

RESOLUTION NO. 132-24 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE SUBMITTING A BALLOT MEASURE TO THE VOTERS TO AMEND THE CITY OF WATSONVILLE CHARTER TO REMOVE VOTER REGISTRATION REQUIREMENTS FOR SERVICE ON ALL CITY BOARDS AND COMMISSIONS; ORDERING AN ELECTION; REQUESTING THE SANTA CRUZ COUNTY ELECTIONS DEPARTMENT CONDUCT THE ELECTION AND CONSOLIDATE IT WITH THE GENERAL STATEWIDE ELECTION TO BE HELD ON NOVEMBER 5, 2024

WHEREAS, on or about February 16, 1960, the voters of the City of Watsonville adopted the City Charter; and

WHEREAS, the Charter of the City of Watsonville has not been reviewed or amended since 2014; and

WHEREAS, on June 27, 2023, the City Council established a subcommittee of three Councilmembers ("Charter Review Subcommittee") to review the City Charter and provide Council with proposed amendments; and

WHEREAS, the Charter Review Subcommittee focused on inclusivity, removing gender specific language, improving options for public participation, adjusting compensation for the City Council and City Commissions to broaden access to public service, creating opportunities for more civil engagement, and modernizing City practices, and recommended certain amendments consistent with this approach; and

WHEREAS, the City Council held public hearings on February 13, March 26, and April 23, 2024 to receive public input and discuss the Charter Review Subcommittee's proposed amendments to the Charter; and

WHEREAS, the City wishes to broaden participation on its Commissions by members of the public from varying and diverse backgrounds; and

WHEREAS, on June 25, 2024, by Resolution No. 123-24 (CM) the City Council called and gave notice of a General Municipal Election on Tuesday, November 5, 2024, to be consolidated with the election to be conducted by the County of Santa Cruz on the same date; and

WHEREAS, the City Council is authorized by the California Constitution, Elections Code section 1415, and Watsonville Charter Section 1505 to submit to the voters at the election a measure amending the City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

Section 1. Call for Election and Ballot Language. Pursuant to its right, power, and authority under the California Constitution, the laws of the State of California, and the City of Watsonville Charter, the City Council on its own motion hereby orders submitted to the voters at the General Municipal Election to be held on November 5, 2024, a ballot measure designated by letter of the Santa Cruz County Registrar of Voters proposing to amend the Charter of the City of Watsonville, to appear on the ballot in substantially the following form:

<p>CHARTER AMENDMENT MEASURE NO. ____</p> <p>Shall the measure amending the Charter of the City of Watsonville to modify the eligibility requirement for appointment to all Boards and Commissions created pursuant to the Watsonville Charter from registered voter to resident of the City of Watsonville be adopted?</p>	YES
	NO

Section 2. Text of Measure. The full text of the proposed amendments to be submitted to the voters is set forth in Attachment 1 and incorporated herein by reference (the “Commission Service Measure”). The City Council hereby approves the proposed Commission Service Measure, the form thereof, and its submission to the voters of the City at the November 5, 2024, election. The text of the Commission Service Measure shall be printed in the ballot materials and available for public inspection in the City Clerk’s office and on the City’s website at www.watsonville.gov. The Commission Service Measure shall not take effect unless approved by a vote of the majority of the voters voting on the question.

Section 3. Publication of Measure. The City Council directs the City Clerk to publish the Commission Service Measure in accordance with Section 12111 of the California Elections Code.

Section 4. Request to Consolidate and Conduct Election and Canvass Returns.

(a) The City Council hereby requests that the Santa Cruz County Board of Supervisors consolidate the election called by this Resolution with the statewide election to be conducted on November 5, 2024, and order the election to be conducted by the Registrar of Voters of Santa Cruz County. The City Clerk is directed to file a

certified copy of this Resolution with the Board of Supervisors of Santa Cruz County and the Registrar of Voters of Santa Cruz County on or before August 9, 2024.

(b) The election on the Commission Service Measure set forth in Section 2 shall be held and conducted, the voters canvassed, and the returns made, and the results ascertained and determined as provided herein. The election shall be held in accordance with the Elections Code of the State of California. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. In all particulars not recited in this resolution, the election shall be held and conducted as provided by Resolution No. 124-24 (CM), the City of Watsonville Charter, and State law for holding municipal elections.

(c) The election on the Commission Service Measure set forth in Section 2 shall be held in Santa Cruz County in the City of Watsonville on November 5, 2024, as required by law, and the Board of Supervisors of Santa Cruz County is authorized to canvass the returns of the election with respect to the votes cast in the City of Watsonville and certify the results to the City Council of the City of Watsonville.

(d) At the first regular meeting of the City Council of the City of Watsonville occurring after the returns of the election for the Commission Service Measure set forth in Section 2 have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

(e) The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

Section 5. Submission of Ballot Arguments.

(a) The deadline for filing direct arguments for or against the measure shall be 5:00 p.m. August ¹³~~16~~, 2024, based upon the consolidation of the election as contemplated in Elections Code Section 10400. All such arguments shall not exceed three hundred (300) words and shall be filed with the Watsonville City Clerk.

(b) The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals no later than August ²⁰~~23~~, 2024. The Council appoints a subcommittee of Mayor Pro Tempore Orozco, Councilmember Dutra and Councilmember Salcido to draft the argument in favor of the referenced measure on behalf of the City Council.

(c) If more than one argument is submitted in favor or against the measure, the Clerk shall select the argument based upon the priorities set forth in Elections Code 9287, and if more than one argument shares the same highest priority, the City Clerk shall use a random selection methodology. Arguments received prior to the deadline shall be confidential until the deadline.

(d) The deadline for filing rebuttal arguments for or against the ballot measure shall be 5:00 p.m. August 23, 2024 and all such arguments shall be filed with the Watsonville City Clerk, and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

(e) As authorized by California Elections Code §9285, the City Council authorizes the release of the City Council's rebuttal argument to Ventures.

Section 6 Impartial Analysis. The City Council hereby authorizes and directs the City Attorney to prepare an impartial analysis of the ballot measure showing

the effect of the Measure on the existing law and operation of the Commission Service Measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 16, 2024, at 5:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

Section 7. Effect of Additional Ballot Measure Amending Charter on the Same Ballot. By Resolution No. 133-24 (CM), the City Council places additional amendments to the Charter of the City of Watsonville on the ballot for the November 5, 2024 general statewide election (“Charter Update Measure”). Adoption of the Charter Update Measure would clarify that the City’s subordinate bodies are referred to as “commissions” rather than “boards,” as indicated therein, as well as makes other minor amendments. Adoption of the Charter Update Measure would also change the name of the existing “Board of Library Trustees” to the “Library Commission.” The Charter Update Measure and this Commission Service Measure do not conflict. Should the Charter Update Measure and this Commission Service Measure each receive a majority of votes, the term “registered voter”, added by Section 24 of the Charter Update Measure to Section 900 of the Charter, shall be replaced by the term “resident” as indicated by this Commission Service Measure.

Section 8. California Environmental Quality Act. Adopting this Resolution, in which the Council calls for an election, places a measure on the ballot, and takes other necessary actions regarding the election, is not subject to review under the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et.

seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378(a), as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment. If it is a “project” it is exempt under the common sense exception (12 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

Section 9. Services of City Clerk. The City Clerk is hereby directed to file a certified copy of this Resolution with the Santa Cruz County Board of Supervisors and the Registrar of Voters of the County of Santa Cruz and take all necessary steps to place the Measure on the ballot and to cause the Measure to be printed. A copy of the Commission Service Measure shall be made available to any voter upon request.

Section 10. Severance. Should any section, subsection, clause or provision of this Resolution for any reason be held to be invalid, then the remainder of the Resolution shall be deemed valid, it being expressly declared that this Resolution, and each and every section, subsection, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this Resolution were declared invalid.

Section 11. Effective Date. This Resolution shall take effect upon its adoption.

Attachment 1

Text of Proposed Commission Service Charter Amendment Measure to be Submitted to the Voters: Proposal to Amend the Charter of the City of Watsonville to eliminate the voter registration/citizenship requirement for service on all Boards and Commissions created pursuant to the City of Watsonville City Charter.

PART 1. AMENDMENTS TO CITY OF WATSONVILLE CHARTER. The Council of the City of Watsonville hereby submits to the registered qualified electors of the City for their adoption or rejection, the following proposal to amend the Charter of the City of Watsonville, with amended text shown in underlined text, and deleted text shown in ~~strikeout~~ text.

Section 900 – Boards and Commissions: Intents and Purposes is amended to read as follows:

Section 900. Boards and Commissions: Intents and Purposes.

Except as otherwise provided in this Article, the appointive boards and commissions established by or pursuant to this Charter are intended to serve as advisory bodies to the Council and the City Manager in carrying out their respective duties. Membership on such bodies shall be representative of the entire community insofar as that is possible, and members on such boards shall be willing to serve as a civic responsibility. No member of any advisory board or commission shall hold any paid office or employment in the City Government. ~~In order to be eligible for appointment to any board or commission, a person shall be a qualified registered elector of the City. In~~

order to be eligible for appointment to any Board or Commission, a person shall be a resident of the City. In addition to those boards and commissions herein provided, the Council may create by ordinance such advisory boards or commissions as in its judgment are required and may grant them such powers and duties as are consistent with the provisions of this Charter. In addition, the Council by motion adopted by at least four (4) affirmative votes, or the City Manager with the consent of the Council, may appoint from time to time such temporary committees as are deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subject within the jurisdiction of such authorities.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council except as otherwise provided in this Article. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy except that if a member of a board or commission absents himself from three (3) consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, his office shall become vacant and shall be so declared by the Council.

PART 2. BALLOT DESCRIPTION. As provided in Government Code section 34458.5, the following ballot description is included in this Proposed Commission Service Measure:

The proposed Commission Service Measure amends City of Watsonville Charter Section 900. The amendments would eliminate voter registration/citizenship requirements for service on all Boards and Commissions created pursuant to the City of Watsonville Charter. The amendments do not provide for new city powers, nor do they affect the City Council's power to raise its own compensation or that of other City officials without voter approval.

PART 3. SEVERABILITY. It is the intent of the people that the provisions of this Measure are severable and that if any provision of this Commission Service Measure or the application thereof to any person or circumstance is held invalid then such invalidity shall not affect any other provision or the application of this Commission Service Measure which can be given effect without the invalid provision or application.

PART 4. CERTIFICATION AND FILING. Upon ratification by the voters, the City Clerk is directed to certify the passage of this Commission Service Measure and file it in the Office of the Secretary of State, and to take such other actions required by law as are necessary to give effect to its passage.


PART 5. EFFECTIVE DATE. This Commission Service Measure shall become effective in the manner provided for by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 25th day of June, **2024**, by Mayor Pro Tempore **Orozco**, who moved its adoption, which motion being duly seconded by Mayor **Quiroz-Carter**, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: **Dutra, Montesino, Orozco, Salcido, Quiroz-Carter**

NOES: COUNCIL MEMBERS: **Clark, Parker**

ABSENT: COUNCIL MEMBERS: **None**

ATTEST:  DocuSigned by:
Irwin Ortiz
City Clerk

DocuSigned by:
Vanessa Quiroz-Carter, Mayor

7/5/2024 | 4:26 PM PDT
Date

APPROVED AS TO FORM: DocuSigned by:
Samantha Butler
City Attorney

I, Irwin I. Ortiz, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 132-24 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 25th day of June, 2024, and that the foregoing is a full, true and correct copy of said Resolution.

DocuSigned by:
Irwin Ortiz
Irwin I. Ortiz, City Clerk

Date 7/5/2024 | 4:26 PM PDT