



SPECIAL MEETING AGENDA

Date: 8/13/2018
Time: 5:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

5:30 p.m. Special Session

- A. Call to Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Public Comment**

Under “Public Comment,” the public may address the City Council on any subject listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Regular Business

- H1. Reconsideration of Resolution No. 6451 calling election to place charter measure on ballot ([Staff Report #18-162-CC](#))

L. Adjournment

At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the City Council’s consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk’s Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk’s Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the “Notify Me” service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 8/9/2018)

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STAFF REPORT

City Council

Meeting Date:

8/13/2018

Staff Report Number:

18-162-CC

Regular Business:

Reconsideration of Resolution No. 6451 calling election to place charter measure on ballot

Recommendation

Staff recommends that the City Council reconsider Resolution No. 6451 calling an election to place a charter measure on the November 6, 2018 ballot.

Policy Issues

On August 7, 2018, the City Council unanimously voted to reconsider its motion placing the charter measure on the ballot and scheduled a special meeting for August 13 for that purpose.

Background

There are two types of cities: general law and charter cities. General law cities are required to follow the laws of the State of California for most of its activities including, but not limited to, restrictions in their ability to implement certain types of voting methods (such as ranked choice and cumulative voting). In an effort to explore alternatives to district elections and voting methods currently available only to charter cities, the City Council expressed a desire to transition from a general law city to a charter city. In particular, the City Council discussed adopting a placeholder charter that would exert municipal affairs authority in limited areas in order to have a framework in place if the community eventually decided to implement a voting method not available to general law cities.

Becoming a charter city would permit Menlo Park to exert control over municipal affairs in the interests of the community. Given the State's increased incursion into areas of municipal affairs in recent years, transitioning to a charter city would put Menlo Park in a better position to protect local control. Members of the public have expressed concerns that becoming a charter city would grant the City Council more authority than it currently has and would make it more difficult for the community to oppose local legislation or policy it disagreed with.

On April 21, 2018, the City Council adopted Ordinance No. 1044 approving the creation of districts for the purpose of transitioning to district elections. The subject motion for reconsideration will not impact the City Council's earlier decision to transition to districts.

On June 19, 2018, the City Council adopted Resolution No. 6451 placing a City Council-sponsored measure on the November 6, 2018 ballot to become a charter city. The ballot measure also contained a term limit provision.

Some of the concerns regarding placing the measure on the ballot at this time included: additional community dialogue was needed to discuss the advantages and disadvantages of becoming a charter city;

a charter review committee should be formed to further explore the scope and content of a charter; the community should have additional time to adjust to the transition to district elections; it would be helpful to wait until the publication of the 2020 census data to explore other voting methods; and a charter transition should accompany a more in-depth analysis of other voting methods and demographic shifts.

Analysis

Elections Code 9605 permits the City Council to withdraw City Council-sponsored ballot measures any time before August 15, 2018. In the event the City Council elects to withdraw the charter measure, the City Attorney has prepared a Resolution rescinding the City Council's earlier resolution placing the charter measure on the ballot.

Impact on City Resources

The estimated cost of putting a charter measure on the ballot is approximately \$19,900 - \$23,800 according to the San Mateo County clerk.

Environmental Review

This action is not a project within the meaning of the CEQA Guidelines §§ 15378 and 15061(b)(3) as it proposes an organizational structure change that will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Resolution No. 6455 rescinding Resolution No. 6451 placing charter measure on the ballot

Report prepared by:

Cara E. Silver, Assistant City Attorney

RESOLUTION NO. 6455

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK RESCINDING RESOLUTION 6451 AND WITHDRAWING CITY COUNCIL- SPONSORED BALLOT MEASURE PROPOSING THE ADOPTION OF A CHARTER

WHEREAS, for several years the City Council of the City of Menlo Park has been considering the advantages and disadvantages of becoming a charter city;

WHEREAS, the City of Menlo Park recently transitioned to district elections in an effort to comply with the California Voting Rights Act;

WHEREAS, the community has expressed interest in exploring other voting methods (such as ranked choice and cumulative voting);

WHEREAS, the City of Menlo Park is currently limited in its ability to implement certain voting methods) given its status as a general law city;

WHEREAS, to provide flexibility to implement other voting methods to future city councils and Menlo Park residents the City Council has been exploring transitioning to a charter city;

WHEREAS, new charters must be adopted by the voters at General Municipal Elections (i.e. November of even years);

WHEREAS, on July 19, 2018 the City Council adopted Resolution 6451 placing a City Council-sponsored measure on the November 6, 2018 ballot in order to become a charter city;

WHEREAS, following the placement of this measure on the ballot certain residents expressed concern that the measure needed additional community dialogue; a charter review committee should be formed to further explore the scope and content of a charter; the community should have additional time to adjust to the transition to district elections; it would be helpful to wait until the publication of the 2020 census data to explore other voting methods; and a charter transition should accompany a more in depth analysis of other voting methods and demographic shifts.

WHEREAS, on August 7, 2018 the City Council unanimously voted to reconsider its motion to place the charter measure on the ballot at this time and scheduled a special meeting for August 13 for that purpose;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Menlo Park orders as follows:

1. Resolution 6451 placing the City Council-sponsored ballot measure to become a charter city is hereby rescinded.
2. The City Clerk is directed to forward this Resolution to the County Elections Official on or before August 15, 2018 and is authorized to execute any additional documentation to effectuate the withdrawal of the charter measure from the November 2018 ballot.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said City Council on the thirteenth day of August 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this thirteenth day of August 2018.

Judi A. Herren, City Clerk