

CITY COUNCIL

For City Clerk's Use:

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APPROVED

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DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: _____

Date: May 21, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Jennifer K. McCain, Assistant City Attorney

SUBJECT: Second Public Hearing on Proposed City Charter

RECOMMENDATION

Council is requested to hold a second public hearing on the proposed city charter for the City of Escondido (attached), listen to public comments and suggestions, and provide direction on any changes to the proposed city charter. Council may also direct staff to return to the Council on June 18, 2014, to approve submission of the proposal to adopt a charter to the voters of Escondido.

FISCAL ANALYSIS

If a proposed charter is placed on the November 2014 ballot, the City Clerk estimates a revised cost of \$20,000 to \$30,000 for the election and staff estimates approximately \$4,000 for informational mailers distributed with the City water bills. To date, approximately \$322 has been spent for public notices for two public hearings. For the 2012 charter proposal, expenses were as follows: \$19,961 for community fliers, \$1,573 for duplication of water bill inserts, \$322 for two public hearing notices, and \$33,118 for the election.

PREVIOUS ACTION

The City Council adopted a Work Program on November 6, 2013, which includes the goal of resubmitting a charter city proposal to the electorate. The strategy listed in the Work Program for this goal is to hold public hearings on a revised charter city proposal for possible inclusion in the 2014 election ballot. On January 15, 2014, the City Council directed staff to proceed with a workshop and to schedule two public hearings regarding a charter city proposal. Additionally, on March 19, 2014, the City Council held a workshop to receive input from the public. The staff report for the March 19, 2014 meeting included a draft charter for comment and discussion. The first public hearing to consider becoming a charter city was held on April 9, 2014. The staff report for the April 9, 2014 meeting also included a draft charter for comment and discussion.

BACKGROUND

The staff reports for the 2014 charter city proposal dated January 15, 2014, March 19, 2014, and April 9, 2014, are attached and incorporated fully into this report. They can also be found at <https://www.escondido.org/charter-city-proposal.aspx>. In addition to the previous staff reports,

additional background materials and resources regarding the City's 2014 charter proposal have been placed on the City's website. The materials and resources include draft charters, slide presentations, copies of charters for other North County cities (Carlsbad, Del Mar, Oceanside, San Marcos and Vista), a 2002 San Diego Grand Jury report entitled, "'Home Rule' Is Chartering a City a Good Idea?" and League of California Cities information regarding charter cities. The background materials and resources are also located at <https://www.escondido.org/charter-city-proposal.aspx>.

First Public Hearing held on April 9, 2014

In addition to the public meeting on January 15, 2014, and public workshop on March 19, 2014, the first public hearing was properly noticed and held on April 9, 2014, to receive public input regarding the charter city proposal. Seventeen members of the public testified during the April 9, 2014 public hearing. Most of the speakers opposed the charter proposal or questioned the need to become a charter city. Public and Councilmember comments also provided input on a number of topics, including the following: the costs associated with a charter city proposal; more opportunities for public input; meaningful control of Mayor and Council salaries; and the extent of a charter city's authority to make its own laws in a variety of areas including, local planning and zoning laws, public contract and bidding, prevailing wage, quorums, governance and financial matters.

Draft City Charter Proposal

This second public hearing has been properly noticed and scheduled for 6:00 p.m., to ensure public participation. The draft attached to this staff report was posted on the City's website on April 21, 2014, and was referenced in the public notice of this hearing. Consistent with other local charters, the draft charter presented and discussed thus far includes: doctrine of municipal affairs (Article 1); council-manager form of government (Article 2); elected officers (Article 3); fiscal matters (Article 4); revenue retention/state mandates limited (Article 5); councilmember compensation governed by state law limits (Article 6); interpretation (Article 7); and amendments to charter by electors (Article 8).

To address the issue raised at the first public hearing regarding whether a charter city must comply with State law on land use, planning and zoning matters, an additional provision has been added to the draft charter to expressly state that the City is governed by State law with regards to these matters. This provision (modeled after a provision in the City of San Marcos charter) preserves the status quo and ensures that land use, planning and zoning matters must be consistent with the General Plan. Accordingly, the attached draft charter has an additional provision which states:

Section 602. Land Use, Planning & Zoning Matters

Notwithstanding its Charter city status, the City shall be governed by State law as it applies to general law cities with respect to the application, interpretation and enforcement of land use, planning and zoning matters, including, but not limited to, the requirement of consistency between the General Plan of the City and the terms of its zoning ordinances.

The draft proposal mirrors the 2012 proposed charter with four exceptions. Reference to district elections has been omitted due to the recent adoption of districts pursuant to the consent decree. Reference to prevailing wages has also been omitted due to the continuing uncertainty of the law. The timeframe to fill City Council vacancies by appointment was changed from 30 days to 60 days. Lastly, the City shall follow State law in matters of land use, planning and zoning matters.

CONCLUSION

Council is requested to hold a second public hearing on the proposed city charter for the City of Escondido (attached), listen to public comments and suggestions, and provide direction on any changes to the proposed city charter. Council may also direct staff to return to the Council on June 18, 2014, to approve submission of the proposal to adopt a charter to the voters of Escondido.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.K. McCain", written over a horizontal line.

JENNIFER K. MCCAIN
Assistant City Attorney

Attachments: Draft Charter City Proposal
January 15, 2014 Staff Report
March 19, 2014 Staff Report
April 9, 2014 Staff Report