishment or change of a zoning district; the levy of any tax or assessment; imposition or provide for imposing fine or other penalties; adoption of a code by reference or amend the City code; ~~the authorization to borrow money;~~ granting, renewal, or extending a franchise; the amendment of or repeal of any ordinance.



# No. 9 – Appointive Boards and Commissions



## Summary Analysis



- Currently, only city-residents can serve on city boards and commissions
- The amendment would allow non-city residents to serve on boards and commissions
  - Expands participation to those who work, shop, entertain, etc. in the city
  - It could help with filling seats and bring more inclusivity to commissions
- There would likely be a cap on the number of non-city residents that are able to be appointed to each commission



# No. 9 – Proposed Amendment



## **APPOINTIVE BOARDS AND COMMISSIONS**

The Council may, by ordinance, create, change, or abolish boards or commissions as, in its judgment, are required, or as are now or hereafter provided by law, and may grant to them such powers and duties as are consistent with the provisions of this Charter. ~~All members of appointive boards or commissions shall at the time of their appointment be a resident of the City, and shall maintain this residency for the duration of the term in office.~~



# No. 10 – Am. 2 – Vote Required for Certain Types of Facilities Costing in Excess of \$1M



## Summary Analysis



- This provision of the Charter delays the city's opportunity to effectively move forward with facility needs
- There may be times where the city has the funding already identified for a facility in excess of the allowed amount but would have to wait for voter approval
- The city has a budget process as well as the ability for the public to speak to facility spending during Council meetings
- Good example is the repurposing of the Montalvo Fire Station



# No. 10 – Proposed Amendment

## ~~Amendment No. 2 VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS~~

~~Notwithstanding any other provisions of the Charter, with the exceptions of utilities, public safety and street facilities, after the effective date of this Amendment the City shall not expend funds totaling more than one million dollars for the purchase and/or construction of municipal facilities, including but not limited to libraries, civic centers, or swimming pools, without the prior approval of a majority of the qualified electors of the City voting at an election for that purpose. Said one million dollar limit shall be adjusted annually by the consumer price index as of July 1 of each year.~~



# No. 11 – Am. 1 – Vote Required for Certain Types of Bond Issues



## Summary Analysis



- This provision in the Charter hinders the city's ability to issue debt on behalf of the organization which could increase financing costs
- The city could use several other options for issuing debt that could create higher interest rates
- Different types of revenue backed debt are more favorable to investors
- Sales tax backed debt usually has a higher rating
- Delaying the opportunity to wait for voter approval could also impact financing opportunities

MEDIUM PRIORITY – 5 of 6



# No. 11 – Proposed Amendment



## ~~Amendment No. 1 VOTE REQUIRED FOR CERTAIN TYPES OF BOND ISSUES~~

~~Notwithstanding any other provisions of the Charter, and with the exception of refunding bond issues, special assessment or improvement district and redevelopment or tax increment bonds, or City of Flagstaff Housing Authority bonds, or the financing of a new city hall building and related improvements, after the effective date of this Amendment the City shall not issue or authorize the issuance of any bonds which pledge City tax revenues as a guarantee for their payment, in whole or in part, without the approval of a majority of the qualified electors of the City voting at an election for that purpose.~~



# No. 12 – Elections for Approval of Franchises



## Summary Analysis

- Currently, the Charter allows for a Franchise Election to be called within a 30 day period
- The call of any election must provide ample notice to the County Election Department and should adhere to the time frames established by state law (currently, 150 days)
- The amendment would bring the requirement to call the election into compliance with state law now and in the future as state law may change





# No. 12 – Proposed Amendment

## **ELECTIONS FOR APPROVAL OF FRANCHISES**

No franchise shall be granted, extended, or renewed by the City without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a Primary, General, or Special Election; the Council shall submit any matter for approval or disapproval to such election at any Primary or General Election, or shall call a Special Election for such purpose **IN ACCORDANCE WITH ARIZONA REVISED STATES AS MAY BE AMENDED** ~~at any time upon thirty (30) days' notice;~~ and the Council shall require, before calling any such election, that the estimated expense thereof (to be determined by the Council) shall be first deposited by the applicant for such franchise with the City Clerk.



# No. 13 – Reading and Passage of Ordinances and Resolutions



## Summary Analysis



- Currently, to do a first and second read together at the same meeting it requires a unanimous vote of Council
  - 30 day waiting period to become effective
- To declare an emergency and make an ordinance effective immediately (no 30 day wait period) it only requires a three-fourths vote of Council (6 members)
- It should not be harder to do first and final read together than it is to find an emergency which is effective immediately
- The amendment would make both special actions require a three-fourths vote of Council



# No. 13 – Proposed Amendment

## **READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE**

All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon ~~unanimous consent of those Councilmembers present~~ **THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL MEMBERS ELECTED OR APPOINTED TO THE COUNCIL**. A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.



## Summary Analysis



- The amendment brings the Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification
- The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code



# No. 14 – Proposed Amendment

## FISCAL

~~The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing t~~  
The budget, taxation, financial, and fiscal powers of the City **ARE A MATTER OF LOCAL CONCERN. shall apply to the governing and conduct of same in the City.** **THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY, AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.**



# No. 15 – Sale of City Property



## Summary Analysis



- Title modified to specify City “Personal” Property
- The city desires flexibility to sell personal property to organizations that can put it to community use versus private use
- Increases the value of the property from \$500 to \$1,000
- Authorizes the City Treasurer to sell personal property at or below the designated threshold
- The amendment consolidates all Charter provisions related to personal property in one section of the Charter



# No. 15 – Proposed Amendment

## SALE OF CITY **PERSONAL** PROPERTY

The Council may sell ~~such portions of the real and~~ **EQUIPMENT AND** personal property of the City not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the Council may prescribe to the highest responsible bidder **OR RESPONDER WHOSE RESPONSE IS MOST ADVANTAGEOUS TO THE CITY** after published notice of the sale in accordance with the following schedule:

1. Personal property valued in excess of ~~\$1,000.00~~ **\$500.00** shall be sold after published notice of the sale for at least once not less than five (5) days prior to opening of bids.
2. ~~Real property shall be sold after published notice of the sale for at least one time per week for three weeks prior to opening of bids. The Council shall have the right to reject any and all bids. If there are no bids submitted, then for a two-year period the City Manager may, subject to Council approval, enter into an agreement to sell the property for an amount reasonably consistent with an appraisal without further notice and bid process. Sale or trade of real property with another government entity does not require a notification and bid process.~~
3. The City **TREASURER** ~~Manager~~ may sell or otherwise dispose of any personal property having a value of **\$1,000.00** ~~\$500.00~~ or less without published notice, but written advice of such sale or disposal shall be given to the Council **FOR ALL ITEMS ABOVE \$500.00.**
4. ~~The Council may also in its discretion subdivide and plat City property which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public.~~



# No. 16 – Ordinances and Resolutions

## Summary Analysis



- Sections 13 and 15
- Antiquated requirement in the digital age, State Statute requires one (1) paper copy and one (1) digital copy to be maintained.
- Storage constraints associated with keeping and maintaining three (3) physical copies
- The amendment removes requirement to have three (3) physical copies and is broad enough to accommodate any future changes in state law



# No. 16 – Proposed Amendment

## PROCEDURE FOR ADOPTION BY REFERENCE

(a) The Council may enact the provisions of a code or public record already in existence without setting forth such provisions, but the adopting ordinance shall be published in full. **THE NUMBER OF COPIES REQUIRED BY STATE STATUTE** ~~At least three (3) copies~~ of the code or public record shall be filed in the office of the City Clerk, and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

## CODIFICATION OF ORDINANCES

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but ~~not less than three (3) copies~~ **THE NUMBER OF COPIES REQUIRED BY STATE STATUTE** thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof.

<sup>38</sup> Amendments to the code shall be enacted in the same manner as ordinances.



# No. 17 – Cash Fund Set Up; Transfer of Sums from Cash Basis Fund to Other Funds



## Summary Analysis

- Clean up item
- It is an antiquated section of the Charter that is not used.



# No. 17 – Proposed Amendment

## ~~CASH BASIS FUND SET UP; TRANSFER OF SUMS FROM CASH BASIS FUND TO OTHER FUNDS~~

~~The Council may, by ordinance, create and maintain a permanent revolving fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money received from other sources, a sum equal to not less than two and one-half (2 1/2) cents on each one hundred dollars (\$100.00) of the assessed value of said property shall be placed in such fund, until the accumulated amount of such fund shall be sufficient to meet all legal demands against the Treasury for the first four (4) months, or other necessary period, of the succeeding fiscal year.~~

~~The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.~~



# No. 18 – Police Court



## Summary Analysis

- Header and Sections 1, 2, and 3
- Clean up
  - Reflects current terms used
- Updates outdated language in the Charter and make it consistent throughout
  - Police Court → Municipal Court
  - Police Judge → Magistrate





# No. 18 – Proposed Amendments

## ~~POLICE~~ **MUNICIPAL COURT**

### STATE LAWS CONTROL

The ~~Police~~ **MUNICIPAL** Court created by the general statutes of the State, and all statutes pertaining to the jurisdiction and procedure of said Court, shall be fully observed

## ~~POLICE~~ **MAGISTRATE(S) JUDGE(S)**, APPOINTMENT, TERM

The ~~Police~~ **MAGISTRATE(S) Judge(s)** shall be appointed by the Council, and shall hold office at the pleasure of the Council.

### SERVICE OF PROCESS

The Chief of Police shall cause all summonses issued by the **MAGISTRATE(S) Police Judge(s)** to be served, and the return endorsed thereon and signed by the officer making such service. The

<sup>42</sup> Chief of Police shall also cause all warrants of arrest to be executed.



# No. 19 – Failure to Vote



## Summary Analysis

- Clean up
- Failure to vote should be excused in matters in which the Councilmember has a conflict of interest





# No. 19 – Proposed Amendment



## **FAILURE TO VOTE**

No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct **OR A DECLARED CONFLICT OF INTEREST**. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.



# No. 20 – Qualifications of Electors; Registration



## Summary Analysis

- Clean up
- The city cannot prevent registered voters from voting if they have not lived in the city for more than 30 days
- Voter registration is the purview of the state and county
- Brings Charter into compliance with state law





# No. 20 – Proposed Amendment

## **QUALIFICATIONS OF ELECTORS; REGISTRATION**

(a) The qualifications of electors shall be as required by the Constitution and laws of this State for State and County electors. ~~Electors shall also be residents of the City for at least thirty (30) days prior to any Primary, General, or Special elections held therein.~~

(b) ~~Registration of voters shall be as provided by City ordinance.~~



# No. 21 – City Treasurer



## Summary Analysis



- Clean up
- Currently, the City Council must formally approve the City Manager's appointment of the City Treasurer
- Amendment would remove the requirement for formal Council approval
  - Brings charter in line with the Council/Manager form of government.



# No. 21 – Proposed Amendment



## CITY TREASURER

The City Manager shall, ~~with approval of the Council~~, appoint an officer of the City, who shall have the title of City Treasurer, and who shall receive and have custody of all the money the City, and shall keep and save said money, and dispense the same only as provided by ordinance, and who shall always be bound by the Constitution, laws of the State, Charter of the City, and ordinances, and upon whom legal garnishments may be served. The City Treasurer will serve at the pleasure of the City Manager.

# Next Steps

- Before Council Break
  - Staff will refine and finalize the language of the advanced amendments
  - Develop ballot language
  - Legal review
  - Call of Election
- Development of outreach materials
- Outreach and education to the public
- Election – November 7, 2023



# Direction Requested

- Which proposed amendments would you like to advance to the voters?
- Did we miss anything? Are there other amendments you would like to offer for consideration?

