

SUBJECT: AMENDED RESOLUTION PROPOSING AMENDMENTS TO CITY OF PORTERVILLE FREEHOLDERS CHARTER; CONSIDERATION OF FULL AMENDMENT TEXT

SOURCE: City Attorney's Office; City Clerk's Office

COMMENT: The Council adopted Resolution 09-2014 in January 2014, and since then has been working with the County Elections office on the measures to be submitted to the voters. In the mean time, it has come to this office's attention that due to a number of separate measures that address not only the same Charter sections, but in some cases the same paragraphs or even sentences of the same Charter sections, some minor restructuring is warranted to ensure that all measures will be considered "stand-alone" measures that can each go into effect in the event they are approved by the voters. Consequently, Amendments 1, 2, 7, and 8 have been modified, and certain corresponding measure language has also been clarified.

The County Elections officials have also requested that the City include the required vote for the measures as well, so a section has been added to the Resolution to address this.

For timing purposes (regarding the timelines for filing of arguments for and against), it was mutually agreed upon between County and City staff that the prior resolution can be rescinded and a new resolution with these changes can be adopted.

Additionally, the County Elections office has asked if the City wishes to include the full text of the Charter amendments in the sample ballot. To assist in this regard, Elections staff has provided an estimated cost of \$2,600 per page for publication.

Required publication includes the ballot questions (approximately 2 pages) for an estimated cost of \$5,200; and impartial analyses (estimated 14-28 pages) for an estimated cost of \$36,400-\$72,000. It is important to remember that everything within the sample ballot is translated, adding to the length, and that there is potential for increased costs in the event arguments are submitted for or against any of the proposed measures.

The Council has the option of authorizing the publication of the full amendment text, which if included could result in an additional 13-26 pages (considering translation) for \$33,800 - \$67,600.

Staff requests that Council consider whether to authorize the inclusion of the full text of the amendments. If not included, a statement will be included in the sample ballot with the impartial analysis notifying voters that the information is available via the City's website and the City Clerk's Office as has been done in the past.

- RECOMMENDATION: That the City Council:
- 1) Review, consider and adopt the proposed Resolution;
and
 - 2) Consider whether to include the full text of the amendments in the sample ballot.

Attachments: Resolution No. _____ Draft Resolution Proposing Amendments to the Freeholders Charter of the City of Porterville and Rescinding Resolution No. 09-2014.

RESOLUTION NO. ____-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
PROPOSING AMENDMENTS TO THE FREEHOLDERS CHARTER OF THE
CITY OF PORTERVILLE AND RESCINDING RESOLUTION NO. 09-2014

WHEREAS, pursuant to Elections Code Sections 9255 et seq., the City of Porterville may make amendments to its City Charter; and

WHEREAS, the City Council of the City of Porterville, on its own motion, desires to propose to the electors of the City of Porterville amendments to the Charter of the City of Porterville; and

WHEREAS, on January 21, 2014, the City Council of the City of Porterville adopted Resolution No. 09-2014 proposing amendments to the Freeholders Charter of the City of Porterville; and

WHEREAS, the City Council of the City of Porterville wishes to modify Proposed Charter Amendments 1 (related to Charter Sections 9 and 58), 2 (related to Charter Section 9), and 7 and 8 (related to Charter Section 61), to ensure that the measures are considered “stand-alone” measures and will all go into effect if adopted, and otherwise make minor modifications to the proposed amendment and measure language.

NOW, THEREFORE, BE IT RESOLVED, as follows:

A. The City Council of the City of Porterville, on its own motion, hereby proposed to rescind Resolution No. 09-2014.

B. The City Council of the City of Porterville, on its own motion, hereby proposes to the electors of the City of Porterville, the following amendments to the Freeholders Charter of the City of Porterville:

2014 FREEHOLDERS CHARTER AMENDMENT #1

Sections (or portions thereof) 4.1, 8, 9, 12, 14, 24, 40, 45, 49, 58, 59, and 62, are hereby amended to read as set forth herein below:

Sec. 4.1. Intergovernmental Powers.

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency or special district of California; or any governmental jurisdiction, including Indian Tribes, or nonprofit corporation thereof, or the United States or any of its agencies or instrumentalities.

Sec. 8. Elective officers.

The elective officers of the City of Porterville shall be five council members, who shall be elected from the city at large at a general municipal election therein.

Sec. 9. Legislative body; composition; election; term; compensation; ineligibility for other city office; president of council; vice-president; installation of newly elected officers; powers to be exercised by council.

Second sentence of Paragraph 2 is amended to read as follows:

They shall hold office for the period of four (4) years from and after the date upon which they are installed in office in accordance with this section and/or until their successors are elected and installed in office.

First sentence of Paragraph 5 is amended to read as follows:

The council shall reorganize at the meeting following each municipal election wherein the newly-elected members are installed and shall choose one of its number to serve as president of the council to be known as mayor.

Paragraph 6 is amended to read as follows:

Where the canvass of the vote is to be completed by the city elections official, the canvass 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.

Sec. 12. How council acts on legislative matters; resolutions; records of votes; requirement that all members vote; how ordinances headed; ordaining clause; ordaining clause of ordinances passed by initiative; when ordinances to be passed; publication; effective date of ordinances; certain matters required to be passed by ordinance; repeal of ordinances; revision of ordinances; ordinances to be signed by mayor and attested by clerk.

Paragraph 2 is amended as follows:

The ayes and noes shall be taken and recorded upon the passage of all ordinances, resolutions, or other actions and entered upon the record of the proceedings of the council. All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest.

Paragraph 9 is amended as follows:

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the establishing of any penalty, shall be taken except by ordinance.

Sec. 14. Official bonds; where filed.

When in this Charter not otherwise prescribed, the council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the council, filed with the city clerk, and paid for by the city; provided, however, that the bond of the city clerk when approved as aforesaid shall be filed with the City Manager or his/her designee. Nothing in this section shall prevent the authorization or furnishing of a blanket bond to assure the honesty or faithful performance of any of its officers or employees.

Sec. 24. Director of finance; payment of demands; to check annual tax roll.

The city manager shall appoint the director of finance of the city, who shall serve as the general accountant of the city. He/she shall receive and preserve in his/her office all accounts, books, vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other financial affairs. He/she shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the council, must be presented to the director of finance, who shall satisfy himself/herself whether the money is legally due, and its payment authorized by law. If satisfactory, he/she shall draw a warrant upon the treasury for the payment thereof. Every demand approved by the director of

finance shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the council shall not be necessary to draw warrants for the payment of regular salaries of officials and employees of the city, or for payment of any obligation previously authorized by law, or by resolution or order of the council.

He/she shall render on at least a quarterly basis, a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

After the annual tax roll has been completed, and before it is deposited with the collector, the director of finance shall make a check of the roll correcting any errors that may be found and endorse same with his/her approval.

Sec. 40. Taxation to conform to general laws of the state.

Except as otherwise herein provided the council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state. Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Sec. 45. Taxes and assessments to constitute a lien; foreclosure.

All taxes and assessments levied, together with any percentages imposed for delinquency and cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March each year and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for city taxes due thereon the same shall be sold to the city in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter. This section is cumulative to any rights and remedies the City may have under the general laws relating to the enforcement and collection of taxes and assessments.

Sec. 49. Quarterly financial reports required.

All officers required by this Charter or by ordinance to submit quarterly financial reports to the council, shall submit the same in duplicate, and upon their approval by the council, one of each of such duplicate reports shall be posted forthwith in the office of the city clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the council of the next succeeding financial report when the

same procedure shall be followed in relation thereto. The council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Sec. 58. Pensions.

Paragraph 3 is amended to read as follows:

The city may levy and collect taxes sufficient to pay all costs and expenses required to be paid by the City of Porterville to enable the City of Porterville to participate in any such retirement, disability, death benefit or pension system established, set up or maintained by, for or on behalf of the City of Porterville.

Sec. 59. Hiring of certified public accountant to audit city books.

The city council shall contract with a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the city treasury.

Sec. 62. Public improvements.

The improvement widening and opening of streets, the planting, care, and maintenance of trees, and the making of any other public improvement or undertaking of any public project may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the council may by ordinance adopt a procedure for the construction and/or improvement and repair of streets, alleys or other public places or facilities; the laying of pipes, or conduits or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto and for making and enforcing assessments against property benefitted or affected thereby, or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes.

2014 FREEHOLDERS CHARTER AMENDMENT #2

Section 5 and a portion of Section 9, consisting of the first sentence of the second paragraph thereof are amended by substituting in lieu thereof, the following:

Sec. 5. When elections to be held; special elections; procedure for elections for local improvements or levies of assessment or bonded indebtedness.

General municipal elections shall be held in said city at the same time as the general election for Federal Offices in the State of California under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections; providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

Section 9, Paragraph 2, First Sentence:

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 general election for Federal offices for the State of California.

2014 FREEHOLDERS CHARTER AMENDMENT #3

Section 10 is amended, by making amendments to the second full paragraph as follows:

Section 10, Paragraph 2:

Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within a community in accordance with the Brown Act where no action is to be taken, all meetings of the council shall be held at or on publicly-owned facilities, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the public-owned facilities cannot be used for that purpose, and all meetings shall be open to the public. The council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct.

2014 FREEHOLDERS CHARTER AMENDMENT #4

Section 16 is amended by making changes to the second complete paragraph thereof, to read as follows:

Section 16, Paragraph 2:

If, without permission from the City Council, any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than forty-five (45) days consecutively, or shall fail to attend five (5) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period exceeding ninety (90) days), his/her officer shall thereupon become vacant. If for said forty-five (45) day period any legislative officer shall willfully fail or refuse to perform the duties of his office, though able to do so, or shall fail to qualify, or shall resign, or be convicted of a felony or

a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

2014 FREEHOLDERS CHARTER AMENDMENT #5

Section 18, third complete paragraph thereof, is amended as follows:

Section 18, Paragraph 3:

The salary of any appointive official or employee of the city shall cease forthwith with his/her removal or resignation from office or employment; provided, however, that the City Manager may be entitled, if authorized by the City Council, to severance pay in an amount not to exceed the equivalent of 12 months' salary, subject to any other restrictions set forth by State law.

2014 FREEHOLDERS CHARTER AMENDMENT #6

Section 48 is amended by substituting in lieu thereof, the following:

Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.

No money shall be expended on behalf of the city, for any purpose, unless and until the same shall have been authorized by a majority vote of the Council; provided that following every Council election, the City Council may, by a majority vote, adjust the amount of money that may be expended on behalf of the City, without prior specific Council authorization.

The City Council, by resolution by a majority vote of the Council, shall establish the maximum amount of money to be expended on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established by resolution shall not be adjusted until after each general Council election.

No indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by resolution by a four-fifths (4/5) vote of the Council; provided that following every Council election, the City Council may, by a four-fifths majority vote, adjust the amount of indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization.

The City Council, by resolution approved by a four-fifths vote of the Council, shall establish the maximum amount of indebtedness to be incurred on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established shall not be adjusted

until after each general Council election, and then only by resolution by a four-fifths majority vote.

Indebtedness evidenced by general obligation bonds shall be incurred by the City only if approved by the City Council and authorized by the voters as required by the Constitution and general laws of the State.

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the revolving cash fund. The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his warrant as directed by the council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

2014 FREEHOLDERS CHARTER AMENDMENT #7

Section 61 is amended by modifying the first part of the first sentence, and adding paragraph 6, as follows:

Sec. 61. Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the amount is in excess of five thousand dollars.

First part of the first sentence of Paragraph 1:

When the City determines to contract for work for a public project, and the cost estimate exceeds.....(in lieu of the clause "When a required expenditure exceeds...").

Paragraph 5:

In the case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or in the case of circumstances resulting in an imminent threat to public health and/or safety, the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose.

New Paragraph 6:

The City reserves the right to perform any public project or make or repair any public property or improvement using its own forces, regardless of cost.

2014 FREEHOLDERS CHARTER AMENDMENT #8

Section 61 is amended by amending in the first Paragraph the bid dollar amount specified to \$50,000.00, (in lieu of "\$5,000.00").

2014 FREEHOLDERS CHARTER AMENDMENT #9

Section 67 is amended by substituting in lieu thereof, the following, and Section 67.1 is hereby added as follows:

Sec. 67. Interference with performance of duties of city manager; interference by city manager in elections.

No member of the council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable state and federal law.

The council shall deal with the administrative functions of the city through the city manager. The Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions.

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a Council Member. Additionally, any City Council member violating this section may be subject to civil remedies as specified in Section 74.

Section 67.1 Political Activities by Legislative and Administrative Officers, Employees

Political activities of and campaign contributions by the city's legislative officers, administrative officers, and employees shall be governed in accordance with applicable state and federal law. All legislative and administrative officers and all city employees are prohibited from engaging in political activities during working hours. City officers and employees are prohibited from engaging in political activities at their work place.

Furthermore, city officers and employees are prohibited from engaging in political activities on city properties, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.

2014 FREEHOLDERS CHARTER AMENDMENT #10

Section 68 is hereby amended by substituting in lieu thereof, the following:

Sec. 68. Leases of city property.

In every lease of city property the basic amount of rental shall be fixed by the council.

All indentures of lease shall provide that the council may terminate the same at its pleasure and repossess the premises therein described, upon written advance notice equivalent to either 30 days or a maximum of five percent (5%) of the total lease term period as specified in the lease, but not including option periods, and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee.

In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers by the council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a judge of the superior court of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however that the council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for

a maximum term of more than fifty years.

For any month-to-month lease of city property, or lease of city property to State or Federal entities or agencies/subdivisions thereof, the above notice requirements shall not be required, and responsibility for improvements and any associated reimbursement may be negotiated and set forth in the terms of the lease.

2014 FREEHOLDERS CHARTER AMENDMENT #11

Section 74 is hereby added as follows:

Sec. 74 Violations.

This section shall apply only if a penalty/violation is not otherwise explicitly provided for in the Charter. A violation of any provision of this Charter shall be a misdemeanor with maximum fines and imprisonment as allowed by law, except that such violation may be prosecuted as an infraction, at the discretion of the City Attorney.

Any violation of this Charter may be prosecuted in the name of the People of the State of California or may be redressed by the City through any legal or equitable remedies; including but not limited to civil action and/or injunction, or administrative citation in accordance with adopted City ordinances. To the fullest extent allowed by law, civil remedies may be utilized in addition to or as an alternative to criminal enforcement.

The City shall be authorized to recover its full costs, including reasonable attorneys' fees, for the enforcement of any violation of this Charter or Municipal Code. The City Council is authorized to adopt any necessary or appropriate ordinances to implement this section of the Charter.

2014 FREEHOLDERS CHARTER AMENDMENT #12

A portion of Section 9, consisting of the third complete paragraph thereof is amended by substituting in lieu thereof, the following:

Section 9, Paragraph 3:

The members of the council shall each receive compensation equivalent to the hourly California State Minimum Wage, as from time-to-time may be adjusted, for all meetings attended by the council members, if authorized to attend by the City Council. Said amount shall be paid incrementally as permitted by State law. This amendment shall go into effect upon commencement of each council-member's new term and subject to any other applicable statutory or constitutional restrictions.

2014 FREEHOLDERS CHARTER AMENDMENT # 13

A portion of Section 12, consisting of the seventh complete paragraph thereof is amending by substituting in lieu thereof, the following:

Section 12, Paragraph 7:

No ordinance shall be passed by the council at any time other than at a regular meeting, and until its publication, in a manner and for a time period as determined and set forth by ordinance.

2014 FREEHOLDERS CHARTER AMENDMENT #14

A portion of Section 58, consisting of the second complete paragraph is amended by substituting in lieu thereof, and Paragraph 4 is hereby added as follows:

Section 58, Paragraph 2:

A system for retirement, disability death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor, except as may be permitted by applicable State law.

Section 58, Paragraph 4:

This Section shall be construed in accordance with the California Constitution and shall be deemed to allow the City to create, eliminate, or modify its pension and retiree healthcare benefits to the fullest extent permitted by the California Constitution and applicable law.

C. A special Municipal Election to consider the above referenced Charter Amendments is hereby called for June 3, 2014, for the City of Porterville and is to be consolidated with the General Municipal Election to be held on that date.

D. That on the ballot to be used at the Special Municipal Election, insofar as the same pertains to the proposed amendments to the Freeholders Charter of the City of Porterville, in addition to any matters required by law, there shall be printed substantially the following:

1. Measure ‘ ____ ’ to amend numerous Sections of the Freeholders Charter of the City of Porterville to make certain technical, non-substantive revisions which do not materially alter, increase or decrease the home rule powers of the City of Porterville.

“Should the Charter be amended to make certain technical, non-substantive revisions which do not materially alter, increase or decrease the home rule powers of the City of Porterville?”

2. Measure ‘ ____ ’ to amend the Freeholders Charter of the City of Porterville to change the election date for Council seats to be the same as the date for the Federal General election for federal officers.

“Should the Charter be amended to change the election date for Council seats to be the same as the date for the Federal General election for federal officers in the State of California?”

3. Measure ‘ ____ ’ to amend the Freeholders Charter of the City of Porterville to allow City Council meetings to be held at publicly-owned facilities in addition to City Hall.

“Should the Charter be amended to allow City Council meetings to be held at publicly-owned facilities in addition to City Hall?”

4. Measure ‘ ____ ’ to amend the Freeholders Charter of the City of Porterville to provide that a Council seat becomes vacant if, without permission from the Council, a City Councilmember removes or absents himself/herself from the City for more than forty-five (45) days or fails to attend five (5) consecutive regular meetings unless prevented from attending by sickness, and in that event after a period of ninety (90) days.

“Should the Charter be amended to provide that a council member seat becomes vacant if, without permission from the Council, a council member removes or absents himself/herself from the City for more than forty-five (45) days, fails to attend five (5) consecutive regular meetings, unless prevented from attending by sickness, and in that event after ninety (90) days?”

5. Measure ‘ ____ ’ to amend the Freeholders Charter of the City of Porterville to provide that the City Manager is limited to maximum severance pay equivalent to twelve (12) months salary, but subject to additional restrictions set forth by State law and the City Council’s discretion.

“Should the Charter be amended to provide that any severance pay to the City Manager is limited to the equivalent of a maximum of 12 months salary, subject to any other restrictions set forth by State law and further limitations as authorized by the City Council?”

6. Measure ‘ ____ ’ to amend the Freeholders Charter of the City of Porterville to provide that expenditures must be authorized by a majority vote of the City Council, that following every Council election the City Council may adjust, by majority vote and Resolution, the amount of money that may be expended without additional prior authorization, that indebtedness shall be incurred on behalf of the City only if authorized by a four-fifths (4/5) vote of the Council, that following every Council election the City Council may adjust, by a four-fifths (4/5) vote and Resolution, the amount of indebtedness that may be incurred.

“Should the Charter be amended to require majority vote approval of expenditures, allow the City Council to set, by majority vote and resolution after each Council election, the maximum amount of expenditure of City funds allowed without prior Council approval; require a 4/5 majority vote approval for indebtedness, and allow the Council to set, by 4/5 majority vote and

resolution after each Council election, the maximum amount of indebtedness allowed without prior Council approval?"

7. Measure ' ___ ' to amend the Freeholders Charter of the City of Porterville to provide that the City, as a Charter City, has the power to perform public projects, improvements, and repairs using its own forces, regardless of cost, and to provide that the City Council may, only in cases of emergency including circumstances resulting in imminent threat to public health and/or safety, by 4/5 majority vote, proceed without otherwise adhering to competitive bidding requirements.

"Should the Charter be amended to provide that the City has the power to perform public projects, improvements, and repairs using its own forces, regardless of cost, and to provide that the City Council may, only in cases of emergency including circumstances resulting in imminent threat to public health and/or safety, by 4/5 majority vote, proceed with otherwise adhering to competitive bidding requirements?"

8. Measure ' ___ ' to amend the Freeholders Charter of the City of Porterville to raise the bid limit for public projects to \$50,000.00 (subject to further potential limitations by the City Council considered annually and set by ordinance).

"Should the Charter be amended to raise the bid limit to \$50,000.00, concerning public projects subject to competitive bidding, with further restrictions considered by the Council annually?"

9. Measure ' ___ ' to amend the Freeholders Charter of the City of Porterville to provide that a violation of this section is a misdemeanor and subject to additional consequences, including forfeiture of office if convicted. Said measure would also place the current last two paragraphs of this section pertaining to political activities of officers and employees, into a new separate section.

"Should the Charter be amended to provide that a violation of this section (interference with the performance of duties of the City Manager) is a misdemeanor and subject to additional consequences, including forfeiture of office if convicted, and that the portion of this Charter section pertaining to officer and employee political activities be moved to and restated in a new Charter section?"

10. Measure ' ___ ' to amend the Freeholders Charter of the City of Porterville to require that leases of City property have a clause providing that the City Council may terminate the lease upon written advance notice equivalent to either 30 days or a maximum of five percent of the total lease term period as specified but not including option periods, and upon paying the lessee market value of any improvements as set forth, and clarifying that these requirements shall not be required for month-to-month leases or leases of city property to State and Federal agencies.

“Should the Charter be amended to require that leases of City property may be terminated by the City upon advance notice equivalent to either 30 days or a maximum of 5% of the total lease term period but not including option periods, and upon paying the lessee market value of improvements as set forth, and clarifying that these requirements shall not apply to month-to-month, or State or Federal, leases?”

11. Measure ‘ ___ ’ to amend the Freeholders Charter of the City of Porterville, adding a new Charter section establishing penalties and remedies for violations of the Charter, where no other penalty or remedy is otherwise specified, and providing penalties and remedies as generally provided for in the City’s Municipal Code.

“Should the Charter be amended to add a new Charter section establishing penalties and remedies for violations of the Charter, where no other penalty or remedy is otherwise specified, and providing for penalties and remedies as generally provided for in the City’s Municipal Code?”

12. Measure ‘ ___ ’ to amend the Freeholders Charter of the City of Porterville, to provide that members of the council shall receive compensation equivalent to the hourly California State Minimum Wage, as from time-to-time may be adjusted by State law, for all meetings attended by the member as approved by the City Council.

“Should the Charter be amended to provide that council members shall receive compensation equivalent to the hourly California State Minimum Wage, as from time-to-time may be adjusted by State law and then by ordinance, for all meetings attended by the members as approved by the City Council, with compensation only becoming effective upon commencement of each council-member’s new term and subject to any other applicable statutory or constitutional restrictions?”

13. Measure ‘ ___ ’ to amend the Freeholders Charter of the City of Porterville, to provide that ordinance publication requirements shall be set by City ordinance.

“Should the Charter be amended to provide that the ordinance publication requirements shall be set by City ordinance?”

14. Measure ‘ ___ ’ to amend the Freeholders Charter of the City of Porterville, to provide that the City employee retirement, pension, or disability/death benefits when established by the Council shall not be terminated without approval of the majority of the electors except as may be permitted by the California Constitution and applicable law, and that the City retains its full power to create, modify, or eliminate its pension and retiree healthcare benefits in accordance with the California Constitution.

“Should the Charter be amended to provide that the City employee retirement, pension, or disability/death benefits shall not be terminated except as may be permitted by the California Constitution and applicable law, and to clarify that the City retains its full power to create, modify or eliminate its

pensions and retiree healthcare benefits subject to the California Constitution?"

E. Each proposed measure shall pass if approved by a majority (50% plus one) of the voters, and as provided by applicable law.

F. That the City Clerk of the City of Porterville be, and is hereby authorized and instructed to, publish said proposed Amendments in the Porterville Recorder, a newspaper of general circulation, as required by the provisions of Elections Code Section 12114 and Government Code Section 6066.

PASSED, ADOPTED AND APPROVED this _____ day of March, 2014.

Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk