



Local Ballot Measure: W

Full Text of Measure W

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. 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



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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 are constituted such a member by~~ **g**General ~~l~~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 ~~l~~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.