

RESOLUTION NO. 2017-74

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CREATING THE EL CERRITO CHARTER COMMITTEE TO PREPARE A RECOMMENDED CHARTER FOR THE CITY

WHEREAS, in 2011, the City Council received a presentation regarding the differences between general law and charter cities in California, the powers and limitations of charter cities, the process for becoming a charter city, and options and related schedules for submitting a charter to El Cerrito voters. At that time, the City Council decided not to proceed; and

WHEREAS, during a Strategic Planning session earlier in 2017, the City Council requested that they receive another presentation regarding becoming a charter city, in particular to exercise the additional home rule powers of a charter city over local affairs, including the revenue generating powers of a charter city to fund high priority service and facility needs identified by the community; and

WHEREAS, on November 7, 2017, the City Council received a presentation regarding the powers of and process for becoming a charter city. After reviewing options for the process for drafting a proposed charter, it decided to create a committee with the membership and direction described in this resolution; and

WHEREAS, the California Constitution, Article 11, Section 3, authorizes the voters of a city to adopt a charter. The California Government Code, Title 4, Division 2, Part 1, Chapter 2, sets for the procedures for the preparation and adoption of a charter. A city council may, on its own motion, propose a charter to its voters. (Gov. Code § 34458.) Pursuant to that authority, the City Council may create a committee to prepare a draft charter to be considered by the City Council and proposed to the City's voters on the Council's own motion; and

WHEREAS, in creating a committee to prepare a charter to propose to City voters, the City Council expressed as necessary components of a draft charter that the charter generally provide that the City will follow California law in all areas except those stated in the charter; that the City will in particular follow California law regarding the payment of prevailing wages for public works project and collective bargaining with represented employee groups; and that the charter should authorize the City to consider the use of all available tools for generating revenue, including but not limited to a real property transfer tax.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby establishes a Charter Committee, with necessary staff liaison assigned by the City Manager.

BE IT FURTHER RESOLVED that the Charter Committee shall consist of two members of the City Council, a member of the Financial Advisory Board, an active participant in the El Cerrito real estate market, a representative of local labor groups, and two members of the public.

The members of the public shall be residents or owners of businesses in El Cerrito or a combination of the two.

BE IT FURTHER RESOLVED that the Charter Committee shall have the following duties, responsibilities, and direction:

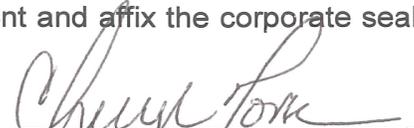
- The Charter Committee shall prepare a draft charter for the City of El Cerrito to be submitted to the City Council for consideration and potential proposal to the City's voters.
- The draft charter shall contain at least the following elements:
 - It shall reserve to the City Council the power to adopt local rules in all matters of municipal affairs.
 - It shall require the City to follow California law regarding the payment of prevailing wages for public works projects and collective bargaining with represented employee groups.
 - It shall authorize the City Council to consider the use of all available tools for generating revenue, including but not limited to a real property transfer tax.
 - The El Cerrito Municipal Code shall not be altered by the proposed charter.
- Meetings of the Charter Committee shall comply with the requirements of the Brown Act.
- The Charter Committee shall establish and publish a schedule of meetings
- The Charter Committee shall complete a draft of the charter and submit it to the City Council in sufficient time for the City Council to submit the charter to El Cerrito voters at the municipal election on November 6, 2018. The Charter Committee shall complete a draft charter and submit it to the City Council no later than April 30, 2018.
- Members of the Charter Committee shall serve until the City Council has decided whether or not to submit a charter proposal to El Cerrito voters, or until the election on the proposed charter occurs, whichever is later. The terms of the members of the Charter Committee shall end and the Committee shall be dissolved on November 30, 2018, unless extended by a resolution of the City Council.
- The Charter Committee shall support City efforts to inform and educate the El Cerrito community regarding the proposed charter submitted to voters.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 7, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Councilmembers Lyman, Pardue-Okimoto, Quinto, and Mayor Abelson
NOES: None
ABSTAIN: Councilmember Fadelli
ABSENT: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November 9, 2017.


Cheryl Morse, City Clerk

APPROVED:


Janet Abelson, Mayor