

RESOLUTION NO. 22-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING A BALLOT MEASURE TO VOTERS TO AMEND THE PACIFIC GROVE CITY CHARTER TO CHANGE THE NUMBER OF ELECTED CITY COUNCIL MEMBERS FROM SIX TO FOUR BY DIRECTING (1) IN 2024 TWO COUNCIL MEMBERS SHALL BE ELECTED TO FOUR-YEAR TERMS, AND ONE COUNCIL MEMBER SHALL BE ELECTED TO A SINGLE TWO-YEAR TERM, AND (2) EVERY TWO YEARS THEREAFTER BEGINNING IN 2026 TWO COUNCIL MEMBERS SHALL BE ELECTED TO FOUR-YEAR TERMS; CONSISTENT CHARTER CHANGES SHALL CLARIFY A QUORUM, MAJORITY VOTE AND OTHER SELECT ACTIONS; ORDERING AN ELECTION, REQUESTING MONTEREY COUNTY ELECTIONS DEPARTMENT CONDUCT THE ELECTION AND CONSOLIDATE IT WITH THE STATEWIDE ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, on July 6, 2022, the City Council voted to adopt Resolution 22-034 (A Resolution of the City Council Of The City Of Pacific Grove Submitting A Ballot Measure To Voters To Amend The Pacific Grove City Charter To Change The Number Of Elected City Council Members From Six To Four By Directing (1) In 2024 Two Council Members Shall Be Elected To Four). However, the number of the words in the Measure referenced in Resolution 22-034 exceeds the 75 word limit. For that reason, Resolution 22-034 is hereby rescinded.

WHEREAS, the Pacific Grove City Charter, since 1927, has required the staggered election of six Council members, in addition to the Mayor, whereby each Council Member is elected to serve a four-year term. This election system was largely based on the "Model City Charter" published in 1926 by the League of California Municipalities, with one notable exception being the "Model City Charter" recommended a five-member council.

WHEREAS, California city councils vary greatly in size from four to 15 members. A clear majority of cities (almost 90%) throughout California call for election of a five-member council. This is the council membership for all cities in Monterey County, excepting Pacific Grove and Salinas. Less than 7% of California cities rely on a seven-member council.

WHEREAS, the proposed Charter Amendment would reduce the size of the City Council from seven to five members, that is, four Council members and a Mayor;

WHEREAS, reducing the number of elected council members from six to four will reduce redundancy, conserve City resources and facilitate decision-making. Some commentators have stated council larger than five increases the opportunity for members to divide into factions.

WHEREAS, any City Charter amendment must be approved by the voters of that City;

WHEREAS, a change to the City election system requires a vote of the electorate and may only be effected prospectively insofar as elected officials, by law, hold office for the entire term of their elected service.

WHEREAS, the change to the City election system proposes to stage this election sequence whereby one council member shall serve a single two-year term to provide a bridge between the six-member group of elected councilmembers to the four-member group of elected councilmembers.

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district.

WHEREAS, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable.

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections.

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election.

WHEREAS, the City Council finds and determines this resolution is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA") and 14 Cal. Code of Regulations, Sections 15000, et seq. ("CEQA Guidelines"). The calling and noticing of an election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines 15378.

WHEREAS, the City Council desires to submit the proposed Charter Amendment to the voters of the City at a General Municipal Election to be held on Tuesday, November 8, 2022, and to be consolidated with the general municipal election and the statewide election to be held on that date.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Resolution #22-034. Resolution 22-034 is hereby rescinded.

Section 3. Election. Pursuant to Section 3 of Article XI of the California Constitution, Article 8 of the City Charter, and Elections Code Sections 9255(b)(1), 10400, 10401 and 10403, the City Council of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held at the General Election for Tuesday November 8, 2022 (the “Election”), insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey and orders the following proposed Charter Amendment be submitted to the voters at that election.

Measure “__” Charter Amendment – Reducing Number of Councilmembers.

Shall the Pacific Grove City Charter requirement for six elected City Councilmembers be changed to four elected Councilmembers via this sequence: (1) in 2024 two Councilmembers shall be elected to four-year terms, and one shall be elected to a single two-year term, (2) every two years thereafter, beginning in 2026, two Councilmembers shall be elected to four-year terms, with other revisions for votes needed for a quorum, a majority vote and other select actions?	YES	
	NO	

Section 4. Proposed Charter Amendment. The text of the proposed Charter Amendment to be submitted to the voters is attached to this Resolution as Exhibit A and incorporated by reference. The full text of the proposed Charter Amendment shall be printed in the Sample Ballot and Voters Pamphlet and shall be made available to the public and to any voter at the County Elections Department and the Pacific Grove City Clerk.

Section 5. Publication of Measure. The City Clerk is directed to publish a synopsis of the measure at least one time not later than one week before the election.

Section 6. Approval. The vote requirement for this measure to pass shall be a majority of those casting ballots on the measure (50% plus 1).

Section 7. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held and Board of Supervisors of Monterey County is requested to consolidate the Election with the General Municipal Election and Statewide Election to be held on November 8, 2022. The City Clerk and the County Registrar of Voters are authorized to print such forms, publish such notices, and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

Section 8. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 9. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Elections Department to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 10. Filing with County. The City Clerk shall file a certified copy of this Resolution with the County Elections Department.

Section 11. Analysis and Argument. Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the measure that shall not exceed 500 words no later than 12:00 p.m. on August 18, 2022. Pursuant to Elections Code Section 9282, the City Council authorizes the Mayor to author and submit the primary argument and pursuant to Elections Code Section 9285(a), authorizes the Mayor to submit a rebuttal argument in favor of the ballot measure. Pursuant to Elections Code Section 9287, if more than one argument is submitted against the measure, the City Clerk shall select the argument to be included with the ballot materials. An argument for or against the measure shall not exceed 300 words in length. The last day to submit arguments for or against the proposed measure shall be August 18, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. Rebuttal arguments (250 words) shall be permitted pursuant to applicable law. The last day to submit rebuttal arguments to the City Clerk shall be August 25, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m.

Section 12. Implementation. The City Clerk and City Manager are authorized to take all actions as necessary to effectuate the purposes of this resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary City acts to enter into a service agreement for the provision of election services with Monterey County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this resolution as may be deemed necessary by the Monterey Elections Department.

Section 13. Declaration. The City Council shall meet to declare the results of the election called for by this Resolution at their regular meeting following certification of election results.

Section 14. Effective Date. This Resolution shall take immediate effect upon its adoption by the City Council and the City Clerk shall certify the vote adopting the resolution.

Section 15. Environmental Compliance. The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly, or indirectly.

PASSED AND ADOPTED by the Council of the City of Pacific Grove on this 27th day of July, 2022, by the following vote:

- AYES: Mayor Peake, Councilmembers Coletti, McAdams, and Smith.
- NOES: Mayor Pro Tem Amelio and Councilmember Poduri
- ABSENT: Councilmember Tomlinson.

APPROVED:

DocuSigned by:

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BILL PEAKE, Mayor

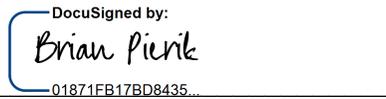
ATTEST: **8/3/2022**
DATED: _____

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

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BRIAN A. PIERIK, City Attorney

RESOLUTION NO. 22-039
EXHIBIT A

Text of Proposed Charter Amendment to Be Submitted to the Voters: Proposal to Amend the Pacific Grove City Charter to Reduce the Number of City Council Members from Six (6) to Four (4) and Redefine the Votes Needed for a Quorum, A Majority Vote and Other Select Actions.

TEXT OF AMENDMENT TO PACIFIC GROVE CITY CHARTER

Amended text shown in ***underscored bold italics*** text, and deleted text shown in ~~strikeout~~ text. **Highlighted** text shown solely for ease of reference.

PART 1: PROPOSED CHARTER AMENDMENT

Section 1. That Article 6 of the City Charter be amended to read as follows:

Article 6 Officers and Employees

The officers of the City of Pacific Grove shall consist of ~~six~~ **four** Councilmembers and a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, other officers as provided by ordinance, and members of Commissions, Boards and Committees as provided by Charter and by ordinance; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary, and that the Council may at any time, when in its judgment the interest of the City so demands, consolidate by ordinance the powers and duties of two or more City officers, and place the same in charge of one such officer. The Mayor and the members of the Council shall be elected from the City at large. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Section 2. That Article 11 of the City Charter be amended to read as follows:

Article 11 The Mayor

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Tuesday next succeeding the day of such election and until a successor is elected and qualified. The Mayor may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by State Law for General Law cities of comparable size to Pacific Grove. The Mayor shall be ineligible to hold any office or employment with the City except as a member of any board, commission or committee thereof of which the Mayor is constituted such member by General Law. In the name and on behalf of the City the

Mayor shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party. The Mayor or the Mayor's designate shall represent the City at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the City represented officially thereat. The Council shall choose one of its members to serve as Mayor pro tempore during the absence of the Mayor. The Mayor shall preside over all Council meetings and shall be entitled to one vote.

In the event a vacancy occurs in the office of the Mayor, the remaining Council Members shall appoint, by ~~four~~ **three** affirmative votes, one of their number to serve as Mayor for the remaining term of the vacated office of Mayor. If the Council does not fill the Mayoral vacancy within thirty (30) days its appointment power shall lapse and the Mayor Pro Tempore shall assume the office of Mayor. In either event, a vacancy shall then exist as to that Council seat, which shall be filled in accord with the provisions of Article 12 of this Charter.

Section 3. That Article 12 of the City Charter be amended to read as follows:

Article 12 Council

~~Three~~ **Two** Councilmembers shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until a successor is elected and qualified. Such successor shall be elected for the unexpired term of his or her predecessor at the general municipal election and until a successor is elected and qualified. Such successor shall be elected for the unexpired term of his or her predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any Councilmember of the City shall be absent for more than two consecutive regular meetings without good cause as determined by the Council, or shall cease to be a resident or elector of the City, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged mentally incompetent, the Councilmember's office shall thereupon become vacant.

The Councilmembers may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by the State Law for General Law cities of comparable size to Pacific Grove.

No Councilmember shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof, of which the Councilmember is constituted such member by the General Law of the State.

The term of office for a Councilmember who files as a candidate for the Office of Mayor shall automatically expire on the Tuesday next succeeding the general municipal election held following that filing. The filing period for candidates to fill such Councilmember's term shall be extended an additional five days.

Section 4. That Article 13 of the City Charter be amended to read as follows:

Article 13 Meetings of the Council

All meetings of the Council shall be duly noticed and shall be open to the public and shall otherwise comply with applicable state law. All meetings of the Council shall be held in the Council Chambers, except that the Council may hold meetings at another location either to (1) accommodate those who wish to attend, or to (2) accommodate an emergency situation, or to (3) accommodate the needs of a particular meeting as determined in the sole discretion of the Council. There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain and such adjourned meeting shall be a regular meeting for all purposes; provided however, the Council may cancel one of those meetings, as circumstances may require, by ~~five (5)~~ **four (4)** affirmative votes. The Council shall adopt rules for the conduct of its proceeding and shall provide by ordinance the manner in which its special meetings may be called.

Section 5. That Article 15 of the City Charter be amended to read as follows:

Article 15 Ordinances

- (a) The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove does ordain as follows:" The enacting clause of all ordinances passed by the vote of the electors of the City through the exercise of the initiative or referendum shall be: "The people of the City of Pacific Grove do ordain as follows:"
- (b) The affirmative vote of ~~four~~ **three** members of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.
- (c) No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper at least three days before its adoption. Provided, that the publication of ordinances as required herein may be satisfied by publication of a summary of a proposed ordinance, if at the time the ordinance is

introduced the Council directs a summary to be published. Any summary so published shall be approved by the City Attorney. A copy of the full text of proposed ordinances for which summaries are published shall be on file in the office of the City Clerk and available to the public on and after the first business day following introduction.

(d) Notwithstanding the five day waiting period required in (c), immediately hereinabove, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, safety or public welfare, and containing the reasons for its urgency, may be introduced and if passed by a vote of no fewer than ~~five~~ **four** members of the Council shall become effective immediately.

(e) A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purpose are retained.

(f) No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk.

(g) Except as provided by General Law, or by this Charter, no action providing for the approval or amendment of the annual fiscal year budget, or for the acquisition, sale, lease, encumbrancing or disposition of real property of the City, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or changing of zoning regulations, or for the imposing of any penalty, shall be taken except by ordinance.

(h) All ordinances subject to the right of referendum shall become effective 30 days following final passage. All other ordinances shall be effective immediately upon final passage. The provisions of this subarticle shall not affect the ability of the Council to adopt emergency measures pursuant to subarticle (d) of this Article.

Section 6. That Article 19 of the City Charter be amended to read as follows:

Article 19 City Manager

There shall be a City Manager appointed by the affirmative vote of ~~five-sevenths~~ **four-fifths** of the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to qualifications for such office. The procedure for removal of the City Manager shall be prescribed by ordinance.

It shall not be necessary that the City Manager reside in the City at the time of appointment, but the City Manager shall become a resident thereof within sixty days thereafter and thereafter during incumbency shall actually reside in the City.

The powers and duties of the City Manager shall be:

- a. To see that all ordinances are enforced.
- b. To appoint all heads of departments, subordinate officials and employees, and remove the same, and have general supervision and control over the same.
- c. To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.
- d. To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violations thereof.
- e. To act as purchasing agent for the City. The City Manager shall know the exact condition of the treasury at all times, and shall approve all demands before the same have been allowed by the Council if the City Manager is satisfied that the money is lawfully due.
- f. To attend all meetings of the Council unless excused therefrom by **three two** members thereof or by the Mayor.
- g. To examine, or cause to be examined, without notice, the conduct, or the official account and records, of any officer or employee of the City.
- h. To keep the Council advised as to the needs of the City.
- i. To have supervision over all City property, including public buildings, parks and playgrounds.
- j. To appoint such advisory boards as the City Manager may deem desirable to advise and assist the City Manager provided the members of such boards shall receive no compensation.
- k. To cause a quarterly statement of all funds in the treasury to be submitted to the Council. Such statements shall be submitted not later than the first meeting in November, February, May and August.
- l. To assume general control of the City government and all of its branches in case of riot, insurrection or extraordinary emergency, and to be responsible for the suppression of disorders and the restoration of normal conditions.

Section 7. That Article 24 of the City Charter be amended to read as follows:

Article 24 City Attorney

There shall be a City Attorney appointed by the City Council. The City Attorney shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who

has been in actual practice in the State, for at least three years next preceding appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council and shall be available to all other City officials on City business.

The City Attorney shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require, and shall attend all meetings of the Council unless excused therefrom by ~~three~~ **two** members thereof or by the Mayor. When from any cause therefrom the City Attorney is unable to perform the duties of office, the City Attorney shall with the consent of the Council appoint some other qualified attorney to act temporarily as City Attorney. Whenever, in the judgment of the Council, the interests of the City require it, assistant counsel may be employed. The City Attorney shall deliver all books, records, papers, documents, and property of every description, under his or her control, owned by the City, to his or her successor in office, and shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

Section 8. That Article 26 of the City Charter be amended to read as follows:

Article 26 Appointive Commissions and Boards

There shall be the Commission and Boards enumerated in this Article which shall have the powers and duties as provided herein. The appointment of persons to serve on these Commissions and Boards shall be made by the Mayor subject to the confirmation by affirmative vote of ~~four~~ **three** members of the Council.

Before making such appointments the Mayor shall consult with the Council and shall consider fully any and all nominations suggested by other members of the Council.

Members of Commissions and Boards shall serve at the pleasure of the Council. The Council, by an affirmative vote of ~~four~~ **three** of its members, may remove any member of any Commission or Board at any time during the Commission or Board member's term of office.

The term of office for members of Commissions and Boards shall be four years, but in no event shall any person serve more than three successive full terms on a single Commission or Board. For the purposes of this Article, service upon appointment to a vacated mid-term seat shall be deemed service for a full term. A person who has served for such three term period on a Commission or Board shall be eligible for reappointment to that Commission or Board after the expiration of two years.

Any person appointed to serve on such Commissions or Boards shall be a registered elector of the City and shall not hold any paid office or employment in the City

government or be a member of any other Board as herein enumerated, or be a member of the City Council, except as an ex officio member without vote.

a. CITY PLANNING COMMISSION. There shall be a Planning Commission consisting of seven members, and shall have the following powers and duties:

(1) Recommend to the Council the adoption, amendment, or repeal of a General Master Plan, or any part thereof, for the physical development of the City.

(2) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(3) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution, or as may be prescribed by the General Laws of the State.

b. LIBRARY BOARD. There shall be a Library Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public library.

(2) Recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the City Library.

(3) Perform such other duties relating to the library services as the Council may require by ordinance or resolution.

c. MUSEUM BOARD. There shall be a Museum Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public museum.

(2) Recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the City Museum.

(3) Perform such other duties relating to the museum service as the Council may require by ordinance or resolution.

d. RECREATION BOARD. There shall be a Recreation Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a City recreation program.

- (2) Recommend to the City Council the adoption of such laws, rules and regulations as it may deem necessary for the administration and operation of a City recreation program.
- (3) Promote and stimulate public interest in a recreation program and solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- (4) Perform such other duties relating to the recreation program as the Council may require by ordinance or resolution.

Section 9. That Article 40 of the City Charter be amended to read as follows:

Article 40 Contracts on Public Works; Materials and Supplies

(a) In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing supplies or materials for same when the expenditure required for the same shall exceed the sum of Fifteen Thousand Dollars (\$15,000.00), the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper, and security for the due execution and performance of any such contract may be required of the successful bidder. The Council may provide by ordinance for the detailed procedure for carrying out this Article.

Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by an affirmative vote of ~~five~~ **four** of its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, by either city employees or others, and after adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this Article.

Provided, further, that such contracts likewise may be let without advertising for bids if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by an affirmative vote of ~~five~~ **four** Council members and containing a declaration of facts constituting such urgency.

(b) The Council by ordinance shall adopt policies and procedures, including appropriate bidding regulations, governing purchases of or contracts for supplies, materials and equipment. Purchases of supplies, materials and equipment shall be made only in accordance with the adopted policies and procedures.

PART 2: BALLOT DESCRIPTION

As provided in Government Code section 34458.5, the following ballot description is in this proposed Charter Amendment measure:

CHARTER AMENDMENT

The proposed Charter Amendment measure would amend Pacific Grove City Charter Articles 6, 11, 12, 13, 15, 19, 24, 26, and 40. The amendment would change the number of elected City Council members from six to four by directing (1) in 2024 two Council members shall be elected to four-year terms, and one Council member shall be elected to a single two-year term, and (2) every two years thereafter beginning in 2026 two Council members shall be elected to four-year terms; Consistent Charter changes shall clarify a quorum, majority vote and other select actions, which shall become effective when the number of Councilmembers is reduced to four (4) after the November 2026 election is certified.

Charter Article 6 would be revised to provide the reduction of the number of Councilmembers from six (6) to four (4).

Charter Article 11 would be revised to provide that in the event a vacancy occurs in the office of the Mayor, the remaining Council Members shall appoint, by three (3) affirmative votes, one of their number to serve as Mayor for the remaining term of the vacated office of Mayor, instead of four (4) votes.

Charter Article 12 would be revised to provide that two (2) Councilmembers shall be elected at each general municipal election rather than three (3).

Charter Article 13 would be revised to provide that the City Council may cancel one of its monthly meetings, by four (4) affirmative votes instead of five (5).

Charter Article 15 would be revised to provide that the affirmative vote of three (3) members of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City instead of four (4).

Charter Article 19 would be revised to provide that the appointment of the City Manager shall require the affirmative vote of four-fifths of the Council instead of five-sevenths and to require the City Manager to attend all meetings of the Council unless excused by two (2) members instead of three (3), or by the Mayor.

Charter Article 24 would be revised to provide that the City Attorney must attend all meetings of the Council unless excused by two (2) members instead of three (3), or by the Mayor.

Charter Article 26 would be revised to provide that the appointment of persons serving on City Commissions and Boards shall be made by the Mayor subject to the confirmation by affirmative vote of three (3) members of the Council instead of four (4). Also the Council, by an affirmative vote of three (3) of its members, may remove any member of any commission, instead of four (4).

Charter Article 40 would be revised to provide that the Council after rejecting all bids may declare and determine by an affirmative vote of four (4) of its members instead of five (5) that in its opinion the work in question may be more economically or satisfactorily performed by day labor, by either city employees or others, and after adoption of a resolution, it may proceed to have the proposed work done without further observance of the foregoing provisions of Article 40.

Article 40 would also be revised to allow the Council to approve a contract without advertising for bids with a finding of urgent necessity for the preservation of life, health or property, with an affirmative vote of four (4) Council members instead of five (5).

PART 3: IMPLEMENTATION

In the event this Charter Amendment measure is approved:

- A. Exclusively for the election to be held in November 2024, two councilmembers shall be elected and hold office for a term of four years and one additional councilmember shall be elected and hold office for a term of two years, resulting in a four (4) member City Council and Mayor (5 member) local legislative body after the November 2026 election is certified
- B. To further effectuate the purposes of this Charter Amendment measure and the direction of the voters, the City Council shall amend the following sections of the Pacific Grove Municipal Code – Sections 2.04.070 (c)(5), 2.06.020, 3.02.030 and 3.04.030, and such other sections as needed, to modify the number of required council votes for actions referenced in those provisions as may be consistent with this measure.
- C. This Charter Amendment measure shall be submitted to the Secretary of State pursuant to Government Code sections 34459 through 34461, inclusive.

PART 4: EFFECTIVE DATES

Section 3 of Article XI of the California Constitution provides:

For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. This Charter Amendment measure shall become effective in the manner allowed by law.

Each Charter Article amendment, provided herein, shall become effective and implemented in conjunction with the following election dates:

1. Amendment of Charter Article 6 - November 3, 2026.
2. Amendment of Charter Article 11 - November 3, 2026.
3. Amendment of Charter Article 12 - November 5, 2024.
4. Amendment of Charter Article 13 - November 3, 2026.
5. Amendment of Charter Article 15 - November 3, 2026.
6. Amendment of Charter Article 19 - November 3, 2026.
7. Amendment of Charter Article 24 - November 3, 2026.
8. Amendment of Charter Article 26 - November 3, 2026.
9. Amendment of Charter Article 40 - November 3, 2026.

PART 5: SEVERABILITY

It is the intent of the people that the provisions of the Charter Amendment measure are severable and that if any section, subsection, sentence, clause, or phrase of this charter amendment is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Charter Amendment measure. The people of the City of Pacific Grove hereby declare that they would have passed this Charter Amendment measure and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.