

August 10, 2016

Summary and Ballot Description of the Proposed Amendments to the Charter of the City of San Bernardino Pursuant to California Government Code section 34458.5

In 1905, the citizens of San Bernardino voted to become a charter city giving the City greater control over municipal affairs. The charter has been amended several times since then by a vote of the people. The City of San Bernardino proposes amending the City's charter to significantly reduce its length and complexity.

California Government Code Section 34458.5 mandates any charter amendment include a ballot description enumerating the new authorities established by the charter including, but not limited to, whether the city council will have the power to raise its own compensation and the compensation of other city officials authorized without voter approval. The full text of the proposed charter, as amended, is attached hereto, however, it is summarized below as follows:

Article I: Name, Boundaries, Powers, Rights & Succession, Intergovernmental Relations.

No change is proposed in the City's boundaries, name, powers, property or obligations. All ordinances, codes, resolutions currently in effect would remain in effect. Additionally, Article I authorizes the City to contract with other governmental entities to provide services to the City.

Article II: Council Manager Form of Government.

The City would have a council-manager form of government meaning that the City Manager runs the City's day-to-day operations while the Mayor and City Council are responsible for setting policies of the City.

Article III: City Council & Mayor.

Article III provides for a full-time directly elected Mayor and seven councilmembers elected by ward. In comparison to the existing charter, the Mayor's duties would be reduced. Article III provides the powers and duties of the City Council and Mayor. For example, the City Council and the Mayor are required to develop a code of conduct and maintain the City's fiscal integrity.

The position of Mayor would continue to be a full-time position with duties that include serving as the head of the City for all ceremonial purposes, representing the City in intergovernmental relations and executing all ordinances, resolutions and contracts approved by the City Council.

The Mayor would preside at council meetings, but vote only to break a tie, veto a matter or appoint and set compensation of the City Manager, City Attorney, City Clerk and for Commission and Committee appointments. Most Council actions require a simple majority, but only five votes can override the Mayor's veto.

Article III does not require voter approval for any changes in compensation of the Mayor and City Council. It does require Mayor and City Council compensation to be set by ordinance following a public hearing and recommendations of an advisory commission. Article III prohibits increases in councilmember compensation during an existing term so that any salary increase shall only become effective after the terms of council members elected at the next regular election.

In addition to the powers authorized, Article III prohibits the Mayor and the City Council from holding any other office, having any conflict of interest, appointing or removing any employee overseen by the City Manager or interfering with the day-to-day operations of the City.

Article IV: City Manager.

Article IV governs the position of City Manager including his or her qualifications, the authority of the Mayor and City Council to appoint or remove the City Manager; and the City Manager's responsibilities to oversee employees, attend City Council meetings and keep the Mayor and City Council informed on the financial condition and needs of the City. Article IV gives the City Council the authority to set the compensation of the City Manager. No vote of the people is required.

Article V: Departments, Services, Officers and Employees.

Article V authorizes the City Manager to establish new departments subject to City Council approval and determine the functions of each department. With the exception of the City Attorney, City Clerk, Library Board of Trustees and Water Board, all departments would operate under the direction of the City Manager. The proposed charter would change the City Attorney and City Clerk from elected to appointed positions hired by the Mayor and City Council with compensation set by the City Council (as is currently the case). Employee oversight for each department would be the responsibility of the department's executive and the hiring and promotion of all employees would be subject to a merit system.

Article V sets forth the services to be provided by the City. The City is required to have a municipal police department. In addition, the City must provide the following services: community development, finance, fire and emergency medical services, information technology, library, parks and recreation, personnel, public works, water and wastewater services.

Article VI: Boards, Commissions and Committees.

Boards existing at the time the charter amendment is adopted would continue in effect. Article VI provides for the appointment, removal, term of office, and procedural rules of board, commission, and committee members. Article VI also provides the specific powers and duties of the Library, Water and Wastewater and Personnel boards and commission. The Board of Library Trustees and Personnel Board serve without compensation. The Water Board compensation is set after a public hearing.

Article VII: Financial Management.

The charter requires an annual budget and capital improvement plan be adopted after public hearing.

Article VII requires an annual independent audit of all City accounts by a certified public accountant, chosen through a competitive bidding process, to perform the audit in accordance with General Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS).

Article VIII: Elections.

City elections would move to November of even-numbered years, consolidated with the statewide general election. The terms of the Mayor and Council Members would be extended one year to facilitate transition from odd-numbered years' elections to even-numbered years. Council members would continue to be elected by ward, for staggered terms of four years. Boundary adjustments would comply with state and federal law. The citizens' powers of initiative, referendum and recall would be as provided in state law.

Article IX: Initiative, Referendum and Recall.

Article IX provides that the City continue to follow state law with respect to initiative, referendum and recall of elected officials.

Article X: Charter Amendments.

Article X provides that any amendment to the Charter would be approved in accordance with state law and requires the City to establish a process for the intermittent review of the City's charter.

Article XI: Severability.

Article XI provides that if any provision of the charter is invalidated or otherwise unenforceable, the remaining provisions will remain enforceable to the extent permitted by law.