

RESOLUTION NO. 10007 (2008 Series)

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN LUIS OBISPO
ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS
OF THE CITY A PROPOSED CHARTER AMENDMENT
AT THE GENERAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, NOVEMBER 4, 2008,
AS CALLED BY RESOLUTION NO. 9994 (2008 SERIES)**

WHEREAS, a General Municipal Election on Tuesday, November 4, 2008 has been called by Resolution No. 9994, 2008 series, adopted on June 17, 2008; and

WHEREAS, Article XI of the Constitution, Title 4, Division 2, Chapter 3 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at section 9255) of the Elections Code of the State of California Elections Code and applicable local law provide the Council with the authority to submit a Charter amendment to the electorate; and

WHEREAS, the City Council of the City of San Luis Obispo desires to submit to the voters a proposed Charter amendment making minor, non-substantive changes to the City Charter; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: The Council of the City of San Luis Obispo hereby proposes on its own motion that amendment of the Charter of the City of San Luis Obispo be submitted to the voters at the General Municipal Election on Tuesday, November 4, 2008 to read as follows:

- A. By amending Section 201 (Form of Government) to read:

The municipal government provided by this Charter shall be known as the "Council-Mayor-City Manager" form of municipal government.

[And, also, changing all references to "City Administrative Officer" within the Charter to "City Manager", consistent with the above revision. This will entail revision of Sections 109, 204, 407, 701, 702,703, 704, 705, 707,709, 712, 802, 803, 810, 901, 1006, and 1101 of the Charter.]

- B. By amending Section 407 (Mayor – Powers and Duties) to read:

The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor shall be entitled to, and must vote when present, but shall possess no veto power. As presiding officer of the Council, the Mayor will faithfully communicate the will of the Council majority to the City

Manager in matters of policy. The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

C. By amending Section 410 (Compensation) to read:

The Mayor and each Council Member shall receive compensation for services payable according to the regular City payroll schedule, with the Mayor receiving greater compensation than the other Council Members.

Compensation for Mayor and Council Members shall be reviewed biennially in even-numbered years. When warranted, said compensation may be adjusted by Council resolution, to be effective the first full pay period in January of the year following the review. The compensation rate may be revised by the electorate by initiative.

Mayor and Council Member expenses incurred for official business shall be reimbursed.

D. By amending Section 505 (Voting) to read:

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. All members, when present, must vote, except in the case of a recusal due to a conflict of interest. Failure or refusal to vote shall be construed as an affirmative vote.

E. By amending Section 601 (Methods of Action by Council) to read:

All action by the Council shall be taken only by means of ordinance, resolution, or oral motion duly made and passed.

Ordinances that prescribe rules applicable generally within the jurisdiction shall become a part of the Municipal Code and so remain until amended or voided. All municipal laws relating to taxation or to possible criminal action against an offender shall be in the form of ordinances.

Resolutions shall be serially numbered and filed sequentially in the office of the City Clerk.

Oral motions shall be recorded only in the minutes of any regular or special meeting of the Council.

- F. By amending Section 701 (General Description) to read:

The officials of the City of San Luis Obispo shall consist of a City Manager and a City Attorney. Such officials shall be appointed by and may be removed only by the affirmative votes of a majority of the members of the Council. All other officials and department heads of the City shall be appointed by and may be removed by the City Manager.

- G. By amending Section 709 (Employment Policy) to read:

The City Council shall adopt Personnel Regulations by ordinance or resolution, prescribing hiring, discharge and performance standards for Council appointees, department heads, and other appointive officials.

No official appointed by the City Council shall be terminated within the three (3) months following a municipal election. No official subject to appointment by the City Manager shall be terminated within the three (3) months immediately following the appointment of a new City Manager. Any notice of termination, transfer, or demotion shall state the effective date of the action and a copy shall be filed with the Human Resources Department.

- H. By amending Section 901 (Public Works to be Done by Contract), subpart (D) to read:

(D) Nothing in this section shall be construed to apply to any project involving the expenditure of City monies by the City for public works in cooperation with a developer or subdivider for oversized facilities or such cooperative extension or replacement of mains and appurtenances. For those projects the City shall have the authority to make funds available to the cooperating developer or subdivider through a Reimbursement Agreement as established by Council ordinance or resolution.

- I. By amending Section 905 (Progress Payments) to read:

Any contract may provide for progressive payments if the ordinance or resolution authorizing such work includes such a provision. No progressive payments may be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at any time ninety percent (90%) of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety percent (90%) of the contract price before the completion and acceptance of the work, unless otherwise required by Federal Law.

- J. By amending Section 906 (Sale or Lease of City Property) to read:

The City Council, by ordinance or resolution, shall adopt policies and procedures that shall be applicable to the sale or lease of City property.

- K. By amending Section 1001 (Granting of Franchises) to read:

The City Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility of public service, and to use the public streets, ways, alleys, and other places, as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment necessary or convenient for traversing any portion of the City for the transmitting or conveying of any service elsewhere. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to provisions of this Charter. The City Council may, by ordinance or resolution, establish fees or charges for the granting of licenses or franchises.

- L. By amending Section 1006 (Duties of Grantee), subpart (E) to read:

(E) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place, including the construction of any subway or viaduct; and

- M. By amending Section 1202 (Eligibility, Appointment and Length of Terms) to read:

All registered voters within the City, except part or full-time officials and management employees of the City, shall be eligible for appointment, and shall be selected and appointed by any method deemed appropriate by the Council. Participation on citizen committees, commissions, boards and authorities by non-registered voters or non-city residents may be permissible depending upon the nature and purpose of the advisory body, as determined by the City Council.

No Committee member shall be appointed to a term exceeding four (4) years. Committee members may be reappointed to serve additional terms.

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N. By amending Section 1205 (Annual Reports) to read:

On an annual basis, each established body shall report to the Council on its activities for the preceding year, as well as its proposed activities and requested budget for the forthcoming year.

SECTION 2: That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election on Tuesday, November 4, 2008, the following question:

Shall sections 201 (and related references throughout the Charter), 407, 410, 505, 601, 701, 709, 901, 906, 1001, 1006, 1202, and 1205 of the Charter of the City of San Luis Obispo be amended to make technical, non-substantive revisions, as set forth in City Council Resolution No. 10007 (2008 Series)?	Yes
	No

SECTION 3. That the City Council authorizes any and all members of the City Council to file written arguments In Favor or Against the measure in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the measure may be submitted to the City Clerk.

SECTION 4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the San Luis Obispo County Board of Supervisors and Clerk-Recorder.

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Upon motion of Council Member Mulholland, seconded by Council Member Settle,
and on the following vote:

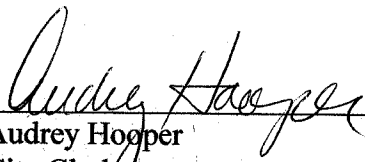
AYES: Council Members Carter, Mulholland and Settle, Vice Mayor Brown, and
Mayor Romero
NOES: None
ABSENT: None

The foregoing resolution was adopted this 15th day of July 2008.




Mayor David F. Romero

ATTEST:



Audrey Hooper
City Clerk

APPROVED AS TO FORM:



Jonathan P. Lowell
City Attorney