

**MCCORMICK KABOT JENNER & LEW
MEMORANDUM**

TO: Porterville Charter Review Committee
Cc: John Lollis, City Manager

FROM: Julia M. Lew, City Attorney

DATE: October 4, 2013

SUBJ: City Charter Section 9 (Reorganization of the City Council)

Per the direction of the Charter Review Committee, the following is draft language for the above-referenced Section. This edits reflect all proposed changes recommended by the Committee (so far).

Sec. 9 Legislative Body; Composition; Election; Term; Compensation; Ineligibility for Other City Office; President of the Council; Vice-President; Installation of Newly Elected Officer; Powers to be Exercised by Council.

The legislative body of the city shall consist of five persons elected at large, which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held in the said city at the same time as the primary election for state offices for the state of California. They shall hold office for the period of four (4) years from and after the ~~Monday next succeeding the day of their election~~ date upon which they are installed in office in accordance with this section *and/or* until their successors are elected; and ~~qualified; installed in office. provided the respective terms of any council member presently serving or elected at the time of the adoption of this amendment shall be extended one additional year to the even-numbered year following the expiration of their respective terms.~~

The members of the council shall each receive the sum of twenty dollars (\$20.00) for each council meeting actually attended; the mayor shall receive the sum of twenty-five dollars (\$25.00) for each meeting of the council actually attended, provided, however, that the members of the council shall not receive compensation for more than seven meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

The members of the council shall not be eligible to any other office or employment with the city.

The council shall reorganize at ~~its next~~ the meeting following each municipal election wherein the newly-elected members are installed and shall choose

one of ~~their~~ its number to serve as president of the council to be known as mayor. At this time, the council shall also choose one of their number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a ~~majority~~ *four fifths (4/5)* vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of their number to serve as mayor until the next organizational meeting.

~~The council shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any. Where the canvass of the vote is to be completed by the city elections official, the canvas shall be completed no later than the fourth Friday after the election. Upon completion of the canvass, the elections official shall certify the results to the city council, which shall meet at its usual place of meeting no later than the fourth Friday after the election to declare the results and to install the newly elected officers. For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the city council, which shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following the presentation of the canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers.~~

All powers granted to and vested in the city of Porterville by law or by the provisions of this charter, shall, except as herein otherwise provided, be exercised by the council to be designated the "Council of the City of Porterville." The council shall be the governing body of the city and subject to the express limitations of this charter shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state.