

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: July 16, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Consideration of Actions Related to the Placement of Amendments to the Charter of the City of Piedmont on the November 6, 2018 General Municipal Election Ballot

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RECOMMENDATION

Take the following actions related to the placement of amendments to the Charter of the City of Piedmont on the November 6, 2018 General Municipal Election ballot:

- a. Approve a resolution and measure proposing amendments to the Charter of the City of Piedmont to modify term limits for the City Council, modify the procedures for filling of vacancies in elected offices, and make other amendments to conform the Charter to modern practice
- b. Approve a resolution and measure proposing amendments to the Charter of the City of Piedmont to clarify the reporting structure for officers of the City, clarify the departments responsible for maintenance of park lands and recreational facilities, and make other amendments to conform the Charter to modern practice

BACKGROUND

The City Council's discussion of possible Charter amendments began in June 2017 and Council has subsequently discussed the issue at Council meetings on February 5, 2018, March 5, 2018, April 30, 2018, June 4, 2018, and June 25, 2018. The April 30<sup>th</sup> and June 25<sup>th</sup> meetings were special Council meetings, solely devoted to receiving community input and discussion of possible charter amendments.

At the June 25<sup>th</sup> special meeting, Council engaged in a three hour town hall meeting with interested residents, discussing the proposed Charter amendments. After receiving resident feedback, the language of several of the proposed amendments was modified and one proposal, the removal of the cap on the City's General Fund Reserve, was eliminated from consideration. At the conclusion of the meeting the Council directed staff to prepare two resolutions containing proposed amendments to the Charter of the City of Piedmont to be placed before the voters at the November 6, 2018 General Municipal Election. If passed by the Council, the measures will be considered separately by the voters.

The first proposed resolution (Attachment A) contains general amendments to the Charter, including the following:

- **SECTION 2.03 - City Council Term of Office**  
 Lengthens the period of time in which members of the City Council who have served two full terms on the Council must wait before running for the Council again from four years to eight years.
- **SECTIONS 2.05 (C) and 7.04 – Filling of Vacancies on Elected Bodies**  
 Lengthens the period in which the City Council and Board of Education have to fill a vacancy in their respective membership from thirty to sixty days. Provides that if the respective body does not act within the sixty day limit, a special election will be held to fill the vacancy.
- **SECTION 2.07 (A) – Meetings**  
 Removes the requirement that the Council meet twice in each month, replacing it with a requirement that the Council meet regularly and a setting a goal of meeting twice in each month.
- **SECTIONS 2.07 (C) and 7.06 – Meetings**  
 Removes archaic, unnecessary, and difficult to implement provisions which allow for fewer than a quorum of members of either the City Council or Board of Education to compel the attendance of other members at a meeting.
- **SECTION 2.12 – Ordinances in General**  
 Confirms the enacting clause of ordinances to modern practice.

Modernizes the requirement for posting of ordinances, requiring that they be posted electronically, rather than on the city bulletin board. Also directs the City Clerk to post ordinances in a manner which ensures maximum availability to the public, especially in times of emergency.
- **SECTION 2.15 (A) – Authentication and Recording; Codification; Printing**  
 Modernizes this section by removing the requirement that ordinances and resolutions be kept in a fully indexed book. The City’s electronic records management system presently serves this function.
- **SECTION 3.02 – Official Bonds**  
 Removes the requirement that the City maintain faithful performance bonds for certain officers of the City, as faithful performance is now covered under the City’s insurance programs.

- **SECTION 4.11 – Contract Work**

The amendment to this section removes reference to the state law threshold requirements for public bidding, which would clarify the City’s authority to set public bidding requirements for contracts pursuant to local ordinance.

- **SECTION 5.10 – Appointments and Promotions**

The proposed amendment to this section modernizes the prohibition against employment discrimination to include all classes currently protected under U.S. and state law, as well additional classes that may be added in the future.

The second proposed resolution (Attachment B) makes changes to the reporting structure for officers of the City, which is the formal term for the City Administrator, City Attorney, and Department Heads. Under the Charter as it stands now, officers of the City are hired, directed, and fired by the City Council. Separately, the Charter contains conflicting provisions wherein the City Administrator is the Chief Administrative Officer and is assigned responsibility for the administration and supervision of all departments. The proposed amendments to this article remove conflicting provisions and are reflective of what has been actual practice in the City of Piedmont for many decades. The attached resolution contains the following proposed amendments:

- **SECTION 3.01 – Officers and Employees**

This section is amended to clarify that the City Administrator and City Attorney are appointed, directed, and serve at the pleasure of the City Council. It also clarifies that other officers of the City are appointed by the City Council, but are directed and serve at the pleasure of the City Administrator.

- **SECTION 3.03 – City Administrator**

This section is amended to clarify that the City Administrator is responsible for the direction and removal of officers of the City, with the exception of the City Administrator and City Attorney.

- The following sections are amended to clarify the reporting structure mentioned above and to make other minor clarifications:

**SECTION 3.05 – City Clerk**

**SECTION 3.06 – City Attorney**

**SECTION 3.07 – Department of Finance**

**SECTION 3.08 – Police Department**

**SECTION 3.09 – Fire Department**

**SECTION 3.11 – City Engineer**

**SECTION 3.12 – Planning Director**

- **SECTIONS 3.10 – Dept. of Public Works and 3.13 – Dept. of Parks and Recreation**

In addition to being amended regarding the reporting structure mentioned above, these sections are amended to place the responsibility for maintenance of park lands and

recreational facilities in the Public Works Department, which conforms the Charter to long standing practice. The word “Parks” is also struck from the name of the Department of Recreation and the title of the Director of Recreation to reflect this amendment.

Each resolution sets identical procedural details for these measures, including an August 17<sup>th</sup> deadline for the submission of direct arguments for and against the measures, an August 17<sup>th</sup> deadline for the City Attorney to submit their impartial analysis, an August 24<sup>th</sup> deadline for rebuttal arguments, as well as the respective 10 day review periods for these documents as required by the Election Code. Each of the resolutions was prepared by the City Clerk and reviewed by the City Attorney.

Attachments: A: Resolution & Measure Making General Amendments to the Charter  
B: Resolution & Measure Changing Management Reporting Structure

By: John O. Tulloch, Assistant City Administrator/City Clerk

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A MEASURE AMENDING THE CITY CHARTER AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AS CALLED BY RESOLUTION NO. 50-18.

**WHEREAS**, by Resolution No. 50-18, adopted on June 18, 2018, the City Council previously called and given notice of a General Municipal Election on Tuesday, November 6, 2018 to be consolidated with the election to be conducted by the County of Alameda on the same date; and

**WHEREAS**, the City Council held open, public hearings on February 5, 2018; March 5, 2018; April 30, 2018; June 4, 2018; and June 25, 2018 to receive public input and discuss amendments to the Charter of the City of Piedmont; and

**WHEREAS**, through these discussions, the City Council has determined that amendments to the Charter of the City of Piedmont to modify term limits for the City Council, modify procedures for filling of vacancies in elected offices, and make other amendments to conform the Charter to modern practice should be placed before the voters of the City of Piedmont for their consideration; and

**WHEREAS**, the City Council is authorized by the California Constitution, Elections Code section 1415(a)(2), and Piedmont Charter Section 9.07 to submit to the voters at the election a measure amending the City Charter.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

**SECTION 1.** Pursuant to its right, power and authority under the California Constitution, the laws of the State of California, and the Piedmont Charter, the City Council on its own motion hereby orders submitted to the voters at the General Municipal Election to be held on November 6, 2018, a ballot measure designated by letter by the Alameda County Registrar of Voters proposing to amend the Charter of the City of Piedmont, to appear on the ballot in substantially the following form:

CHARTER AMENDMENT MEASURE ____ “Shall the measure amending the Charter of the City of Piedmont to modify procedures for filling of vacancies in elected offices for City Council and Board of Education for the Piedmont Unified School District, modify term limits for the City Council, and making other clarifying amendments regarding City recordkeeping, format of City ordinances, public posting, City contract approval, operation of City Council meetings, and other minor technical amendments, be adopted?”	YES
	NO

**SECTION 2.** The full text of the proposed amendment to be submitted to the voters is set forth in Exhibit 1 and incorporated herein by reference as if set forth in full. The proposed measure shall not take effect unless approved by a vote of the majority of the voters voting on the question.

**SECTION 3.** The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 17, 2018 at 4:00 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 4.** The last day for filing direct arguments for or against the measure shall be August 17, 2018 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. 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 within the time period described in Section 5 below. Arguments received prior to the deadline shall be confidential until the deadline.

**SECTION 5.** The last day for filing rebuttal arguments for or against the measure shall be August 24, 2018 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

**SECTION 6.** Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted shall open at 4:00 p.m. on August 17, 2018 and shall close at 4:00 p.m. on August 27, 2018. If a rebuttal argument is submitted, the ten (10) day public review period shall open at 4:00 p.m. on August 24, 2018 and shall close at 4:00 p.m. on September 3, 2018.

**SECTION 7.** The City Clerk is directed to give notice of the election and synopsis measure in the time, form, and manner as required by law.

**SECTION 8.** In all particulars not recited in the Resolution, the election shall be held and conducted as provided by Resolution 50-18 and by law for holding municipal elections.

**SECTION 9.** The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

[END OF RESOLUTION]

## EXHIBIT 1

## CHARTER AMENDMENT MEASURE NO. \_\_\_\_

SECTION 1. AMENDED. The People of the City of Piedmont hereby amend the Charter of the City of Piedmont as follows:

Section 2.03 of the Charter of the City of Piedmont is amended to read as follows:

SECTION 2.03 TERM OF OFFICE

No person who has served two (2) full consecutive terms as a Councilmember shall thereafter be eligible to hold such office until two full intervening terms, totaling eight (8) years have elapsed. For the purposes hereof, any person who serves as a Councilmember for more than eighteen (18) months of an unexpired term shall be considered to have served a full term.”

Section 2.05(C) of the Charter of the City of Piedmont is amended to read as follows:

“(C) FILLING OF VACANCIES. A vacancy on the City Council shall be filled by appointment by the Council, with said appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term. If the Council does not fill such vacancy within sixty (60) days after the same occurs, then such vacancy shall be filled by special election.”

Section 2.07(A) of the Charter of the City of Piedmont is amended to read as follows:

“(A) MEETINGS. The City Council shall meet regularly, with a goal of meeting at least twice in every month, at such times and places as the Council may prescribe by ordinance or resolution. Special meetings may be held on the call of the Mayor or of three (3) or more members and, whenever practicable, upon no less than twenty-four (24) hours notice to each member. All meetings shall be public except as otherwise provided by law.”

Section 2.07(C) of the Charter of the City of Piedmont is amended to read as follows:

“(C) VOTING. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Three (3) members of the Council shall constitute a quorum. No action of the Council, except as otherwise provided for in this Charter, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.”

Section 2.12 (A) of the Charter of the City of Piedmont is amended to read as follows:

“(A) FORM. Every proposed ordinance shall be introduced in writing, and the subject of the ordinance shall be clearly expressed in its title. The enacting clause shall be, “The City Council of the City of Piedmont hereby ordains...” Any proposed ordinance which repeals or amends an existing ordinance or part of the City Code shall distinctly set out the City Code sections or subsections to be repealed or amended, and those existing provisions shall be posted with said

ordinance.”

Section 2.12 (D) of the Charter of the City of Piedmont is amended to read as follows:

“(D) POSTING DEFINED. As used in this section, the term “posting” means to post the ordinance in accordance with any applicable legal requirements. The City Clerk shall strive to post ordinances in a manner which ensures maximum availability to the public, especially in time of emergency.”

Section 2.15(A) of the Charter of the City of Piedmont is amended to read as follows:

“(A) AUTHENTICATION AND RECORDING. The City Clerk shall, when necessary, authenticate by signature all ordinances and resolutions adopted by the City Council.”

Section 3.02 of the Charter of the City of Piedmont is deleted in its entirety and all subsequent sections in Article III are renumbered sequentially. In the event that more than one measure amending any provision of Article III is enacted by the voters of the City of Piedmont, the renumbering of Article III provided for by this provision shall be made after all substantive revisions authorized by such other measure, so that such renumbering does not create a conflict with any substantive revisions of such other measure.

Section 4.11 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 4.11 CONTRACT WORK

All expenditures for public projects shall be contracted for and let to the lowest responsible bidder after notice. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing and executed in the name of the City by an officer or officers authorized to sign the same.

The City Council shall establish, by ordinance, the rules and regulations for the City’s competitive bidding system. The Council may reject any and all bids, and may call for new bids. The Council, without advertising for bids, may provide for such work to be procured in the open market if it deems it more beneficial or economical to do so.”

Section 5.02 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 5.02 APPOINTMENTS AND PROMOTIONS

All appointments to and promotions within the classified service shall be based upon selection of the best qualified individual as determined by means of recognized personnel selection techniques. The City shall not discriminate against any employee or applicant for employment because of sex, race, creed, color, ancestry, national origin, religion, disability, age, genetic information, marital status, sexual orientation, gender identity, gender expression, AIDS/HIV status, medical condition, political activities or affiliations, military or veteran status, or status as a victim of domestic violence or on any other basis protected by law.”

Section 7.04 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 7.04 VACANCIES

The same rules governing the creation of vacancies or causing forfeiture of office from the City Council shall also apply to the members of the Board of Education. A vacancy on the Board shall be filled by appointment of a majority vote of said Board, with the appointee holding office for the remainder of the unexpired term or until the next general municipal election. If a vacancy on the Board of Education continues for sixty (60) days, the vacancy shall be filled by special election.”

Section 7.06 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 7.06 MEETINGS

The Board of Education shall meet at such times and places as may be designated by resolution of said Board. Three (3) members of the Board shall constitute a quorum, except as otherwise provided by law. All meetings of the Board of Education shall be public, except as otherwise provided in the California Government and Education Codes. The Board shall determine the rules of its proceedings.”

SECTION 2. BALLOT DESCRIPTION. As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

This Charter Amendment measure amends Sections 2.03, 2.05(C), 2.07, 2.12, and 2.15, to require two intervening terms before any councilmember that has already served two full consecutive terms is eligible to serve again; create a goal that City Council meet twice a month and specify the manner of calling special meetings; eliminate the power of a non-quorum of councilmembers to adjourn meetings or compel attendance of other members; provide the City Council with additional time to fill vacancies on the Council by appointment before being required to call a special election; change the format of City ordinances and the manner of posting to ensure maximum availability to the public; and change the manner in which certain official records must be kept. Section 3.02, which allows the City Council to require bonds from appointed city officers, is deleted from the Charter.

Section 4.11 is amended to remove language regarding state law threshold amounts for public bidding. Section 5.02 is amended to clarify the existing prohibition on discrimination in City employment.

Sections 7.04 and 7.06 are amended to provide an additional time for the Board of Education for the Piedmont Unified School District to fill vacancies on the Board by appointment before calling a special election. Section 7.06 is amended to remove the ability of a non-quorum of members of the Board to adjourn meetings or to compel attendance of other board members.

The proposed Charter Amendment measure does not provide for any new city powers that would occur as a result of its adoption, and adoption of the measure will have no effect on

the power of the City Council to raise its own compensation or that of other city officials.

SECTION 3. SEVERABILITY. It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure of 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 Charter Amendment measure which can be given effect without the invalid provision or application.

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

SECTION 5. EFFECTIVE DATE. This Charter Amendment measure shall become effective in the manner provided for by law.

[END OF MEASURE]

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A MEASURE AMENDING THE CITY CHARTER AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AS CALLED BY RESOLUTION NO. 50-18.

**WHEREAS**, by Resolution No. 50-18 adopted on June 18, 2018, the City Council previously called and given notice of a General Municipal Election on Tuesday, November 6, 2018 to be consolidated with the statewide general election to be conducted by the County of Alameda on the same date; and

**WHEREAS**, the City Council held open, public hearings on February 5, 2018; March 5, 2018; April 30, 2018; June 4, 2018; and June 25, 2018 to receive public input and discuss amendments to the Charter of the City of Piedmont; and

**WHEREAS**, through these discussions, the City Council has determined that amendments clarifying the duties and reporting structure for officers and employees of the City should be placed before the voters of the City of Piedmont for their consideration; and

**WHEREAS**, the City Council is authorized by the California Constitution, Elections Code section 1415(a)(2), and Piedmont Charter Section 9.07 to submit to the voters at the election a measure amending the City Charter.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

**SECTION 1.** Pursuant to its right, power and authority under the California Constitution, the laws of the State of California, and the Piedmont Charter, the City Council on its own motion hereby orders submitted to the voters at the General Municipal Election to be held on November 6, 2018, a ballot measure designated by letter by the Alameda County Registrar of Voters proposing to amend the Charter of the City of Piedmont, to appear on the ballot in substantially the following form:

CHARTER AMENDMENT MEASURE ____ “Shall the measure amending the Charter of the City of Piedmont to clarify the duties and reporting structure for officers and employees of the City be adopted?	YES
	NO

**SECTION 2.** The full text of the proposed amendment to be submitted to the voters is set forth in Exhibit 1 and incorporated herein by reference as if set forth in full. The proposed measure

shall not take effect unless approved by a vote of the majority of the voters voting on the question.

**SECTION 3.** The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 17, 2018 at 4:00 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 4.** The last day for filing direct arguments for or against the measure shall be August 17, 2018 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. 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 within the time period described in Section 5 below. Arguments received prior to the deadline shall be confidential until the deadline.

**SECTION 5.** The last day for filing rebuttal arguments for or against the measure shall be August 24, 2018 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

**SECTION 6.** Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted shall open at 4:00 p.m. on August 17, 2018 and shall close at 4:00 p.m. on August 27, 2018. If a rebuttal argument is submitted, the ten (10) day public review period shall open at 4:00 p.m. on August 24, 2018 and shall close at 4:00 p.m. on September 3, 2018.

**SECTION 7.** The City Clerk is directed to give notice of the election and synopsis measure in the time, form, and manner as required by law.

**SECTION 8.** In all particulars not recited in the Resolution, the election shall be held and conducted as provided by Resolution 50-18 and by law for holding municipal elections.

**SECTION 9.** The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

[END OF RESOLUTION]

## EXHIBIT 1

## CHARTER AMENDMENT MEASURE NO. \_\_\_\_

SECTION 1. AMENDED. The People of the City of Piedmont hereby amend the Charter of the City of Piedmont as follows:

Section 3.01 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.01 OFFICERS AND EMPLOYEES

The officers of the City of Piedmont shall consist of a City Administrator, a City Clerk, a City Attorney, a Director of Finance, a Chief of Police, a Fire Chief, a Director of Public Works, a City Engineer, a Planning Director, a Director of Recreation and such other assistants, deputies and employees as the City Council may deem necessary to provide by ordinance or resolution. The City Administrator and City Attorney shall be appointed and directed by the Council, and shall hold office at the pleasure of the Council. All other officers shall be appointed by the City Council and be directed by and serve at the pleasure of the City Administrator.

The Council may by resolution reorganize, or by ordinance combine or consolidate or abolish any two or more offices or functions and require the duties of the same to be performed by one officer or department. The Council shall have the right of providing for such officers, departments and their functions in whole or in part through contract agreements.

The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or any other public or private agency, or make use of such functions of said entities. In such case, the provisions of this Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.”

Section 3.03 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.03 CITY ADMINISTRATOR

The City Council shall appoint a City Administrator for an indefinite term and fix his/her compensation. The administrator shall be appointed on the basis of executive and administrative qualifications.

The City Administrator shall be the chief administrative officer of the city and shall be responsible to the City Council for the administration of all City affairs placed in his/her charge by or under this charter.

The administrator shall have the following powers and duties:

- (1) Shall appoint all city employees.

(2) Shall discipline, and, when deemed necessary for the good of the City, suspend or remove City officers and employees except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter.

(3) Shall supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law and except further that the internal administration of each department shall remain with each department head.

(4) Shall attend Council meetings and shall have the right to take part in discussion, but may not vote.

(5) Shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him/her or by officers subject to his/her supervision, are faithfully executed.

(6) Shall prepare and submit the annual budget to the Council and shall supervise its administration after its adoption.

(7) Shall submit to the Council and make available to the public a report on the finances of the City each fiscal year.

(8) Shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies.

(9) Shall keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.

(10) Shall administer the personnel system of the City and, in particular, those matters involving the City's personnel classification system and employee benefit and retirement plans.

(11) Shall maintain a system of City records.

(12) Shall perform such duties as are specified in this charter or may be required by the Council.”

Section 3.05 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.05 CITY CLERK

There shall be an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, keep the minutes of its proceedings and perform such other duties as are assigned by this Charter, State Law, the City Council, or the City Administrator.”

Section 3.06 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.06 CITY ATTORNEY

The City Council shall appoint a City Attorney. That person shall be an attorney-at-law licensed as such under the laws of the State of California, and continue to be so licensed during the time of holding office, and shall have been engaged in the practice of law for at least five (5) years prior to appointment. The City Attorney shall, directly or through deputies, have power and be required to:

- (1) Represent and advise the Council and all officers of the City in all matters of law pertaining to their offices;
- (2) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, including the prosecution of violations of this Charter and ordinances enacted by the Council, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of his/her employment or by reason of official capacity, provided the interest of the City in such action or proceeding is not adversely affected;
- (3) Attend all regular meetings of the Council and give advice or opinion in writing whenever requested to do so by the Council, by the City Administrator or by any of the boards or commissions of the City, subject to the approval of the Council or the City Administrator;
- (4) Approve the form of all contracts made by and all bonds given to the City, endorsing approval thereon in writing;
- (5) Prepare ordinances or resolutions for the City and amendments thereto;
- (6) Transfer forthwith to the appointed successor all books, papers, files and documents pertaining to the City, which he/she has in their control.

The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.”

Section 3.07 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.07 DEPARTMENT OF FINANCE

There shall be a Department of Finance headed by a Director of Finance who will have charge of the administration of the financial affairs of the City, and may be empowered to act as assessor, tax collector and/or treasurer for the City, and perform such other duties as may be assigned. The department shall be responsible for the collection of all taxes, assessments, license fees and other revenues of the City for whose collection the City is responsible and shall receive all taxes or other money receivable by the City from the County, State or Federal governments or from any office or department of the City.”

Section 3.08 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.08 POLICE DEPARTMENT

There shall be a Police Department headed by a Chief of Police. This department shall have charge of the law enforcement function of the City, and such other public safety activities as may be assigned, with the duty of preserving the public peace and upholding the laws of the City and of the State of California. For the enforcement of said laws, the chief shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the State. Every citizen shall lend aid to the police when requested for the arrest of offenders, the maintenance of public order, or the protection of life and property.”

Section 3.09 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.09 FIRE DEPARTMENT

There shall be a Fire Department headed by a Fire Chief. This department shall have charge of the prevention and extinguishing of fires, the provision of emergency medical services, and such other public safety activities as may be assigned. The chief shall also direct the department in protecting life and property in other natural and/or man-made disasters. Every citizen shall lend aid to the fire department when requested for the protection of life and property.”

Section 3.10 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.10 DEPARTMENT OF PUBLIC WORKS

There shall be a Department of Public Works headed by a Director of Public Works. This department shall have charge of the maintenance and repair of all City streets, sewers and storm sewers, parks, public facilities, and any other related activities as may be assigned.”

Section 3.11 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.11 CITY ENGINEER

There shall be a City Engineer who shall have supervision over all matters of an engineering character as required by State law, or as may be assigned. At the time of appointment, this officer shall have been a practicing civil engineer for a period of at least five (5) years, and licensed in the State of California.”

Section 3.12 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.12 PLANNING DIRECTOR

There shall be a Planning Director who shall be responsible for administering the City’s continuing planning activities as may be assigned, including, but not limited to, maintenance of the general plan, overseeing the zoning system and building regulations and codes.”

Section 3.13 of the Charter of the City of Piedmont is amended to read as follows:

“SECTION 3.13 DEPARTMENT OF RECREATION

There shall be a Department of Recreation headed by a Director of Recreation. This department

shall have charge of the organization and administration of the City's public recreation programs and such other related activities as may be assigned. The director shall administer the operations and programs of the department and shall carry out policies established by the Council for the use of the City's park lands and recreation facilities."

Section 5.01(A)(2) of the Charter of the City of Piedmont is amended to read as follows:

"(2) The officers of the City, as defined in this charter;"

SECTION 2. BALLOT DESCRIPTION. As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

The proposed measure amends Sections 3.01, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12 and 3.13 of the Charter of the City Piedmont to provide that appointed officers, except the City Administrator and City Attorney, serve at the pleasure of the City Administrator and have such duties as may be assigned. Section 3.06 is amended to clarify that the City Attorney represents all officers of the City. Section 3.09 is amended to clarify that the duties of the Fire Chief include the provision of emergency medical services. Section 3.10 is amended to provide that the Department of Public Works is responsible for maintenance and repair of all City parks and other public facilities. Section 3.13 is amended to state that the Department of Parks and Recreation shall be the Department of Recreation, headed by a Director of Recreation, who will be responsible for recreation programs in the City. Section 5.01 is amended to specify that officers of the City are part of the unclassified service.

The proposed Charter Amendment measure does not provide for any new city powers that would occur as a result of adoption of the measure, and will have no effect on the power of the City Council to raise its own compensation or that of any other city official.

SECTION 3. SEVERABILITY. It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure of 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 Charter Amendment measure which can be given effect without the invalid provision or application.

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

SECTION 5. EFFECTIVE DATE. This Charter Amendment measure shall become effective in the manner provided for by law.

[END OF MEASURE]