There was no staff recommendation related to the Introduction to the Charter.
ATTACHMENT B - Pg. 2

PROPOSED AMENDMENTS TO CHARTER INTRODUCTION

RECOMMENDATION

Approve forwarding amendments to the Charter Introduction to the full Council for consideration as presented by the Charter Review Advisory Commission.

The Charter Review Advisory Commission approved amendments to Charter Introduction at their August 28, 2013 meeting. Arguments supporting the Commission’s decision prepared by Commissioners Viri and Vargas.
Proposed Changes to Charter Introduction

The republication of the Charter and the preparation of an Introduction present an Appendix presents the opportunity for setting down some interesting historical facts. By the year 1848, Charles M. Weber, German-born founder of Stockton, chose to honor Commodore Robert F. Stockton by bestowing his name on the fledgling community. Stockton was the first community in California to have an Anglo-American name, all others being of Spanish or Indian origin.

The City of Stockton was founded in June of 1849, during the year following the signing of the Treaty of Guadalupe Hidalgo between the United States and Mexico. Since the first Constitution of the State was approved by the voters in November of 1849, Stockton was founded prior to the adoption of the first State Constitution.

Stockton received its first Charter, a special legislative charter, from the State Legislature in 1851. It was the practice under the 1849 Constitution to enact special legislative city charters which were purely legislative enactments, not initiated by the cities. This practice continued until Stockton received its first Charter from the State Legislature in 1851. The city operated under several special charters until the enactment of a new state Constitution in 1879. During the period from 1849 to 1879, Stockton operated under several special charters.

The new Constitution of 1879 revolutionized municipal government in California by permitting any city of over 100,000 people to frame its own Charter, subject to ratification by the Legislature, which is practically automatic. This Charter was later amended to make the provision apply to any city having more than 3,500 population. Cities which have taken advantage of this provision of the Constitution are referred to as “local charter or home rule municipalities”. Such a charter gives a city the right to deal with strictly municipal affairs and gives a city partial independence from the state legislature. This independence is confined to city affairs, however, and does not carry over to matters of state-wide concern.

Stockton’s first local Charter under the 1879 Constitution was approved by the voters in 1888 and ratified by the State Legislature in 1889. It was under this Charter that Stockton operated under a commission form of government, with the commission composed of department heads who also acted as legislators.

In the year 1921, there was considerable sentiment for a change from the commission form to the city manager-council form of government. Early in 1922, twelve leading civic organizations requested the Commission to call an election for the selection of fifteen
Proposed Changes to Charter Introduction

Freeholders who should propose a new charter. The Commission complied with this request and a freeholders' election was held in May of 1922. In September of 1922, the freeholders filed with the Commission a complete draft of the new Charter. This Charter was thereafter ratified by a majority of the electors at a special election held in November of 1922 and duly approved by the State Legislature in January, 1923.

—— The City Charter has been amended numerous times since it was originally approved in 1922. Amendments were voted on at almost every election since 1926. Normally, the Charter amendments have been presented at the regular municipal elections which, commencing with 1929, have been held in October of the odd numbered years through 1981. Since then, however, the elections have been consolidated with the State’s primary and general elections held in June and November of even numbered years.

—— A comment is in order on the number of amendments to the Charter. From the standpoint of good governmental practice, a charter should be a document providing for a basic governmental structure and guaranteeing the city full control of its municipal affairs. Often, it seems to have been used in lieu of the normal legislative procedure which is by ordinance and which provides a greater flexibility. Recent amendments to the Charter have been made to modernize archaic language, clarify ambiguities of text, and develop guidelines that will lead Stockton into the twenty-first century.

—— A colorful and historical note: By the year 1848, Charles M. Weber, German-born founder of Stockton, chose to honor Commodore Robert F. Stockton by bestowing his name on the fledgling community. Stockton was the first community in California to have an American name, all others being of Spanish or Indian origin.

—— A special acknowledgement to William Biddick, Jr. (City Attorney in 1954, Superior Court judge 1960-1980) for his contribution to this introductionaddendum.
Argument:

The charter—its introduction in particular—is too long. Preambles typically consist of three elements: an identification of the source of authority for the charter, a statement of the action that is to be taken, and a declaration of the intent of the charter. The current “introduction” is a lengthy history which fails to include any of the usual elements. That history belongs in a footnote or addendum, not in the charter itself. The proposed “Preamble” shortens the charter’s introduction to include all three distinct elements in a concise manner.

Word Count = 90
Chair Miller, Charter Review Ad-Hoc Committee stated upon review of the recommendation from the Charter Review Advisory Commission, the Charter Review Ad-Hoc Committee moved to forward the recommendation to full Council for consideration and approval.

City Attorney John Luebberke supported the idea of reviewing agenda items one at a time

Chair Miller, Charter Review Ad-Hoc Committee stated that the Committee had no questions with regard to the proposed amendments to the Charter introduction

**Motion 2013-11-12-0302** to approve forwarding amendments to the Charter Introduction to the full Council for consideration as presented by the Charter Review Advisory Commission.

**Moved by:** Councilmember Burgos Medina, seconded by Councilmember Holman.

**Vote:** Motion carried 3-0

**Yes:** Councilmember Miller, Councilmember Holman, and Councilmember Burgos Medina.
AD-HOC COMMITTEE FINAL RECOMMENDATION
AS IT WOULD APPEAR ON THE BALLOT AND CHARTER IF ADOPTED

CHARTER INTRODUCTION

A history appendix presents the opportunity for setting down some interesting historical facts. By the year 1848, Charles M. Weber, German-born founder of Stockton, chose to honor Commodore Robert F. Stockton by bestowing his name on the fledgling community. Stockton was the first community in California to have an Anglo-American name, all others being of Spanish or Indian origin.

The City of Stockton was founded in June of 1849, during the year following the signing of the Treaty of Guadalupe Hidalgo between the United States and Mexico. The first Constitution of the State was approved by the voters in November of 1849. California operated under this Constitution until its admission into the Union on September 9, 1850. In March of 1850 the Legislature passed an act which provided for the incorporation of cities. Stockton was incorporated pursuant to this act in July of 1850. Stockton was, therefore, founded before California had a constitution and incorporated before it was admitted to the Union.

It was the practice under the 1849 Constitution to enact special legislative city charters which were purely legislative enactments, not initiated by the cities. Stockton received its first Charter from the State Legislature in 1851. The city operated under several special charters until the enactment of a new state Constitution in 1879.

The new Constitution of 1879 revolutionized municipal government in California by permitting any city of over 100,000 people to frame its own Charter, subject to ratification by the Legislature. The Constitution was later amended to make the provision apply to any city having more than 3,500 population. Cities which have taken advantage of this provision of the Constitution are referred to as “local charter or home rule municipalities”. Such a charter gives a city the right to deal with strictly municipal affairs and gives a city partial independence from the state legislature.

Stockton’s first local Charter under the 1879 Constitution was approved by the voters in 1888 and ratified by the State Legislature in 1889. This Charter established a commission form of government, with the commission composed of department heads who also acted as legislators.

In the year 1921, there was considerable sentiment for a change from the commission form to the city manager-council form of government. Early in 1922, twelve leading civic organizations requested the Commission to call an election for the selection of fifteen freeholders who should propose a new charter. The Commission complied with this request and a freeholder’s election was held in May of 1922. In September of 1922, the freeholders filed with the Commission a complete draft of the new Charter. This Charter was thereafter ratified by a majority of the electors at a special election held in November of 1922 and duly approved by the State Legislature in January, 1923.

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