



Local Ballot Measure: V

Full Text of Measure V

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proposal to amend various sections of the City of Monterey City Charter to: (1) use gender neutral pronouns; (2) delete outdated language regarding the absence of the City Manager and the position of the Secretary to the City Manager that are obsolete; (3) update the procedure for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:

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 ~~5~~ state law for Councilmembers of ~~G~~ **g**eneral ~~E~~ **e**law ~~C~~ **c**ities.

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.~~ **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.~~ **b.2.** Levy any tax.

~~c.3.~~ **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.**



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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.

(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.



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(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.

~~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.



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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.