



California

ITEM NO. 4

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

May 23, 2001

ADJOURNED MEETING 10:00 AM SISTER CITIES ROOM

Mayor
Terry Johnson

Deputy Mayor
Betty Harding

Councilmembers
Jack Feller
Carol McCauley
Esther Sanchez

City Clerk
Barbara Riegel Wayne
City Treasurer
Rosemary Jones

The adjourned meeting of the Oceanside City Council was called to order by Deputy Mayor Harding at 10:02 AM, May 23, 2001, for the purpose of a non-action Study Session. The Pledge of Allegiance was led by Councilmember Feller.

ROLL CALL

Present were Deputy Mayor Harding and Councilmembers Feller and McCauley. Councilmember Sanchez arrived at 10:07 AM. Mayor Johnson was absent [on vacation]. Also present were Assistant City Clerk Charles Hughes, City Manager Steve Jepsen and City Attorney Duane Bennett.

STUDY SESSION ITEM:

1. Review viability of Charter City status

CITY MANAGER JEPSEN advised that staff collected a lot of information to discuss the advantages and disadvantages of becoming a charter city. Staff hoped the result would be Council direction for possible future action.

DEPUTY MAYOR HARDING asked staff to review the information received in Sacramento regarding what General Law cities can do that was so surprising.

MICHELLE SKAGGS-LAWRENCE, Assistant to the City Manager, had spoken to Peter Detwiler who is the primary consultant to the Senate Local Government Committee. He mentioned that a General Law city is permitted to have a primary election. Therefore a city does not have to be a charter city to hold a primary election. Additionally, a General Law city can run elections in districts. She thought only a charter city could do that, but there is a provision in the law that allows for districts.

She compiled a list of California cities that have successfully changed to charter cities since 1994. This list was obtained using an Internet list server and from the League Lending Library. Within that 7-year period, 2 cities failed in their attempts to attain Charter City status. The League also confirmed from their records that this is an accurate list of cities that have converted to charter status within the last 7 years. There are other cities that have been charter cities for many years, such as San Francisco and San Diego, but she does not have that complete list.

She had attached the report information regarding the most recent efforts in Oceanside to become a charter city, including a number of memos from the Oceanside City Attorney. The report also includes information from Santa Maria and San Marcos.

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MEETING BY CITY COUNCIL

The City of Santa Maria included in their packet the summary that their Council used to decide whether or not to pursue this change. It stated the advantages and disadvantages of switching to a charter city.

COUNCILMEMBER McCAULEY commented that the information provided by the City of Santa Maria, item 11 states that out of 475 cities, 103 are chartered. That is approximately 22% of the cities in the State. It is time to revisit this option because there are so many upcoming issues that will affect local cities. The document provided by the City of Santa Maria is a good summarization of charter cities. Converting Oceanside to a charter city has been on the ballot 3 times and has failed each time. Last time it failed by a very narrow margin, but there were not the issues that exist today.

There are certain plenary authorities found in the State Constitution and in items provided by the 1994 attorneys' seminars presented by the League of California Cities that would be contested by charter cities today. In her opinion, there is more of an emphasis now, than in the past, to move local control away from cities. The issues described in State Senate Bills (SB) 329 and 402 are unconstitutional for a charter city. The Constitution gives a charter city the right to employ, compensate and regulate its police department; SB 402 takes that right away from the City. Charter cities have rights to their own zoning and property use, while SB 329 attempts to take that away, at least for the transportation aspect. There is a general trend by the State that can be forestalled by being a charter city. Oceanside could not become a charter city in a short period of time. At the very earliest, it would be at the next election.

She thought it was important to dispel some of the past fears, including the ability of a charter city to raise taxes. This is not an issue because of SB 218, which prohibits the City from raising general taxes without a 2/3 vote of the public. The charter does not give the Mayor or Council more powers, unless they are written in the charter. It does give cities the ability to regulate and to form their own elections. As earlier pointed out, a General Law city can have a primary election, but a charter city has far more flexibility even in the initiative processes. A charter city does not have to abide by the State guidelines for the number of signatures required for an initiative; a charter city can determine the number they want. Charter cities have a lot more home rule and local control.

Another matter regarding becoming a charter city is whether or not to form districts; it is not required. It is important for people to know that anything not outlined in the charter reverts back to General Law. Charters were originally designed to limit control, not to give additional control. Things change. The fact that the charter measure has failed 3 times should have no bearing on whether Council gives the public the opportunity to vote on it again.

DEPUTY MAYOR HARDING reported that in 1996, there was a 3-2 Council vote to put this issue on the ballot. It was not a unanimous Council. There was no publicity given at all, which normally happens if a Council is unanimous. She was surprised it was a close public vote, because it was not close before when there had been a lot of campaigning on it. Putting the issue of becoming a charter city on the ballot should come from a unanimous Council. Otherwise, it can be very divisive. When it did not have complete Council support, it became a political issue.

COUNCILMEMBER McCAULEY did not think it was political this last time. She is obviously in favor of being a charter city. The primary duty of this or any Council is to do what is best for the City. Putting this on the ballot does not mean that Oceanside will be a charter city, but it gives the voters the opportunity to decide whether or not they want to be a charter city. The City would not encourage or discourage being a charter city, but there would be nothing to preclude individual Councilmembers to voice their opinions pro or con. She read in the newspaper that Councilmembers Sanchez and Feller do not believe this should go on the ballot. She asked what their concerns were.

COUNCILMEMBER SANCHEZ does not think this is the climate to be going forward on a charter city effort. She has received phone calls that if Council considers going forward on this issue, there are already groups forming against it. There may not have been much opposition in the last election, but that was probably because there

were not many proponents. The level of opposition relates to the strength of the proponents. This is a highly volatile political issue. Judging from the calls she has received, she does not think people feel comfortable with government and their relationship to government. She might support this if residents felt better, and there was more trust that a charter would not affect taxes, the power structure, etc. She does not think the citizens will believe Council. This is not the climate for trying to get people to agree to something, even if Council feels it is a good idea. She personally does not think it is a good idea.

COUNCILMEMBER McCAULEY thinks the climate would be determined at the ballot box by the voters. People can vote for or against it. Taking the pure essence of a charter, she asked if there is anything that made Councilmember Sanchez feel it would not be good for the City. Regarding the tax issue, the State Constitution says that a city, even a charter city, cannot raise taxes.

COUNCILMEMBER SANCHEZ thinks that residents want less government, especially in this City. She does not see people supporting creating a charter and giving more powers to Council. She would not back that herself. She does not see the reason for it because Oceanside is not going to get much larger. San Diego is a charter city with district elections. Its smallest district is larger than Oceanside, so she does not see the need for a charter here.

COUNCILMEMBER McCAULEY asked Councilmembers Sanchez and Feller about their concerns because she has done much research on it. Maybe she is missing something, or maybe she can answer questions that they have since they have both been vocal in expressing that it is not good timing for a charter.

Districts would not have to be an issue. In 1996, the proposed charter addressed prevailing wage, the home rule doctrine and primaries. A charter does not automatically give more powers to a Council unless it is written in the charter. She would be happy to put a charter on the ballot that was still confined to those issues or even less to give the City the ability to fight some of the things being sent down from Sacramento. She reiterated that anything that is not specifically outlined in the charter would revert to General Law. Right now, the City does not have the authority or latitude to fight anything, whether it is SB 402, SB 329, etc. A General Law city goes to the State Legislature as its governing body; a charter city goes to the State Constitution as its governing document. Oceanside could fight these issues coming from Sacramento if it were a charter city.

DEPUTY MAYOR HARDING has not received any calls from the public about this. She is hearing the opposite of what Councilmember Sanchez is hearing. Councilmember Sanchez said the people want less City government. Deputy Mayor Harding is hearing that they want less State government because the State is imposing unfunded mandates upon the City that we have no money to pay for. It will get worse as the State goes into a financial downturn with the energy crisis or any other crisis that comes up. A charter city is better armed to fight such practices. They still would not be well armed, but at least they would be better armed than a General Law city. There is a lot of fear of charter cities, but San Marcos and Chula Vista are charter cities. There is no real difference except that the City is a little better armed since it has a little more authority at the City level. She would tell her constituents to decide if they want more power at the State level or the City level. That is the biggest difference that she sees between a charter city and a General Law city.

COUNCILMEMBER McCAULEY said becoming a charter city gives a city the opportunity to fight something that is unconstitutional for a charter city. The plenary authorities granted to a charter city are on municipal affairs. A charter city can contest things that are not legislated for the good of the entire State. However, there have been court findings that reject legislation purported to cover the entire state and rulings that deny blanket protection of being good for the entire state. This is documented in materials from the League of California Cities attorneys' conference.

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COUNCILMEMBER FELLER asked for the population of the recently chartered cities.

DEPUTY MAYOR HARDING replied that San Marcos has 56,000 people. Usually larger cities are charter cities. Pasadena is a charter city with a slightly lower population than Oceanside.

COUNCILMEMBER McCAULEY said that Los Angeles, Del Mar and Glendale are charter cities as well.

COUNCILMEMBER FELLER responded that he is a true community servant. He does not serve just his neighborhood or a couple of neighborhoods. He has been in all of them. He thinks the City Council should be made of people who are involved in the whole City, not just a handful of neighborhoods. He would hate to see someone come in with a lot of money and buy a district.

DEPUTY MAYOR HARDING said that chartering the City has nothing to do with districting the City.

COUNCILMEMBER McCAULEY asked Councilmember Feller how that would relate to a charter.

COUNCILMEMBER FELLER feels a charter would lead to districting Oceanside. If 2 people are up for election, he wants to be able to vote for 2 people.

COUNCILMEMBER McCAULEY explained that a charter city does not have to break down into districts. The governing body cannot change the content of the original charter without being changed by the vote of the people.

DEPUTY MAYOR HARDING clarified that if the charter does not include districts, there could never be districts unless the people later approved such a change.

COUNCILMEMBER McCAULEY reported that whatever is included in a charter is voted on by the people. It can be amended or repealed, but again it must go through the voting process. She read some things about different charter cities that have amended their charter many times. She would rather go item for item for voter approval of amendments so that the people can choose whether or not they support each item.

COUNCILMEMBER FELLER stated that this might be an issue in 5-10 years, but right now Oceanside has more important issues. This would require staff time. Maybe the charter can do the things Councilmember McCauley claims, but he thinks it would lead to districting.

COUNCILMEMBER McCAULEY noted that if becoming a charter city did lead to districting, it would still have to go to the ballot.

COUNCILMEMBER FELLER did not desire to discuss a charter city at this point, since there are more critical matters that require Council attention.

COUNCILMEMBER McCAULEY asked City Attorney Bennett and City Manager Jepsen what it would entail to put this on the ballot.

CITY ATTORNEY BENNETT could not determine how much staff time it would take. The City would need to hire outside consultants to help formulate the charter. As policymakers, the Councilmembers would need to draft the charter and decide exactly what to place on the ballot. There would be a cost to the City in money and time.

From the outset, Council needs to decide if it wants more home rule or more State rule, more State control or more local control. If the people do not trust or do not want more local control, then they will vote accordingly.

DEPUTY MAYOR HARDING does not think the people understand it. In Oceanside, charter city has become a bad term. The cause for that might be the way it was put on the ballot the first couple of times. The parameters can be minimal and they can only be changed by public ballot. She would support Oceanside becoming a charter city because it gives more power to the City and less to the State.

COUNCILMEMBER FELLER stated the research alone of what the City would want is a huge undertaking.

COUNCILMEMBER McCAULEY pointed out that Oceanside did not explain the issue to the voters in 1996. If it had, the City might have gained that 5-7% the charter city proposal lost by. If Council agreed to the possibilities of putting this on the ballot, she would like to see a charter Commission established so that Council would not be writing it. That Commission would have almost 2 years to get it on the ballot. The Vision 2020 includes elements that cannot happen unless Oceanside is a charter city, and this was known at the inception of the Vision 2020. It should not be up to the City Council as to what should be put in the charter. It should come from a committee of Oceanside citizens. She has heard many people voice interest in being on such a committee.

DEPUTY MAYOR HARDING suggested that the committee could take a charter from a similar city, such as Chula Vista or Santa Maria, and identify what aspects they want to include or exclude from Oceanside. When this was put on the ballot in 1996, there was little staff time required; maybe 4 hours.

COUNCILMEMBER SANCHEZ thinks it would take a lot of time. She agrees with Councilmember Feller that the City has other priorities. She has not heard this as an issue the people want Council to address because there are so many other things. The City is in a crisis situation, and Council should be addressing that crisis. She admires that Councilmember Feller is a public servant. Serving on Council should not be a full time job. It is important for the City to address issues such as the housing situation. Having a full time, paid Councilmember or Mayor is not something that she wants for Oceanside, because it would take away from representative government.

COUNCILMEMBER McCAULEY responded that a charter does not automatically mean that Councilmembers would be full time.

COUNCILMEMBER SANCHEZ suggested it is a possibility.

COUNCILMEMBER McCAULEY said there are a lot of possibilities with a charter. The possibility of full time Councilmembers exists without a charter as well. She has done much research on this, and she is trying to answer concerns specific to being a charter city. If Councilmembers prefer not to be a charter city for specific reasons, she or staff can show them the reasons that Oceanside should become a charter city. If it is just an opinion that the Councilmembers feel strongly about with no mechanics to back up the opinion, then there is nothing that she can do to change it.

COUNCILMEMBER FELLER said that the issue for him is that this may be important in 5-10 years. Right now he wants to focus on what they need to do. Council is just starting these workshops. He goes to 10-15 functions per week, and he has an issue with talking about a charter or a recall.

DEPUTY MAYOR HARDING believes that the only way to keep the charter city issue from becoming divisive is with unanimous Council support, unless they just put it on the ballot at a regular election with no explanation or publicity and the cost is only \$8,000. This is similar to when she presented political reform. The only way to move forward is if the entire Council wants this. The more the State issues unfunded mandates, the only defense cities will have is to become a charter city. There is a big difference between the two. She is concerned that being a charter city is the only tool against the State taking everything away.

COUNCILMEMBER FELLER asked what kind of tool a charter city would have against the Storm Water Permit, for instance.

CITY MANAGER JEPSEN pointed out that the Storm Water Permit is a Federal law.

COUNCILMEMBER McCAULEY said that it is in the State Constitution under Section 11, Item A that the legislature may not delegate to a private person or body power to make, control, appropriate, supervise or interfere with County or municipal corporations' improvements, money or property or to levy taxes or assessments to perform municipal functions. This is a tool that even a General Law city could use to fight the Storm Water Permit.

DEPUTY MAYOR HARDING believes becoming a charter city may have more of an impact with organizations such as Regional Government Efficiency Commission (RGEC).

COUNCILMEMBER McCAULEY advised that if the City could not fight the State mandate to pay \$3,200,000 annually, a charter city has the right to not pay prevailing wage on the labor portion of a public works project. The Oceanside water plant is a \$52,000,000 project. As a charter city, the City could save 10% on that project and any other public works project. Beyond the ability to fight issues, a charter city has cost savings as well. She would like to have the ability to fight the RGEC. For example, if RGEC decided to put together a panel and say they are going to take over the rights of land use for transportation issues, Oceanside could dovetail with other charter cities in the County. But without that status, Oceanside could not fight it alone. She asked City Attorney Bennett to confirm.

CITY ATTORNEY BENNETT advised that a General Law City could fight it, but a charter city does have an advantage. The best illustration is SB 402, the Binding Interest Arbitration issue, where the court battle against that legislation is being waged primarily on behalf of charter cities. It has shifted and taken away the fiscal power for City Councils of local control to regulate police and fire contracts. They are dragging the General Law cities along with them, but the charter cities are out in front because there is a conflict between that legislation and what most charter cities have the authority to do. They may ultimately lose, but charter cities are in a stronger position than General Law cities. In a General Law city the State dictates what the laws are. For a charter city that has specific authority to delegate and oversee the fiscal management of the budget, interest-based arbitration removes that total control. It violates their city constitutions. That is what the argument is, and at least one court has agreed with them.

DEPUTY MAYOR HARDING believes there will be some sort of regional government out of RGEC, although it may not be as Senator Steve Peace envisioned. She is very involved because of her affiliation with North County Transit District. She is not afraid of a regional board deciding transportation and airport issues. However, she has a problem with the region defining the land use terms. Land use is the greatest asset a City has, and the threat of it being taken away would be a big loss to cities. Charter cities will have an advantage to fight that because it goes against their constitution.

COUNCILMEMBER FELLER predicted that in 1 year, there would be 50% of the public for the issue and 50% against. The last time it was on the ballot, it lost by approximately 5-7%. This is another issue to divide the community. He has not heard a groundswell regarding this issue, nor did he hear anything from the public in 1996.

COUNCILMEMBER McCAULEY agrees that the people should want this, but that gets determined at the ballot box. The Mayor and Councilmembers all represent the entire community, but they were also elected to perform a fiduciary responsibility for the City. When this went on the ballot in 1996, there may not have been as many issues that would dictate the need for a charter city as there are today. With the energy crisis, Council has witnessed the effect when more local control is taken away. In the Governor's budget, \$250,000,000 was lost by local government, and other things will be lost as well. When Proposition 13 was passed, property taxes were lost for the school districts. Even though Proposition 13 did not allow States to raise taxes, they created the Educational Revenue Augmentation Fund (ERAF). It hit every general fund of every city in the State. During the period that it was very active, Oceanside lost \$39,000,000 over a period of just a few years. She stressed that these are the types of situations that are occurring now.

CITY MANAGER JEPSEN reported that Oceanside lost \$3,500,000 per year.

DEPUTY MAYOR HARDING stated the City is going to start losing the vehicle tax.

COUNCILMEMBER McCAULEY pointed out that Article 2, Section 15 states vehicle license fees (VLF) belong to the cities. However, the State was very ingenious and found a way to reduce them.

CITY MANAGER JEPSEN said the City has \$8,000,000 in VLF. He agreed that they are at risk. The State will probably go after them, and the City will lose some of that next year.

COUNCILMEMBER McCAULEY added it was put on the ballot in 1986 to have VLF funds shifted to the State, but it was voted down. However, if it gets placed on the State ballot, it will pass. Becoming a charter city would fulfill the next step in the fiduciary responsibility to the City and its citizens.

DEPUTY MAYOR HARDING suggested putting this item on the regular Council agenda for a vote. Mayor Johnson has done a great deal of research on charter cities, so he is very knowledgeable on this.

COUNCILMEMBER McCAULEY proposed that since this is such a major item, it should be presented at a general workshop that the public is aware of so they could participate as well. She would not want this as a regular Council agenda item because it is a big issue that would take awhile.

COUNCILMEMBER FELLER did not want to spend any more time on this subject.

COUNCILMEMBER SANCHEZ agreed.

CITY MANAGER JEPSEN commented that from a staff perspective, this is obviously a political issue. There is a tremendous amount of misinformation in the general public regarding what a charter city is, what it can and cannot be. He suggested providing an opportunity to address those topics in an environment that is not emotionally charged, whether at a workshop or a continuation of today's discussion. There is some merit to the discussion of the issues because a better understanding will result. He is not arguing for or against this, although there are some aspects of what the State is doing that worries him, such as SB 402. He views it not so much for the arbitration for police and fire contracts, but as a prelude to the State arbitrating all City contracts. At that point, the City would be stuck with the arbitrator's decisions whether or not they have the ability to pay. The City would have to cut services to be able to cover this State mandate. The whole bargaining process has been based on what the City wants to do and the ability to pay for it.

other, some of the public thinks they are correlated.

COUNCILMEMBER McCAULEY referenced a pamphlet in the staff report that Santa Maria distributed before its election to become a charter city. The question presented was if this is so good, why don't more General Law cities become chartered? The explanation given was that up until the fiscal crunch of the last few years, most cities were probably in good enough financial shape that they did not have to look for innovative alternatives. Now, however, the State and Federal governments are taking back money from the cities while, at the same time, forcing unfunded programs on local jurisdictions. This combination has forced a more serious look at chartering, and Santa Maria is not the only city considering an election.

COUNCILMEMBER FELLER asked if there was any reason for a city not to be a charter city.

COUNCILMEMBER McCAULEY stated, in her opinion, there was not.

COUNCILMEMBER FELLER responded that the State would then figure out a way to get it out of the charter cities.

COUNCILMEMBER McCAULEY replied that they may, but it would require a constitutional amendment.

DEPUTY MAYOR HARDING stated the positive side of a well-publicized workshop is that it would allow people the opportunity to understand that the issues of a charter are not the same as they were 8 years ago. It would allow the public to really understand what SB 402 and the vehicle license fees can mean to a city and what a charter city can do about it. People assume that charter cities must have districts and a strong mayor, but that is not what a charter city is about. She has never wanted districts and still does not want districts.

COUNCILMEMBER McCAULEY added that having districts is something that would need to be voted on separately if it was not already included.

COUNCILMEMBER FELLER pointed out that Santa Maria has a population of 12,000, which is comparable to one neighborhood in Oceanside.

DEPUTY MAYOR HARDING and **COUNCILMEMBER McCAULEY** pointed out that Chula Vista has 180,000 people, and it has been a charter city since 1991.

COUNCILMEMBER McCAULEY said that bigger cities should be more concerned about being a charter city.

DEPUTY MAYOR HARDING explained that smaller cities like Santa Maria do not even have their own police department, so being a charter city does not really benefit them on issues like SB 402.

COUNCILMEMBER McCAULEY agreed with City Manager Jepsen and Deputy Mayor Harding that the City needs to educate the people on the benefits and detractions. The only detractions are those mentioned by Councilmembers Feller and Sanchez, including the time involved, staff time and other one-time only detractions that would get the City to the point of the election.

DEPUTY MAYOR HARDING would like to know why her constituents are for or against certain issues. Likewise, she should be able to tell her constituents why she is for or against things.

COUNCILMEMBER McCAULEY recommended that everyone balance the pros against the cons. The City has some serious mandates affecting it right now. The City has a lot going on right now but an attempt should be made to balance the long-term advantages that the Council has to fulfill its fiduciary responsibility. Councilmembers should listen to their constituents' opinions, but it is incumbent upon Council to make decisions regarding what is best for the City.

COUNCILMEMBER FELLER asked City Attorney Bennett what the difference would be if the City changed to a charter city from a General Law city without making any other changes.

CITY ATTORNEY BENNETT explained that the City would have to develop a charter that details the City's powers without conflicting with overriding State or Federal laws. The City could not say it was a charter city without developing a constitution or a charter.

If your charter states that the city chooses to be regulated under the General Laws of California, there would be no difference and that would not really be a charter city. In order to become a charter city, the City would have to develop a charter which enumerated specific powers to govern pursuant to whatever the charter states that is not in conflict with overriding federal laws. The only way the City could become a charter city is with a charter that is voted upon by the citizens. The constitution would indicate what the City's powers are.

COUNCILMEMBER McCAULEY suggested this is why the backup material states that in a charter city, the charter is considered State law unless it conflicts with the State law for the good of the entire State.

CITY ATTORNEY BENNETT specified there is a difference in what a General Law city can do versus what a charter city can do. That difference would be specified under the charter. For example, if the charter detailed a local preference bidding allowance, the bidders from Oceanside would be given a preference, and the City would not have to necessarily pay prevailing wages. When the City went out to bid for a Public Works facility, the City would not pay the same price under the charter as they do now. The City currently pays prevailing wages. They should not expect to conduct business exactly the same way as they do now if there is a charter.

COUNCILMEMBER SANCHEZ pointed out the exception in cases where State or Federal funds are used.

COUNCILMEMBER McCAULEY noted the back up material contained a charter measure impartial analysis provided by former City Attorney Dan Hentschke. This document brought them to the point of placing it on the ballot in 1996. This document could be used as a template to reduce staff time.

COUNCILMEMBER SANCHEZ inquired if there is a general feeling that this topic should eventually go to a regular Council meeting, possibly after a workshop. If there is a vote and it is not unanimous, she asked if it will still go on the ballot.

DEPUTY MAYOR HARDING reiterated that in her opinion it should be unanimous, for concrete reasons. This does not include districting, which has nothing to do with it, or because the City has too much going on. Becoming a charter may help remove some issues brought on by the State. If a Councilmember could not support this because of a certain provision, she could understand it. However, she felt that all of the Councilmembers needed to study this a little more, as far as what a charter could and could not do.

COUNCILMEMBER FELLER was still afraid this would lead to districting.

DEPUTY MAYOR HARDING emphasized that would not occur unless the people voted for it.

COUNCILMEMBER McCAULEY reiterated that the people would have to vote for that. If it ever came to that, he would have that right at the ballot box to vote against districting. She reiterated that a Charter Committee should be formed, made up of different individuals within the City. For the Vision 2020, the Economic Development Commission was given a portion of that as their end to implement, knowing that several items would require the City to be a charter city. The Vision 2020 document was a community document; it was not a Council document. If a workshop occurred and it came to the Council, she would like Council to agree to establish a charter committee.

COUNCILMEMBER FELLER asked if Council could direct staff to schedule a workshop.

CITY MANAGER JEPSEN stated that he has picked up on a consensus to schedule a workshop.

COUNCILMEMBER FELLER presumed it would appear on the Council agenda. He noted that Mayor Johnson was 1 of the 3 votes that approved it to go on the ballot the last time.

CITY MANAGER JEPSEN asked what Council's expectations for the presentation would be if they did a workshop.

DEPUTY MAYOR HARDING suggested a presentation to include questions and answers similar to that from the City of Santa Maria. She would like that information to be passed out to the public at that workshop.

CITY MANAGER JEPSEN clarified that Council would then discuss those points, and **DEPUTY MAYOR HARDING** agreed.

COUNCILMEMBER McCAULEY stated copious notes have been taken on things they discussed that were not on the City of Santa Maria document. If they can be compiled into something similar, that would be beneficial. It does not even have to have the answers, but just be a list of the topics they discussed, including benefits of a charter city that the public is not aware of or things that are disadvantages to becoming a charter city.

DEPUTY MAYOR HARDING noted that the ability to not pay a prevailing wage is negative to some people.

COUNCILMEMBER SANCHEZ would want staff to come up with a definitive list of what the charter would include.

DEPUTY MAYOR HARDING discouraged that. A committee should do that, not staff.

CITY MANAGER JEPSEN suggested staff could list items that could be included in the charter.

CITY ATTORNEY BENNETT said there is no way that staff could define what the charter should be, but they could give general parameters. There are two things to be decided. First, Council needs to decide if it is interested in this concept. Second, it needs to decide what should go in the charter.

CITY MANAGER JEPSEN was not hearing support for this concept. He summarized that Council is requesting a better understanding of what a charter city is. There is hesitation in moving forward with a charter city.

COUNCILMEMBER McCAULEY noted that the City of Santa Maria left its charter very ambiguous. They incorporate all of the authorities given through the State Constitution to a charter city. They are doing what is against what charter cities are supposed to be, and she would not be in favor of doing something like that. The backup also includes the resolution and the background of what the last proposed charter stated. At that time, Oceanside had the same concerns, and they limited themselves.

COUNCILMEMBER SANCHEZ asked if a Commission would come up with items to include in the charter that Council would vote on.

COUNCILMEMBER McCAULEY explained that Council would discuss, change, modify, add to and subtract from the draft charter from a Commission. Council would have the final decision [for the ballot language]. The Commission would bring forward recommendations.

COUNCILMEMBER SANCHEZ specified that this Commission should be made up of people both for and against becoming a charter city.

COUNCILMEMBER McCAULEY said that the City should publicize that it is looking for people who would like to sit on this Commission, and both sides would apply.

CITY MANAGER JEPSEN said this direction would come later in the process.

DEPUTY MAYOR HARDING said that when the charter was voted on 2 times ago, each Councilmember named 2-3 people to the Commission.

COUNCILMEMBER McCAULEY said that City Manager Jepsen is correct. Council is not forming a Commission here. She is picturing a group larger than 7 people to write the charter. This would all come out in a workshop.

CITY MANAGER JEPSEN inquired if there is any sense of urgency to this.

May 23, 2001 – 10 AM

Council Minutes

COUNCILMEMBER HARDING said it would not go on the ballot until November 2002 because that is the least expensive option for an election.

COUNCILMEMBER SANCHEZ commented that it will become a big political issue.

DEPUTY MAYOR HARDING retorted that in the 1996 vote, it did not at all become a big political issue.

COUNCILMEMBER McCAULEY heard people discussing the benefits. They had provided legitimate concerns that were answerable such as taxation, districts, a powerful Mayor, etc. She only had a few phone calls.

ADJOURNMENT

DEPUTY MAYOR HARDING adjourned this meeting to the 2:00 PM May 23rd Council workshop. This adjourned meeting of the Oceanside City Council was adjourned at 11:07 AM, May 23, 2001.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside