

CITY COUNCIL AGENDA ITEM NO. K.1
06/11/2024

SUBJECT: Consider a Request from Vice Mayor Meyer and Council Member Mendoza to consider having Brentwood become a charter city.

DEPARTMENT: City Manager’s Office

STAFF: Tim Ogden, City Manager
Margaret Wimberly, City Clerk

TITLE/RECOMMENDATION

That the City Council consider and discuss the request from Vice Mayor Meyer and Council Member Mendoza to consider having Brentwood become a charter city.

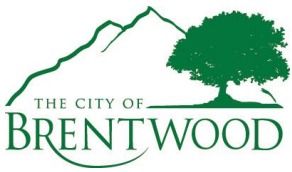
FISCAL IMPACT

A ballot measure to approve a charter may be submitted to the voters by either an elected charter commission or by the city council for the purposes of changing from a general law city to a charter city. Election costs paid to Contra Costa County for election consolidation are estimated to be \$2.50 to \$4.00 per registered voter, and would be pro-rated based on the number of other ballot questions. The City currently has 42,115 registered voters for a range of \$105,287 to \$168,460. This estimate would be increased in future election years. In addition to costs associated with the election it is assumed the City would need to allocate funds to hire outside consultants to assist with drafting and reviewing any proposed City charter.

BACKGROUND

Pursuant to Council Policy 110-1 Rule 4.4 (a)(2), a request was made in writing to the City Manager by Council Member Mendoza on May 17, 2024, and confirmed for consideration by Vice Mayor Meyer on May 21, 2024, that this item has been placed on the agenda so that the City Council may discuss it and provide further direction to staff. Additionally, Council Member Mendoza requested the Independent News article, “City to Pursue the Protection of Local Housing Control” dated May 16, 2024, referencing the City of Pleasanton, be attached to this staff report.

Pursuant to Section 4.4, Council discussion is limited to whether staff time and City resources should be spent on the item and the time period for scheduling further consideration of the matter. Until the City Council authorizes staff time and City resources on this matter, initial background information is being provided to help



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further and facilitate Council direction, however, staff have not yet done a thorough analysis of the benefits a charter city would offer compared to a general law city.

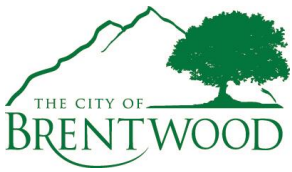
There are two types of cities in California: general law and charter cities. Brentwood is a general law city, subject to all constraints imposed by general law, even those applicable to municipal affairs. Charter cities, in contrast, operate under a governing document (a charter) written specifically for the city. Per the League of California Cities, a "municipal charter provides the highest legal framework for the purpose, governance, and operation of the city government in all its most fundamental dimensions." Charters have been compared to constitutions for the cities governed by them, and do not replace the cities' municipal codes.

Charter cities have traditionally only been subject to conflicting provisions in the state or federal constitutions and state and federal laws on matters of statewide concern that pre-empt the city's charter provisions. Charter city status thus immunizes charter cities from some, but not all, state laws.

In order for a general law city to become a charter city, the city's voters must approve the change. The charter process has many detailed steps that must be taken prior to the charter being placed on the ballot for voter approval. The process begins with drafting a charter, which can be as brief or as detailed as desired. This work can be done by a charter commission elected by voters, a charter committee appointed by the city council, or the city council itself. The amount of time it takes to complete this, and the cost associated with the project, is dependent on various factors, including the length of the document, its complexity, and the amount of public input considered during its creation.

In addition, depending on how the draft charter is eventually placed on the ballot, it may be subject to CEQA review. Finally, if the draft charter affects wages, hours, or other terms and conditions of employment for City employees, the City would be required to meet and confer in good faith with the affected bargaining groups prior to the charter being submitted to voters.

Once this work has been completed, and prior to seeking voter approval of a charter committee or council-drafted charter, there must be at least two public hearings of the city council concerning the fact that a charter is being proposed and on the content of the proposed charter. As stated in [Election Code § 34458](#), a public hearing notice must be posted in three public places at least 21 calendar days prior to each public hearing. The meetings must be at least 30 days apart, and at least one of them must be held outside normal business hours. No vote by the council can occur to



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place the proposed charter on a ballot until at least 21 days after the second public hearing.

Charter proposals are required to be placed before voters on an established statewide general election. There is more than one path for a proposed charter to arrive on the ballot, and the path selected will dictate the timing.

The City has until August 9, 2024 to submit elections materials to the County for inclusion on the ballot for the November 5, 2024 statewide general election. Due to the time-bound procedural requirements listed above, a charter satisfying the statutory requirements could not be completed in time this year to meet the submittal deadline. The established statewide general and primary election dates in 2025 are as follows: March 4, 2025 and November 4, 2025.

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

Not Applicable

DATE OF NOTICE

Not Applicable.

ENVIRONMENTAL DETERMINATION

Not Applicable.

ATTACHMENT(S)

- 1. Previous Action (if applicable)
- 2. Independent News article