

RESOLUTION NO. 24-119 C.S.

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY

ADDING MEASURES TO THE BALLOT TO ASK THE VOTERS OF THE CITY OF MONTEREY TO AMEND PROVISIONS OF THE CITY CHARTER

WHEREAS, the City of Monterey became a charter city in 1910;

WHEREAS, pursuant to the charter and the Elections Code section 10400, the City Council must call for an election to be held on November 5, 2024 for the purpose of electing municipal officers and for Charter amendments;

WHEREAS, on February 20, 2024 and June 4, 2024, the City Council received a report and provided direction on potential Charter amendments for the November 5, 2024 election;

WHEREAS, on June 4, 2024, the City Council adopted Resolution 24-091 calling and noticing an election, and requesting the Monterey County Board of Supervisors render services necessary to consolidate and conduct the election, and canvass returns;

WHEREAS, on July 8, 2024, the Board of Library Trustees received a report on the potential charter amendments that pertain to the Library; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that it hereby declares, determines, and orders as follows:

SECTION 1. RECITALS

The foregoing recitals are true and correct and are hereby adopted by the City Council.

SECTION 2. CHARTER AMENDMENT 1

a. Ballot Language

Pursuant to Section 3 of Article XI of the California Constitution and California Elections Code section 1415, the City Council hereby orders the following question be submitted to the voters at the General Municipal Election:

MEASURE _____.

City Charter Clerical Corrections and Clarifications. Shall the measure to amend the City's Charter to delete obsolete provisions, resolve contradictions, update procedures for the adoption of ordinances, and clarify that the Library Board appoints or removes the Library Director, who is responsible for administering the Library Board's collections policy and appointing and removing other Library employees, be adopted?	YES
	NO

b. Proposed Charter Amendment

The full text of the Charter amendment to be approved by the voters is attached to this Resolution as **Exhibit A** and incorporated by reference. The full text of the Charter amendment shall be printed in the Voter Information Pamphlet.

c. Passage of the Measure

This measure requires the approval of a majority of qualified electors of the City voting in the election on the issue.

SECTION 3. CHARTER AMENDMENT 2

a. Ballot Language

Pursuant to Section 3 of Article XI of the California Constitution and California Elections Code section 1415, the City Council hereby orders the following question be submitted to the voters at the General Municipal Election:

MEASURE _____.

Councilmember Filing as Candidate for Mayor. Shall the measure to amend the City's Charter to specify that the term of office for a Councilmember filing for Mayor expires when their successor is appointed or 40 days after the election, whichever occurs first; remove the five extra days for the candidate filing period; and other clerical, non-substantive changes to sections regarding the Mayor and City Councilmembers, be adopted?	YES
	NO

b. Proposed Charter Amendment

The full text of the Charter amendment to be approved by the voters is attached to this Resolution as **Exhibit B** and incorporated by reference. The full text of the Charter amendment shall be printed in the Voter Information Pamphlet.

b. Passage of the Measure

This measure requires the approval of a majority of qualified electors of the City voting in the election on the issue.

SECTION 4. CHARTER AMENDMENT 3

a. Ballot Language

Pursuant to Section 3 of Article XI of the California Constitution and California Elections Code section 1415, the City Council hereby orders the following question be submitted to the voters at the General Municipal Election:

MEASURE _____.

Mayor and City Councilmember Term Limits. Shall the measure to amend the City's Charter to provide that no person shall hold elective office for more than 12 years, whether held in the office of Mayor, City Councilmember, or combination of both offices, be adopted?	YES
	NO

b. Proposed Charter Amendment

The full text of the Charter amendment to be approved by the voters is attached to this Resolution as **Exhibit C** and incorporated by reference. The full text of the Charter amendment shall be printed in the Voter Information Pamphlet.

c. Passage of the Measure

This measure requires the approval of a majority of qualified electors of the City voting in the election on the issue.

SECTION 5. CHARTER AMENDMENT 4

a. Ballot Language

Pursuant to Section 3 of Article XI of the California Constitution and California Elections Code section 1415, the City Council hereby orders the following question be submitted to the voters at the General Municipal Election:

MEASURE: _____.

Leases of Real Property. Shall the measure to amend the City's Charter to allow the City to lease City real property to qualified nonprofit organizations, governmental entities, or educational institutions, on terms and rates that serve the community benefit, be adopted?	YES
	NO

b. Proposed Charter Amendment

The full text of the charter amendment to be approved by the voters is attached to this Resolution as **Exhibit D** and incorporated by reference. The full text of the Charter amendment shall be printed in the Voter Information Pamphlet.

c. Passage of the Measure

This measure requires the approval of a majority of qualified electors of the City voting in the election on the issue.

SECTION 6.

a. The Ballot Measures. The Ballot Measures shall be designed by letter by the Monterey County Elections Department. Pursuant to Elections Code section 10400 et seq., the election for these measures shall be consolidated with the established Election.

b. Impartial Analysis

Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit to the City Attorney a copy of the charter amendments attached to this Resolution as **Exhibits A through D**. The City Attorney shall prepare an impartial analysis for each charter amendment showing the effect of the amendment on existing law and the operation of the ordinance. The analysis for each charter amendment shall not exceed 500 words and shall contain a statement that charter amendment was placed on the ballot by the City Council. The City Attorney shall transmit the impartial analysis to the City Clerk by August 15, 2024 for conveyance to the County Registrar of Voters.

c. Arguments for the Measures and Deadlines Therefore

1. The last day for submission of primary arguments in favor of or against the charter amendments shall be by 2:00 p.m. on August 15, 2024.
2. Pursuant to California Elections Code Section 9282, subdivision (b), the City Council hereby authorizes the Mayor to prepare and file the primary written argument on behalf of the City Council in support of the Charter Amendments. At the discretion of the Mayor, the argument may also be signed by other members of the City Council, bona fide associations of citizens, or by individual voters who are eligible to vote on the Charter Amendments.
3. In accordance with Section 9283 of the Elections Code, the printed names and signatures of not more than five authors shall appear with any argument submitted in accordance with this Resolution.
4. In accordance with Section 9282(c) of the Elections Code, any argument written in favor of or against the proposed Charter Amendments described above shall not exceed 300 words.
5. Pursuant to California Elections Code Section 9285, subdivision (b), the City Council hereby adopts the provisions of California Elections Code section 9285, subdivision (a), relating to rebuttal arguments for the Charter Amendments only for the November 5, 2024 election, and thereafter this Section 6(b)(5) shall expire.
6. The last day for submission of rebuttal arguments shall be 2:00 p.m. on August 22, 2024.
7. The City Council hereby authorizes and directs the City Clerk to give preference and priority to any written argument for or against the City Charter

Amendments set forth above that includes a member or members of the City Council, and then to other arguments as set forth in Elections Code section 9287.

SECTION 7. IMPLEMENTATION

The City Clerk is directed to file with the Monterey County Board of Supervisors a certified copy of this Resolution, with a copy to the County Registrar of Voters, pursuant to California Elections Code section 10403. The City Clerk is further authorized and directed to perform all other acts necessary or required by law to implement this Resolution and related to the election.

SECTION 8. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Monterey hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16th day of July, 2024, by the following votes:

Placing Charter Amendments 1 (Exhibit A), 2 (Exhibit B), and 4 (Exhibit D) on the ballot:


AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

Placing Charter Amendment 3 (Exhibit C) on the ballot:

AYES:	3	COUNCILMEMBERS:	Barber, Garcia, Williamson
NOES:	2	COUNCILMEMBERS:	Haffa, Smith
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

Signed by:

1B38B5C4EE3E4F5...

Mayor of said City

DocuSigned by:

ED8453A4F62C4AA...

City Clerk thereof

AMENDMENT TO THE CHARTER OF THE CITY OF MONTEREY

THE PEOPLE OF THE CITY OF MONTEREY DO ORDAIN, as follows:

SECTION 1:

WHEREAS, the City Council desires to submit to the voters of the City of Monterey a ballot measure proposal to amend various sections of the City of Monterey City Charter to: (1) use gender neutral pronouns; (2) delete outdated language regarding the absence of the City Manager and the position of the Secretary to the City Manager that are obsolete; (3) update the procedure for adopting legislation; and (4) make clear that the Board of Library Trustees (not the City Manager) has the power to appoint and remove the Library Director and it does not have the power to appoint or remove other Library employees and that the Library Director implements Board of Library Trustee policy for the selection of materials for circulation or study in the Library;

WHEREAS, the foregoing delete obsolete provisions, resolve contradictions, conform to current law and practice, and update the legislative procedural process to remain transparent and more efficient;

WHEREAS, the City Manager has not appointed or removed the Library Director, and the Board of Library Trustees has not appointed or removed Library employees other than the Library Director, and the Charter amendment reflects this fact. The Charter amendment clarifies that the Library Director appoints and removes employees of the Library. For decades the Library Board of Trustees has delegated responsibilities to the Library Director to implement Board policy on the administration and selection of the Library's collection and materials; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the People of the City of Monterey do hereby enact the following amendments to the City Charter (**bold** showing additions and ~~strike through~~ showing deletions):

SECTION 2: the People of the City of Monterey declare that the foregoing recitals are true and correct and are incorporated and adopted as findings as if fully set forth herein.

SECTION 3: Article 2, Section 2.2 is hereby amended to read as follows:

Exhibit A

Sec. 2.2 Eligibility of Elective Officers. No person shall be eligible for election to, or hold, any elective office of the City unless ~~he/she shall~~ **they** have been a resident and elector of the City for the period of time and have such other qualifications as are prescribed by ~~S-state law~~ for Councilmembers of ~~G-general L-law C-cities~~.

SECTION 4: Article 4, Section 4.4 is hereby amended to read as follows:

Sec. 4.4 Legislation

(a) In addition to other acts required by law or specific provisions of this Charter to be done by ordinance, acts which provide for the following shall be done by ordinance:

a.1. Provide for a criminal or civil penalty or adopt any rule or regulation for violation of which a criminal or civil penalty is imposed.

b.2. Levy any tax.

c.3. Regulate the use of property or regulate the conduct of persons.

(b) No ordinance or resolution shall be passed without receiving the affirmative vote of at least three (3) members of the Council.

(c) Ordinance Adoption Procedure.

1. **Except as provided in subsection (d), no ordinance shall be passed by the City Council on the day of its introduction, or within five days thereafter. A proposed ordinance may be amended or modified at the time of its final passage without an additional reading provided the general scope and original purpose are retained.** ~~no ordinance shall be passed by the Council on the day of its introduction, or within five (5) days thereafter, or at any time other than~~

2. **An ordinance may be adopted** at a regular, adjourned, or special meeting.

3. **An ordinance may be adopted without reading the text or the title.** ~~or until its publication at least three (3) days before its adoption. In the case of an ordinance being amended before its adoption as amended, and where such amendment is made for the correction of clerical error or omission of form only, then such ordinance need not be republished.~~

~~Ordinances and resolutions need not be read either in whole or in part prior to their adoption except as may be otherwise required by ordinance or general law.~~

(d) Effective Date. An ordinance shall take effect thirty (30) days after its final passage except an ordinance shall take effect immediately **on the day of its introduction** if it is an ordinance:

a. 1. Relating to an election.

b. 2. For the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency and is passed by a four-fifths (4/5) vote of the Council.

c. 3. Relating to taxes for the usual and current expenses of the City.

d. 4. Covered by particular provisions of law prescribing the manner of its passage and adoption.

(e) Within fifteen days after the adoption of an ordinance, the City Clerk shall cause to be published, at least once, in a newspaper of general circulation the ordinance number and title.

(f) No ordinance, or portion thereof, shall be amended or repealed except by ordinance.

(g) All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

SECTION 5: Article 4, Section 4.5 is hereby amended to read as follows:

Sec. 4.5 Appointment and Removal of Officers, Employees and Appointees.

Exhibit A

(a) Appointment of officers and employees:

1. The Council shall appoint a City Manager and a City Attorney by affirmative vote of three (3) of its members. The City Council may retain the City Manager and City Attorney by contract setting forth the terms and conditions of employment. In the event said contract provides conditions of employment contrary to this Charter, or any ordinance, rule or regulations, provided said provisions are lawful, the provisions of said contract shall prevail.

In addition to the City Manager and City Attorney, the Council shall designate and determine the compensation of all employees. The City Council may authorize the City Manager to employ said officers by contract.

2. The Council shall appoint by affirmative vote of three (3) of its members, all members of municipal boards, commissions and committees and representatives of the City to other agencies.

3. The City Manager shall appoint all other officers and employees of the City except as otherwise ~~herein~~ provided **in the City Charter**.

4. The City Attorney shall appoint all officers and employees of the City Attorney's Department.

5. The Library Director shall appoint all employees of the Library.

(b) Removal of officers:

1. The Council may remove any of its appointees at pleasure without cause stated or hearing had by affirmative vote of four (4) members, and may remove any of its appointees for cause after a hearing by affirmative vote of three (3) of its members.

2. The City Manager may remove any of the appointive officers appointed by ~~him/her~~ **them** at pleasure, provided that:

(i) Said officer is served with reasonable written notice of the reason for such removal.

(ii) Said officer shall have the right of appeal to the City Council, the procedures for which shall be established by ordinance or resolution. The decision of the City Council shall be final.

(c) Removal of subordinate officers and employees:

1. The City Manager, ~~and City Attorney,~~ **and Library Director** may remove all other officers and employees appointed by them only for cause. An officer or employee removed for cause shall have the right of appeal to, and a hearing before the City Council. The procedures for removal for cause, appeal and hearing shall be established by ordinance or resolution.

(d) Limitations on removals:

1. The Council shall not remove any officers within three (3) months next succeeding a general municipal election except for cause.

2. The City Manager shall not remove any chief appointive officer within three (3) months next succeeding ~~his/her~~ **their** appointment except for cause.

(e) Suspension in lieu of removal:

1. Any officer or employee, in lieu of removal, may be suspended up to thirty (30) days with or without pay for the same reasons or on the same grounds and on the same procedure as herein provided for removal.

SECTION 6: SECTION 4: Article 5. Section 5.1 is hereby amended to read as follows:

Sec. 5.1 City Manager. The Council shall select the City Manager who shall serve at the pleasure of the City Council, except as otherwise provided by contract. The City Manager shall be the administrative head of the City and shall have such powers as are necessary to carry out and enforce all ordinances, resolutions, rules and directions of the City Council and the general laws of the State of California applicable to the City.

Exhibit A

~~The City Manager shall appoint and remove all officers and employees of the City except those appointed by the City Council, in accordance with the rules and regulations established by the City Council for appointment and removal.~~

~~The City Manager may appoint an Assistant City Manager who shall have all of the powers and duties of the City Manager in the event of the City Manager's absence or disability. In the absence of the Assistant City Manager and the City Manager, the Council may appoint an Interim City Manager to act during the absence or disability of the City Manager. The City Manager may appoint a Secretary to the City Manager, who shall serve at the pleasure of the City Manager, the provision of this Charter or any ordinance, resolution or regulation pertaining to the removal of officers and employees notwithstanding.~~

The City Manager shall appoint a City Clerk who shall maintain the official records of the City and perform such other duties as required.

SECTION 7: Article 7, Section 7.1, is hereby amended to read as follows:

Sec. 7.1 Public Library and Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five (5) members to be appointed by the Council. Terms of Library Trustees shall be four (4) years. The terms shall be staggered. The Board of Library Trustees shall have the following powers, duties, and responsibilities:

- (a) **To develop and approve a policy, administered by the Library Director, for the selection of** all books, magazines, periodicals, recordings, films, pictures, photographs, **and** programs received through electronic media, documents, or any other cultural items for circulation from or study in the Monterey Public Library.
- (b) To make and enforce such bylaws, rules and regulations as it may deem necessary for the administration of the Monterey Public Library program.
- (c) To appoint and remove the Library Director who shall be the department head, ~~and any such other library personnel as may be necessary for the operation of the library program.~~
- (d) To perform such additional duties and have such additional powers as may be prescribed by ordinance or resolution.
- (e) There shall be maintained a library trust fund which shall consist of the present library trust fund together with all gifts, devises, or bequests ~~received for the use of~~ **donated to** the library ~~hereafter~~ and all miscellaneous revenues of the library, except fines. Expenditures from ~~said the library trust~~ fund shall be ~~made~~ **authorized** by the Council for such library purposes ~~as are~~ **upon** requested by the Library Board and ~~as are in conformity~~ **accordance** with the conditions of any such gifts, devises, or bequests.

SECTION 8: All Charter provisions or parts of Charter provisions, ordinances, and resolutions, or parts of ordinances and resolutions, in conflict herewith are hereby repealed, including but not limited to deleting inconsistent portions of Monterey City Code 25-14.10, such as removing the Board of Library Trustees as the Appeal Authority for Library personnel.

SECTION 9: If any provision of these charter amendments or the application thereof to any person or circumstance is held invalid, the remainder of the charter amendments and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 10: These charter amendments shall take effect upon the date of election certification plus ten days pursuant to Elections Code section 9217 if it is passed by a simple majority of the voters voting on the question at the November 5, 2024 election.

AMENDMENT TO THE CHARTER OF THE CITY OF MONTEREY

THE PEOPLE OF THE CITY OF MONTEREY DO ORDAIN, as follows:

SECTION 1:

WHEREAS, under Charter section 2.8, which has been in place in its current form since 1989, the term of office of a councilmember who files for the office of Mayor automatically expires on the date the next municipal election is held after filing. The rationale for this is to: (i) maintain the charter's commitment to appointments to fill vacancies; (ii) discourage mid-term councilmembers from running for Mayor; and (iii) make sure that only one candidate for Mayor serves after the election – the winning mayoral candidate. The councilmembers who lose in the election cannot continue to serve on council, as their terms either will expire automatically (they are running at the end of a council term) or under Section 2.8 (they run mid-term, but the charter shortens their term);

WHEREAS, in 2022, Charter section 2.8 resulted in a vacancy for a mid-term councilmember seat from November 9, 2022 until December 12, 2022 when the City Council appointed a representative to the vacant seat. This left only three members of the City Council to conduct City business. The proposed change will allow the mayoral candidate(s) to continue to serve until their replacement is appointed or until 40 days after the election, whichever occurs first;

WHEREAS, currently, a mid-term councilmember seat vacated under Section 2.8 is treated for nomination purposes as if the incumbent chose not to run again and provides an extra five days for nomination papers. The intent is presumably to attract more candidates to ensure the appointed incumbent does not win without an election contest. That is, the appointed councilmember is treated the same as an incumbent who has chosen not to run for election. The proposed revision changes the policy to not provide five extra days for nomination purposes. The appointed incumbent is treated the same as an elected incumbent who has decided to run for reelection;

WHEREAS, the proposed revisions for Charter sections 3.1 provide that the Mayor is elected every two years and their term ends when their successor is elected and qualified;

WHEREAS, the proposed revisions for Charter sections 3.1 provide that Councilmembers are elected every four years and their term ends when their successor is elected and qualified; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project.

Exhibit B

Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the People of the City of Monterey do hereby enact the following amendments to the City Charter (**bold** showing additions and ~~strike through~~ showing deletions):

SECTION 2: the People of the City of Monterey declare that the foregoing recitals are true and correct and are incorporated and adopted as findings as if fully set forth herein.

SECTION 3: Article 2, Elections, Initiative, Referendum and Recall

Sec. 2.8 Term of Office of Councilmember Filing as a Candidate for Mayor.

Terms of office for councilmembers who file for the office of Mayor shall automatically expire on the date ~~the next municipal election is held after filing~~ **their successor is appointed or forty (40) days after the General Municipal Election, whichever occurs first.** ~~The filing period for candidates to fill the councilmember's term shall be extended an additional five (5) days.~~

SECTION 4: Article 3, Section 3.1, is hereby amended to read as follows:

Sec. 3.1 The Mayor.

(a) The Mayor shall be a member of the City Council and entitled to vote on all matters coming before the Council. **The Mayor** ~~He/she~~ shall preside at all meetings of the City Council and perform such other duties as prescribed by the Council consistent with the office of Mayor. The Mayor shall execute all official documents of the City as required by law or order and shall represent the City at ceremonial functions as ~~he/she~~ **the Mayor** deems appropriate.

(b) A Mayor shall be elected **every two years** at each general municipal election and shall hold office ~~for the term of two (2) years from and after his/her installation and~~ until his/her **their** successor is elected and qualified.

(c) **No former Mayor shall hold any compensated appointive City office or regular City employment until one (1) year after the expiration of the term for which they were elected to the Council.**

Article 4, City Council

Sec. 4.1 City Council

(a) The Council shall be comprised of the Mayor and four (4) Councilmembers and shall be the legislative body of the City.

(b) Two Councilmembers shall be elected at each General Municipal Election ~~and shall hold office for the term of four (4) years from and after their installation in office and~~ **every four years thereafter** and shall hold office until their successors are elected and qualified.

(c) Councilmembers shall not be eligible to hold any other office or employment with the City except as members of Boards, Commissions, and other agencies **as authorized** ~~of which they~~

Exhibit B

~~are constituted such a member by g~~General Law or by appointment of the Mayor and/or Council.

(d) The Council may, by ordinance, provide for the compensation of Councilmembers provided that said compensation shall not exceed the amount permitted by State Law for ~~g~~General Law ~~c~~Cities of the same population; may provide for additional compensation for the Mayor; and may provide that increases shall take effect during the term of office of Councilmembers. Monies paid by other agencies to **the Mayor or** Councilmembers serving on the legislative body of said agencies shall not be considered compensation for the purposes of this section.

(e) No former ~~Mayor or~~ Councilmember shall hold any compensated appointive City office or regular City employment until one (1) year after the expiration of the term for which **they were** ~~he/she was~~ elected to the Council.

SECTION 5: All Charter provisions or parts of Charter provisions, ordinances, and resolutions, or parts of ordinances and resolutions, in conflict herewith are hereby repealed.

SECTION 6: If any provision of these Charter amendments or the application thereof to any person or circumstance is held invalid, the remainder of the Charter amendments and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 7: These Charter amendments shall take effect upon the date of election certification plus ten days pursuant to Elections Code section 9217 if it is passed by a simple majority of the voters voting on the question at the November 5, 2024 election.

AMENDMENT TO THE CHARTER OF THE CITY OF MONTEREY

THE PEOPLE OF THE CITY OF MONTEREY DO ORDAIN, as follows:

SECTION 1:

WHEREAS, this action is to amend various sections of the City of Monterey City Charter to implement term limits for the Mayor and City Councilmembers. No Mayor or Councilmember shall be eligible to hold elective office after service for full terms equaling 12 years. A Mayor or Councilmember that is prohibited from holding elective office under this section will continue to be eligible for appointment to fill City Councilmember vacancies;

WHEREAS, this Charter amendment limits service to a combined total of 12 years of service, whether such service is in the office of Mayor or the office of City Councilmember;

WHEREAS, this measure will support those who have an interest in serving to come forward and help strengthen all current and future City services provided to our residents;

WHEREAS, term limits enforce turnover and reduce the chance an individual has to monopolize an elected seat. Term limits also help to focus the officeholder on governing rather than on winning elections;

WHEREAS, term limits provide opportunities for new leaders with new ideas, policies, and/or goals to support healthy growth and change in the community. This addresses one of the City Council's value drivers to create a more transparent and inclusive government;

WHEREAS, term limits foster diversity by not having to compete against an incumbent. Term limits are intended to engage new community members in local politics, thereby providing an opportunity for new leaders with new ideas, policies, or goals to support healthy growth and change in the community;

WHEREAS, it is the intention of the People to allow for the appointment of a person who is otherwise ineligible to hold the office of City Councilmember due to term limits to a City Councilmember seat when there are no candidates running for that office and, the restriction on a former Councilmember from holding any compensative appointive City office until one (1) year after the expiration of the term for which they were elected to the Council shall not apply to such appointment;

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 "CEQA Guidelines"), Article 20, Section 15378.) In addition, CEQA Guidelines section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential

Exhibit C

to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the People of the City of Monterey do hereby enact the following amendments to the City Charter:

SECTION 2: the People of the City of Monterey declare that the foregoing recitals are true and correct and are incorporated and adopted as findings as if fully set forth herein.

SECTION 3: Article 3, Section 3.1, subsection (d) is hereby added to read as follows:

Sec. 3.1 The Mayor.

(d) No person shall serve a term of elective office of the City for more than 12 years.

1. This subsection applies to full terms of office commencing on or after November 5, 2024.

2. The terms of office served as Mayor count toward the term limits for the office of a Councilmember so that the total years of service in any elective office of the City shall not exceed 12 years.

3. Notwithstanding any provision or limitation in the Charter to the contrary, including but not limited to Charter section 3.1(c), the term limit set forth herein does not apply to any term to which a person is appointed by the City Council to fill a vacancy.

SECTION 4: Article 4, Section 4.1, subsection (f) is hereby added to read as follows:

Sec. 4.1 City Council.

(f) No person shall serve a term of elective office of the City for more than 12 years.

1. This subsection applies to full terms of office commencing on or after November 5, 2024.

2. The terms of office served as a Councilmember count toward the term limits for Mayor so that the total years of service in any elective office of the City shall not exceed 12 years.

3. Notwithstanding any provision or limitation in the Charter to the contrary, including but not limited to Charter section 4.1(e), the term limit set forth herein shall not apply to any term to which a person is appointed by the City Council to fill a vacancy.

SECTION 5: All Charter provisions or parts of Charter provisions, ordinances, and resolutions, or parts of ordinances and resolutions, in conflict herewith are hereby repealed.

Exhibit C

SECTION 6: If any provision of these Charter amendments or the application thereof to any person or circumstance is held invalid, the remainder of the Charter amendments and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 7: These Charter amendments shall take effect upon the date of election certification plus ten days pursuant to Elections Code section 9217 if it is passed by a simple majority of the voters voting on the question at the November 5, 2024 election.

AMENDMENT TO THE CHARTER OF THE CITY OF MONTEREY

THE PEOPLE OF THE CITY OF MONTEREY DO ORDAIN, as follows:

SECTION 1:

WHEREAS, the City Council desires to submit to the voters of the City of Monterey a ballot measure proposal to amend the City of Monterey City Charter to authorize below market rate leases to qualified nonprofit organizations, governmental entities, or educational institutions when certain findings are made. Specifically, if the City Council determines that such terms and rates serve the community benefit;

WHEREAS, the City has 90 leases of real property of which approximately 11% are with nonprofit organizations. Several qualified nonprofit organizations may benefit from such an amendment such as the American Legion Post 41, First Night Monterey, the Monterey Peninsula Yacht Club, the Monterey Peninsula Chamber of Commerce, Monterey Museum of Art, Monterey History & Art Association, Alliance on Aging, CHISPA, and the Monterey Bay Aquarium;

WHEREAS, government entities may benefit from such an amendment including Monterey-Salinas Transit and the Housing Authority of the County of Monterey;

WHEREAS, for prevailing wage purposes, if a portion of rent is waived or reduced by a public agency, the private construction project is required to pay prevailing wages unless an exception applies. The Charter amendment will require that new leases contain a provision to pay prevailing wages as may be applicable;

NOW THEREFORE, the People of the City of Monterey do hereby enact the following amendments to the City Charter (**bold** showing additions and ~~strike through~~ showing deletions):

SECTION 2: the People of the City of Monterey declare that the foregoing recitals are true and correct and are incorporated and adopted as findings as if fully set forth herein.

SECTION 3: Article 6, Section 6.2, is hereby amended to read as follows:

Sec. 6.4 Leases of City Property

- (a) All leases of City property shall be at fair market rent as established by sound appraisal practices.
- (b) **Exception. Notwithstanding subsection (a), City real property may be leased to a nonprofit organization, governmental entity, or educational institution on terms and rates that serve the community benefit. A lease that is below fair market rent pursuant to this subsection shall contain a provision that the tenant will pay prevailing wages for construction and comply with relevant prevailing wage statutes, as may be applicable. The term nonprofit organization, as that term is used herein,**

Exhibit D

means an entity that is organized and operated exclusively for exempt purposes set forth in Section 501(c)(3) or other comparable provision of the Internal Revenue Code.

- (c) All leases ~~in excess of~~ **for** more than one (1) year shall contain a provision for the increase or reconsideration of rent at fair market value in accordance with accepted commercial lease practices.

SECTION 3: All Charter provisions or parts of Charter provisions, ordinances, and resolutions, or parts of ordinances and resolutions, in conflict herewith are hereby repealed.

SECTION 4: If any provision of this Charter amendment or the application thereof to any person or circumstance is held invalid, the remainder of the Charter amendment and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 5: This Charter amendment shall take effect upon the date of election certification plus ten days pursuant to Elections Code section 9217 if it is passed by a simple majority of the voters voting on the question at the November 5, 2024 election.