



# City of Stockton

City Council/Successor  
Agency of the  
Redevelopment  
Agency/Public Financing  
Authority/Parking Authority  
Concurrent Agenda

## Meeting Agenda - - Revised City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking Authority Concurrent

*Kevin J. Lincoln II, Mayor/Chair (At Large)*  
*Kimberly Warmsley, Vice Mayor (District 6)*  
*Michele Padilla (District 1)*  
*Daniel R. Wright (District 2)*  
*Michael Blower (District 3)*  
*Susan Lenz (District 4)*  
*Brando Villapudua (District 5)*

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Thursday, June 27, 2024

1:00 PM

Council Chamber, City Hall, 425 N. El Dorado  
Street, Stockton CA

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**\*\* Special \*\***

**Special Closed Session 1:00 PM :: Special Session 1:30 PM**

**Note: Councilmember Padilla will participate in the meeting via teleconference from the following location: Grand Fiesta Americana Los Cabos All Inclusive Golf and Spa, Carretera Transpeninsular, km 10.3 Col Cabo del Sol, Tourist Corridor, 23410 Cabo San Lucas, B.C.S., Mexico, 23410, Cabo San Lucas, Baja California Sur, Mexico; Lobby Councilmember Lenz will participate in the meeting via teleconference from the following location: Sunnyside Lodge, 1850 West Lake Blvd. Tahoe City, 96145, Lobby**

- 1. SPECIAL CLOSED SESSION CALL TO ORDER/ROLL CALL**
- 2. ANNOUNCEMENT OF CLOSED SESSION**
- 2.1 [24-0651](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Two

Name of Case: John Doe v. Lodi Unified School District, et al, (San Joaquin County Superior Court Case No. STK-CV-UPI-2022-9405)

Name of Case: Kurt Wilson v. City of Stockton, et al, (San Joaquin County Superior Court Case No. STK-CV-UWM-2019-12404)

This Closed Session is authorized pursuant to section 54956.9(d)(1) of the Government Code to discuss matters pertaining to existing litigation.

Department: City Attorney

**2.2     [24-0652](#)     **CONFERENCE WITH LABOR NEGOTIATOR****

Recommended Action:     Agency Designated Representative:     City Manager Harry Black

Employee Organizations: Unrepresented Units, Stockton City Employees' Association, Operating Engineer's Local 3, Mid-Management/Supervisory Level Unit, Unrepresented Management/Confidential, Law Department, Stockton Police Management Association, Stockton Firefighters Local 456 International Association of Firefighters, Stockton Fire Management, Stockton Police Officers' Association (SPOA)

This Closed Session is authorized pursuant to section 54957.6(a) of the Government Code.

Department: City Attorney

**3.       **SPECIAL CLOSED SESSION PUBLIC COMMENT\*****

**4.       **RECESS TO CLOSED SESSION****

**5.       **SPECIAL SESSION CALL TO ORDER/ROLL CALL****

**6.       **REPORT OF ACTION TAKEN IN CLOSED SESSION****

**7.       **PUBLIC COMMENTS\*****

**8.       **NEW BUSINESS****

**8.1     [24-0448](#)     **APPROVE A RESOLUTION TO PLACE THE PROPOSED CHARTER  
AMENDMENT MEASURE ON THE 2024 GENERAL ELECTION  
BALLOT****

**Recommended Action:**

RECOMMENDATION

It is recommended that the Council approve a resolution:

1. Submitting to the qualified voters at the November 5, 2024, General Election a ballot measure proposing amendments to Articles XI and XI-A;
2. Requesting that the San Joaquin County Board of Supervisors add this charter amendment to the ballot for the November 5, 2024, General Election;
3. Directing the City Attorney to prepare an impartial analysis of the measure;
4. Authorizing arguments and the filing of rebuttal arguments for or against the measure;
5. Authorizing the City Manager to appropriate funds necessary to pay the City of Stockton's cost of placing the measure on the ballot; and
6. Directing the City Clerk to take steps necessary to place the measure on the ballot and cause the measure to be printed.

**Department:** City Clerk

**Attachments:** [Proposed Resolution - Article XI and XI-A](#)  
[Exhibit 1 - Proposed Charter Amendment](#)

8.2 [24-0598](#)

**CITIZEN INITIATIVE CHARTER AMENDMENT MEASURE - TO  
PROVIDE BINDING ARBITRATION AND RELATED PROCEDURES  
FOR SWORN POLICE AND FIRE DEPARTMENT EMPLOYEES ON  
ALL MATTERS RELATED TO THE TERMS AND CONDITIONS OF  
EMPLOYMENT**

**Recommended Action:**

RECOMMENDATION

It is recommended that the City Council:

1. Accept by motion, the City Clerk's Certificate of Sufficiency relative to the petition filed by the proponents pertaining to the Charter Amendment Measure to provide binding arbitration and related procedures for sworn police and fire department employees on all matters related to the terms and conditions of employment; and
2. Adopt a Resolution requesting consolidation from the San Joaquin County Board of Supervisors with other measures occurring at the November 5, 2024, General Election and directing the City Attorney to prepare an impartial analysis; and
3. Authorize arguments and the filing of rebuttal arguments for or against the measure (deadline for direct arguments; July 29, 2024; deadline for rebuttal arguments; August 8, 2024);
4. Authorize the City Manager to appropriate the funds necessary to pay the City's cost of placing a measure on the ballot; and
5. Direct the City Clerk to take the steps necessary to place the measure on the ballot.

**Department:** City Clerk

**Attachments:** [Attachment A - Ballot Title and Summary](#)  
[Attachment B - ROV Certificate of Signature Verification](#)  
[Attachment C - Clerk Certificate of Sufficiency](#)  
[Proposed Resolution - Keep Stockton Safe](#)  
[Exhibit 1 - Full Text of Proposed Charter Amendment](#)

**9. ADJOURNMENT**

**CERTIFICATE OF POSTING**

**I declare, under penalty of perjury, that I am employed by the City of Stockton and that I caused this agenda to be posted in the City Hall notice case on June 26, 2024, in compliance with the Brown Act.**

**Katherine Roland, CMC, CPMC  
Interim City Clerk**

**By: \_\_\_\_\_**

**Deputy**

*\*Members of the public may only comment regarding items on this agenda*

*The City of Stockton invites public comments in multiple forms. You provide your comments by using one of these methods:*

- 1. Email - you may email your comments to [city.clerk@stocktonca.gov](mailto:city.clerk@stocktonca.gov)*
- 2. Voicemail - you can leave a voice message by dialing (209) 937-8459.*
- 3. In-Person Comments - a) Speakers must submit "request to speak cards" to the Clerk prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment. Please redirect any inquiries to [City.Clerk@stocktonca.gov](mailto:City.Clerk@stocktonca.gov). b) Address only issues over which the meeting body has jurisdiction. c) Each speaker will be limited to one 2-minute comment opportunity. Donating time is not authorized. d) Your time will be displayed on the speaker podium for convenience.*

*\*All written and voicemail public comments received by the Clerk's Office 90 minutes prior to the meeting start time will be forwarded to the meeting body members as correspondence and attached the minutes. All comments received after that time will be forwarded as correspondence the following business day.*

*\*\*\*Additions to the Agenda - Government Code Section 54954.2(b)(2), allows members of the City Council present at the meeting to take immediate action, with either a two-thirds or unanimous vote, to place an item on the agenda that action must be taken and that the item came to the attention of the City subsequent to the agenda being posted.*

*All proceedings before this meeting body are conducted in English. The City of Stockton does not furnish language interpreters and, if one is needed, it shall be the responsibility of the person needing one.*

*In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are a person with a disability and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8458, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.*

*Materials related to an item on this agenda submitted to City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 425 North El Dorado Street, Stockton, California 95202, during normal business hours. Such documents are also available on the City's website at [www.stocktongov.com](http://www.stocktongov.com) subject to staff's ability to post the documents before the meeting.*

*CHALLENGING CITY DECISIONS: The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Stockton, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.*



# City of Stockton

## Legislation Text

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**File #: 24-0448, Version: 1**

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### **APPROVE A RESOLUTION TO PLACE THE PROPOSED CHARTER AMENDMENT MEASURE ON THE 2024 GENERAL ELECTION BALLOT**

#### RECOMMENDATION

It is recommended that the Council approve a resolution:

1. Submitting to the qualified voters at the November 5, 2024, General Election a ballot measure proposing amendments to Articles XI and XI-A;
2. Requesting that the San Joaquin County Board of Supervisors add this charter amendment to the ballot for the November 5, 2024, General Election;
3. Directing the City Attorney to prepare an impartial analysis of the measure;
4. Authorizing arguments and the filing of rebuttal arguments for or against the measure;
5. Authorizing the City Manager to appropriate funds necessary to pay the City of Stockton's cost of placing the measure on the ballot; and
6. Directing the City Clerk to take steps necessary to place the measure on the ballot and cause the measure to be printed.

#### Summary

The City fulfilled the Government Code requirements by holding two public hearings on May 20, 2024 and June 4, 2024 regarding potential Charter changes proposed for the 2024 General Election ballot. The previous meetings were held to hear public comment and deliberate Charter amendments forwarded by the Charter Review Ad-hoc Committee to the full Council. On June 4, 2024, the Council provided direction to the City Clerk regarding the changes proposed for the ballot and requested that final ballot language be drafted accordingly. The Council provided direction for one ballot measure, focused on changes to the Public Information Office.

It is recommended that Council approve the proposed resolution for the measure to be placed on the General Election ballot and direct the City Clerk to forward the information to the San Joaquin County Registrar of Voters. It is further recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of the resolution.

## DISCUSSION

### Background

The Charter Review Advisory Commission (Advisory Commission) is comprised of community members appointed by Council to serve in an advisory role to the Charter Review Ad-hoc Committee. The Advisory Commission was presented with information on Charter Articles XI and XI-A related to the Public Information Office for review and potential recommendations to the Council Charter Ad Hoc Committee.

Both the Charter Review Advisory Commission and Ad-Hoc Charter Review Committee received information regarding potential changes and forwarded recommendations.

Public hearings were held on May 2, 2024, and June 4, 2024, where public comments were heard, and Council provided direction regarding with changes to forward for final review.

### Present Situation

The attached resolution reflects the direction provided to staff by the Council at the public hearings held on May 2, 2024, and June 4, 2024. The proposed resolution to place on the ballot a measure amending Charter Articles XI and XI-A to assign the City of Stockton Public Information Office to the City Manager and allow for a Mayoral Public Information Office. The amendment includes that the Mayoral Public Information Office will be allowed access to information necessary to fulfill their role in a reasonable and timely manner, as coordinated through the City of Stockton Public Information Office.

California Elections Code 9282(b) allows arguments for an against ballot measures placed on the ballot by a legislative body. The City Clerk requests direction from Council on whether the Council will submit an argument in favor of the proposed charter amendment. If Council will submit an argument in favor, Council must appoint a member of Council to oversee the drafting of the argument in favor of the proposal and to oversee the drafting of a rebuttal which is consistent with Election Code Requirements. The deadline for filing arguments is July 29, 2024, for direct arguments, and August 8, 2024, for rebuttal arguments.

## FINANCIAL SUMMARY

It is anticipated that placing a measure on the 2024 General Election ballot will cost between \$50,000-\$80,000. The proposed fiscal year 2024-2025 Annual Budget includes funding for election costs within the General Fund. The final amount will be determined by the County Registrar of Voters.

Resolution No.

# STOCKTON CITY COUNCIL

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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STOCKTON SUBMITTING TO THE QUALIFIED VOTERS AT THE NOVEMBER 5, 2024 MUNICIPAL ELECTION A BALLOT MEASURE PROPOSING AMENDMENTS TO ARTICLES XI, AND XI-A OF THE CHARTER OF THE CITY OF STOCKTON; REQUESTING THAT THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS ADD THESE CHARTER AMENDMENTS TO THE BALLOT FOR THE NOVEMBER 5, 2024 ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS NECESSARY TO PAY THE CITY OF STOCKTON'S COST OF PLACING THE MEASURE ON THE BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE TO BE PRINTED**

Under the provisions of Article XI, Section 3 of the California Constitution and the Charter of the City of Stockton, the City Council of the City of Stockton, on its own motion, has proposed to submit to the qualified electors of the City of Stockton at the General Municipal Election on November 5, 2024, a measure to amend Articles XI and XI-A of the Stockton City Charter; and

The City Council has engaged in the process for review and evaluation of the current terms of the Stockton City Charter by and through its Charter Review Advisory Commission; and

During the course of the above-referenced process certain changes to the Stockton City Charter were proposed as being both necessary and beneficial to the functioning of the City and the community at large, and the City Council has endorsed those proposed changes as set forth herein and has decided to bring those changes to the voters of the City for their thoughtful consideration; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Section 1. The City Council of the City of Stockton hereby submits to the qualified electors of the City of Stockton at the General Municipal Election of November 5, 2024, a ballot measure to amend the Charter of the City of Stockton. The full text of the proposed Charter amendments shall be in the form attached hereto as Exhibit 1 and is hereby incorporated by this reference into this Resolution.

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That question is to appear as follows:

MEASURE:_____		
Revisions to Stockton City Charter – Public Information Office		
Shall the Stockton City Charter be revised to assign the City of Stockton Public Information Office to the City Manager and provide the Mayoral Public Information Office access to information necessary to fulfill their role?	YES	
	NO	

Section 2. (a) A General Municipal Election is hereby called to be held in the City of Stockton on Tuesday, November 5, 2024, (consolidated with the State of California General Election) for the purpose of submitting to the qualified electors of said city the Measure set forth in Section 1 of this Resolution to amend the Charter of said city.

(b) Said General Municipal Election hereby called shall be held and conducted, and the votes canvassed, and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this Resolution, said General Municipal Election shall be held as provided for in the City Charter and otherwise in accordance with the Elections Code of the State of California.

Section 3. The City Attorney of the City of Stockton is hereby authorized and directed to prepare an impartial analysis of the measure by August 08, 2024; and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form and manner as required by law.

Section 4. The City Council requests the San Joaquin County Board of Supervisors add this proposed charter amendment as set forth in Section 1 of this Resolution to the ballot of the General Municipal Election to be held November 5, 2024.

Section 5. The deadline for filing arguments for or against the measure shall be July 29, 2024, for the direct arguments, and August 8, 2024, for rebuttal arguments.

Section 6. The City Council authorizes \_\_\_\_\_ to oversee the drafting of a direct argument in favor, and to oversee the drafting of a rebuttal to the direct argument against and authorizes the City Clerk to give preference and priority to such arguments pursuant to Elections Code section 9287(a); and delegates to \_\_\_\_\_ the selection of others to join in the signing of such arguments.

Section 7. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City of Stockton's cost of placing the measure on the ballot.

Section 8. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the measure to be printed. A copy of the measure shall be made available to any voter upon request.

Section 9. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to sign and publish notice as required by law.

Section 10. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of San Joaquin County and the Registrar of San Joaquin County.

Section 11. This measure shall become effective, upon the majority affirmative vote of the eligible voters of the City of Stockton and upon certification and filing of the election results and the filing of the adopted measure with the Secretary of State, in accordance with the provisions of the Elections Code of the State of California.

PASSED, APPROVED AND ADOPTED June 27, 2024.

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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KATHERINE ROLAND, CMC, CPMC  
Interim City Clerk of the City of Stockton

**ORDINANCE NO.**

**PROPOSED AMENDMENTS TO THE CITY OF STOCKTON CHARTER**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

**SECTION I. AMENDMENT OF CODE**

Article XI, Section 1102 of the City of Stockton Charter shall be amended to read as follows:

**Section 1102. Powers and Duties.**

The Mayor shall have the following powers and duties:

- (a) To review with the City Manager, City Attorney and City Clerk prior to each Council meeting the items on the Council's agenda and to add matters thereto;
- (b) To make recommendations to the Council on matters of policy and programs which require Council decision;
- (c) To make recommendations to the City Manager on matters of policy and programs;
- (d) To direct those officials appointed by the Council to prepare and provide information to the Council on matters of policy and programs which require Council decision;
- (e) To request budgetary and any other information from those officials appointed by the Council that the Mayor determines is necessary for the conduct of the Mayor's duties;
- (f) To appoint, with the advice and consent of the Council, a Chairman, a Vice-Chairman, one regular member and one alternate member to each standing, special and ad hoc committee of the Council;
- (g) To appoint, with the advice and consent of the Council, such advisory boards, commissions and ad hoc committees as may be necessary or desirable to advise and assist in the work of the City Council. All members of the Council, including the Mayor and Vice-Mayor, may be so appointed;
- (h) To appoint such other advisory boards and ad hoc committees as may be necessary or desirable to advise and assist in the work of the Mayor; provided, however, that the members of such advisory boards or ad hoc committees shall not receive any compensation;
- (i) To address, not less than annually, the citizens of the City concerning the current status of City affairs and articulating the policy plans which the Mayor proposes for the City during the ensuing year;

(j) To inform the citizens, at other times during the year, of any matters of policy or programs which the Mayor believes are for the welfare of the community;

(k) To recommend adjustments to the City Budget and to propose the modification or curtailment of any city service. If the Mayor recommends any increases in the City budget, the Mayor shall recommend the method of financing such expenditures. If the Mayor proposes the modification or curtailment of any city service, the Mayor shall provide specific recommendations and the reasons for such proposal;

(l) To preside at meetings of the Council and to vote as a member of the Council without power of veto;

(m) To preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council;

(n) To select and appoint, with the advice and consent of the Council, such professional, technical and clerical employees to the office of Mayor as may be necessary or desirable to advise and assist in the work of the Mayor; provided, however, that the Mayor shall not appoint to any position any business associate or any person related to him or her or to the City Manager or to any member of the Council by blood and marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least 2/3 of the members of the Council if the Council finds that the proposed appointment is in the interest of the City. All such appointees shall serve at the pleasure of the Mayor in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are similar to other unclassified employees. The Council shall provide in the annual budget funding for no less than three positions in the office of the Mayor, including the Mayoral Public Information Officer appointed by the Mayor pursuant to Section 1153 of Article XI-A; and

(o) To exercise such other powers and perform such other duties as may be prescribed by the Council, provided the same are not inconsistent with this Charter;

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter.

Except as otherwise provided in this Charter, the Mayor shall possess only such authority over the City Manager and the administrative branch as he or she possesses as one member of the Council.

## **SECTION II. AMENDMENT OF CODE**

Article XI-A, Section 1151 of the City of Stockton Charter shall be amended to read as follows:

**Section 1151. City of Stockton Public Information Office.**

The City of Stockton Public Information Office shall be administered by a Public Information Officer appointed by the City Manager who shall serve at his or her pleasure.

**SECTION III. AMENDMENT OF CODE**

Article XI-A, Section 1153 shall be added to the City of Stockton Charter and shall read as follows:

**Section 1153. Mayoral Public Information Officer**

The Mayor shall be permitted to have a Mayoral Public Information Officer. The Mayoral Public Information Officer shall be appointed by the Mayor and shall serve at his or her pleasure.

The Mayoral Public Information Officer will be provided information necessary to fulfill his or her role in a reasonable and timely manner, as coordinated through the City of Stockton Public Information Office.

**SECTION IV. EFFECTIVE DATE**

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
KATHERINE ROLAND, CMC, CPMC  
Interim City Clerk of the City of Stockton



# City of Stockton

## Legislation Text

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File #: 24-0598, Version: 1

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### **CITIZEN INITIATIVE CHARTER AMENDMENT MEASURE - TO PROVIDE BINDING ARBITRATION AND RELATED PROCEDURES FOR SWORN POLICE AND FIRE DEPARTMENT EMPLOYEES ON ALL MATTERS RELATED TO THE TERMS AND CONDITIONS OF EMPLOYMENT**

#### RECOMMENDATION

It is recommended that the City Council:

1. Accept by motion, the City Clerk's Certificate of Sufficiency relative to the petition filed by the proponents pertaining to the Charter Amendment Measure to provide binding arbitration and related procedures for sworn police and fire department employees on all matters related to the terms and conditions of employment; and
2. Adopt a Resolution requesting consolidation from the San Joaquin County Board of Supervisors with other measures occurring at the November 5, 2024, General Election and directing the City Attorney to prepare an impartial analysis; and
3. Authorize arguments and the filing of rebuttal arguments for or against the measure (deadline for direct arguments; July 29, 2024; deadline for rebuttal arguments; August 8, 2024);
4. Authorize the City Manager to appropriate the funds necessary to pay the City's cost of placing a measure on the ballot; and
5. Direct the City Clerk to take the steps necessary to place the measure on the ballot.

#### Summary

Proponents of the measure filed petitions with the City Clerk's Office and the Clerk has executed a Certificate of Sufficiency for the petition. Council action is needed to accept the Certificate of Sufficiency, place the item on the November 5, 2024, ballot, and authorize impartial analysis, arguments and rebuttals, and appropriation of funds.

#### DISCUSSION

##### Background

On February 15, 2024, the proponents filed a Notice of Intent to Circulate an Initiative Petition. The proponents propose an amendment to the City of Stockton Charter that will provide binding arbitration and related procedures for sworn police and fire department employees on all matters related to the terms and conditions of employment (see Attachment A).

In accordance with the California Elections Code, the City Attorney prepared a ballot title and Summary of the proposed measure (Attachment A). The Notice of Intent and the title and summary of the proposed measure were published in The Record by the proponents on March 7, 2024, following which the proponents of the initiative began collecting signatures on their petition.

On May 20, 2024, the proponents filed their petition with the City Clerk's Office. Upon prima facie review of the petition, the Clerk's Office determined the petition contained sufficient raw signatures. The petition was then delivered by the Clerk's Office to the San Joaquin County Registrar of Voters for verification of signatures on May 29, 2024. As stated in Election Code 9255(c)(1) the petition must be signed by at least 15% of the registered voters of the City of Stockton as provided in the last report filed by the San Joaquin Registrar of Voters with the California Secretary of State at the date the Notice of Intent to Circulate Petition was filed with the City Clerk's Office. Based on the figure provided by the San Joaquin County Registrar of Voters, 20,315 is 15% of the total 135,427 registered voters in the City of Stockton as last reported to the Secretary of State on February 20, 2024.

On June 14, 2024, the Registrar of Voters completed verification of the signatures (Attachment B). The Registrar estimated 22,423 verified signatures, which is more than the 20,315 valid signatures required to qualify this matter on a general election ballot. Based on the verification of signatures issued by the Registrar of Voters, the City Clerk executed a Certificate of Sufficiency regarding this petition on June 17, 2024 (Attachment C).

### Present Situation

The City Clerk is requesting that the Council accept the Certificate of Sufficiency at this time and place the matter on the November 5, 2024, ballot. California Elections Code 9282 allows the proponents to file a written argument in favor of the proposal and the Council to file an argument against the measure. Neither argument may exceed 300 words. The filing deadline for arguments for the November 5, 2024, election is July 29, 2024, at 5:00pm. Proponents and the Council may each file a rebuttal argument, not to exceed 250 words each. The deadline for rebuttal arguments for the November 5, 2024, election is August 8, 2024, at 5:00pm.

### FINANCIAL SUMMARY

The San Joaquin County Registrar of Voters has provided an estimated cost of \$50,000 to \$80,000 to place the measure on the November 5, 2024, ballot.

**Ballot Title**

AN INITIATIVE MEASURE TO PROVIDE BINDING ARBITRATION AND RELATED PROCEDURES FOR SWORN POLICE AND FIRE DEPARTMENT EMPLOYEES ON ALL MATTERS RELATED TO THE TERMS AND CONDITIONS OF EMPLOYMENT

**Ballot Summary**

The measure would remove Charter Article XVI, Section 1607, "Impartial Mediation for Employee Disputes" and replace it with Article XXVIII, Section 2801, "Impartial and Binding Arbitration for Sworn Police and Fire Department Employee Disputes."

The measure would recognize the prohibition against strikes by sworn police officer and firefighters and provide for automatic dismissal without the possibility of reinstatement for engaging in a strike.

The measure would obligate both sworn police officers and firefighters to negotiate in good faith on all matters related to the terms and conditions of employment including the establishment of grievance procedures.

The measure would remove existing impasse resolution procedures requiring impartial mediation through the California State Mediation and Conciliation, another mutually agreeable organization, private mediation, or other impasse resolution process acceptable to both parties.

The measure would establish impasse resolution procedures for all terms and conditions of employment over which a three-member Board of Arbitrators would preside. The three-member Board of Arbitrators would consist of one arbitrator chosen by the City, one by the police and fire organizations, and one by agreement of both parties.

The measure would impose requirements on the arbitration process including governance by the California Code of Civil Procedure, hearings, evidence, and the adoption of other procedures designed to encourage an agreement, expedite the hearing process, or reduce the cost of arbitration.

The measure would allow parties to submit a last offer of settlement for unresolved issues if no agreement is reached prior to the end of the arbitration process. The Arbitration Board would, by majority vote, select which final offer to impose based on specified criteria and comparisons to other entities, the decision is binding after 10 days.

The measure would allow the parties to meet and resolve differences by mutual agreement and amend or modify the Arbitration Board's decision within the 10 days prior to it becoming final.

The measure would require the expense of the arbitration proceeding to be borne equally by the parties and require consistency with the rest of the Charter but give the

provisions of the measure precedence over conflicting Municipal Code or other City ordinances.

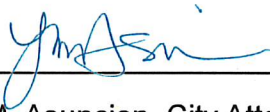
The measure would also provide a method for determining the priority of conflicting or alternative measures on the same ballot, including the effect, execution, and harmonization where possible.

The measure would require consistency with all state and federal laws, rules, and regulations and includes a severability provision that allows invalid portions to be either separated from the valid portion or cured where such is possible.


The measure would only allow amendments of its terms by a subsequent ballot measure.

**Certification**

Dated: 3-1-24

  
\_\_\_\_\_  
Lori M. Asuncion, City Attorney

Attest:

  
\_\_\_\_\_  
Eliza Garza, City Clerk





SAN JOAQUIN COUNTY
Greatness grows here.

Registrar of Voters

Olivia Hale, Registrar of Voters

Eric Diaz, Assistant Registrar of Voters

SIGNATURE VERIFICATION CERTIFICATE

I, OLIVIA HALE, REGISTRAR OF VOTERS
County Clerk/ Registrar of Voters

of the County of SAN JOAQUIN, State of California, hereby certify:

That City of Stockton Keep Stockton Safe Charter Amendment
Initiative Title

Has been filed with this office on 05/29/2024
Month and day Year

That the said petition consists of 4722 sections;

That each section contains 33785 signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination, I have determined the following facts regarding this petition:

Table with 2 columns: Description and Count. Rows include: 1. Number of unverified signatures filed by proponent (raw count) - 33785; 2. Number of signatures verified - 1014; Number of signatures found SUFFICIENT - 673; Number of signatures found INSUFFICIENT - 341; INSUFFICIENT because of DUPLICATE - 0.

IN WITNESS WHEREOF, I have here unto set my hand and affixed my official seal this day

of 06/14 2024
Month and day Year

By: Olivia Hale
Registrar of Voters

By: Ronda Patrick
Deputy

Handwritten signature of Ronda Patrick





# Petition Result Breakdown

# Attachment B

**City of Stockton keep Stockton Safe Charter Amendment  
 PROVIDE BINDING ARBITRATION AND RELATED PROCEDURES FOR SWORN POLICE & FIRE DEPARTMENT EMPLOY**

<b>Signatures Required</b>	<b>20315</b>		
<b>Raw Count</b>	<b>33,785</b>		
<b>Sample Size</b>	<b>1,014</b>	<i>Percent of Sigs</i>	<i>Percent of</i>
<b>Sigs Checked</b>	<b>1,014</b>	<i>Checked</i>	<i>Sample Size</i>
<b>Sigs Not Checked</b>	<b>0</b>		0.0 %
<b>Sigs Valid</b>	<b>673</b>	66.4 %	66.4 %
<b>Sigs Invalid</b>	<b>341</b>	33.6 %	33.6 %
Duplicated	0	0.0 %	0.0 %
Non-duplicate Invalids	341	34.0 %	33.6 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	673	66.4 %
NotReg	Not Registered	134	13.2 %
RegDiffAdd	Registered at a Different Address	62	6.1 %
SigNoMatch	Signatures Don't Match	33	3.3 %
NoResAdd	No Residence Address Given	1	0.1 %
NoSig	No Signature	2	0.2 %
RegLate	Registered Late	26	2.6 %
OutOfDist	Out of District/County	71	7.0 %
CantIdntfy	Cannot Identify	12	1.2 %

STATISTICS SUMMARY	Value	% Raw	% Req	
Pages Processed	4722	100.0 %		
Total Checked	1014	3.0 %	5.0 %	
Uncorrected Valid	22423	66.4 %	110.4 %	
Duplicate Adjustment	0			<b>Min Required (95%): 19299.3</b>
Estimated Valid	22423	66.4 %	110.4 %	<b>Min Required to pass Based on Sample (110%): 22346.5</b>



## CITY OF STOCKTON

## OFFICE OF THE CITY CLERK

## CERTIFICATE OF SUFFICIENCY OF PETITION

I, KATHERINE ROLAND, Interim City Clerk of the City of Stockton, California, do hereby certify the following:

The petition circulated by Proponents Alan Lambertson represented by Hilary Gibson of Nielsen Merksamer Parrinello Gross and Leoni, LLP was filed with the City Clerk's Office on May 20, 2024. A prima facie review of the petition determined that the petition contained sufficient raw signatures. The petition was delivered by the City Clerk's Office to the San Joaquin Registrar of Voters for verification of signatures on May 29, 2024. The Registrar confirmed that 33,785 signatures were filed. Of these, 1,014 signatures were verified and 673 or 66.4% were found sufficient.

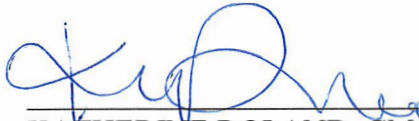
In accordance with Election Code section 9255(c)(1) the petition must be signed by at least 15% of the registered voters of the City of Stockton as provided in the last report filed by the San Joaquin County Registrar of Voters with the Secretary of State at the date the Notice of Intent to Circulate Petition was filed with the City Clerk's Office. Based on the figure provided by the San Joaquin County Registrar of Voters, 20,315 is 15% of the 135,427, which is the total number of registered voters in the City of Stockton as officially reported to the Secretary of State on February 20, 2024.

Based on the statics summary the results of the examination by the San Joaquin County Registrar of Voters were as follows:

Number of signatures filed:	33,785
Number of signatures estimated valid:	22,423
Number of valid signatures required:	20,315

Based on the above, I certify the petition submitted by the Proponents to be sufficient.

I hereby set my hand and official seal this June 17, 2024, at Stockton, California.

  
 KATHERINE ROLAND, CMC, P.M.C.  
 INTERIM CITY CLERK CITY OF STOCKTON



Resolution No.

# STOCKTON CITY COUNCIL

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**RESOLUTION SUBMITTING AN INITIATIVE MEASURE TO PROVIDE BINDING ARBITRATION AND RELATED PROCEDURES FOR SWORN POLICE AND FIRE DEPARTMENT EMPLOYEES ON ALL MATTERS RELATED TO THE TERMS AND CONDITIONS OF EMPLOYMENT TO THE QUALIFIED VOTERS AT THE NOVEMBER 5, 2024 MUNICIPAL ELECTION; REQUESTING THAT THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS ADD THESE CHARTER AMENDMENTS TO THE BALLOT FOR THE NOVEMBER 5, 2024 ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS NECESSARY TO PAY THE CITY OF STOCKTON'S COST OF PLACING THE MEASURE ON THE BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE TO BE PRINTED**

On February 15, 2024, the Proponents filed a Notice of Intent to Circulate an Initiative Petition to amend the City of Stockton's Charter; and

On May 20, 2024 the Proponents filed the petition with the City Clerk's office. Upon prima facie review of the Petition, the Clerk's Office determined the Petition contained sufficient raw signatures. The Petition was then delivered by the Clerk's Office to the San Joaquin Registrar of Voters for verification of signatures on May 29, 2024; and

On June 14, 2024 the Registrar of Voters completed verification of signatures. The number of estimated signatures verified is 22,423, which is more than the 20,315 valid signatures required to qualify this matter on a general election ballot. Based on the verification of signatures issued by the Registrar of Voters, the City Clerk executed a Certificate of Sufficiency regarding this petition on June 17, 2024; now, therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Section 1. The City Council of the City of Stockton hereby submits to the qualified electors of the City of Stockton at the General Municipal Election of November 5, 2024, a ballot measure to amend the Charter of the City of Stockton. The full text of the proposed Charter amendments shall be in the form attached hereto as Exhibit 1 and is hereby incorporated by this reference into this Resolution.

//  
//

That question is to appear as follows:

MEASURE: _____		
Revisions to Stockton City Charter – Impartial and Binding Arbitration		
Shall the Stockton City Charter be revised to impose impartial and binding arbitration for Sworn Police and Fire Department Employee Disputes including procedures for impasse resolution for all terms and conditions of employment?	YES	
	NO	

Section 2. (a) A General Municipal Election is hereby called to be held in the City of Stockton on Tuesday, November 5, 2024, (consolidated with the State of California General Election) for the purpose of submitting to the qualified electors of said city the Measure set forth in Section 1 of this Resolution to amend the Charter of said city.

(b) Said General Municipal Election hereby called shall be held and conducted, and the votes canvassed, and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this Resolution, said General Municipal Election shall be held as provided for in the City Charter and otherwise in accordance with the Elections Code of the State of California.

Section 3. The City Attorney of the City of Stockton is hereby authorized and directed to prepare an impartial analysis of the measure by August 8, 2024; and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form and manner as required by law.

Section 4. The City Council requests that the San Joaquin County Board of Supervisors add this proposed charter amendment as set forth in Section 1 of this Resolution to the ballot of the General Municipal Election to be held November 5, 2024.

Section 5. The City Clerk is authorized to call for arguments and the filing of rebuttal arguments for or against the measure. The deadline for filing arguments for or against the measure shall be July 29, 2024, for the direct arguments, and August 8, 2024, for rebuttal arguments.

Section 6. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City of Stockton's cost of placing the measure on the ballot.

Section 7. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the measure to be printed. A copy of the measure shall be made available to any voter upon request.

Section 8. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to sign and publish notice as required by law.

Section 9. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of San Joaquin County and the Registrar of San Joaquin County.

Section 10. This measure shall become effective, upon the majority affirmative vote of the eligible voters of the City of Stockton and upon certification and filing of the election results and the filing of the adopted measure with the Secretary of State, in accordance with the provisions of the Elections Code of the State of California.

PASSED, APPROVED AND ADOPTED June 27, 2024.

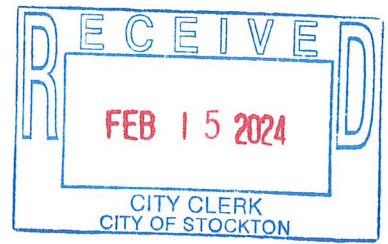
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KEVIN J. LINCOLN II  
Mayor City of Stockton

ATTEST:

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KATHERINE ROLAND, CMC, CPMC  
Interim City Clerk City of Stockton



The people of the City of Stockton do ordain as follows:

### SECTION 1. Title.

This charter amendment measure shall be known and may be cited as the “Keep Stockton Safe Measure” (“Measure”).

### SECTION 2. Findings and Purpose.

A. Findings. The people of the City of Stockton (“City”) find and declare as follows:

1. Disputes over fair compensation have historically led to police officers and firefighters having to work without a labor contract and without receiving any cost-of-living increases for extended periods of time.
2. As a result, Stockton police officer and firefighter compensation has fallen further and further behind neighboring cities. The inability of the city maintain fair compensation terms has resulted in police officer and firefighter resignations, which have eroded staffing levels.
3. Specifically, the Stockton Police Department is losing officers to nearby agencies that provide more competitive pay and benefits, and the Department has many fewer officers than it has budgeted for.
4. A fully staffed police force would improve the Stockton Police Department’s ability to respond to calls for service, increase the number of officers on the streets, and help prevent burnout by overworked officers.
5. The Stockton Fire Department is also understaffed with many vacancies, with staff leaving for nearby departments with better pay and benefits.
6. These staffing shortages have required Stockton firefighters to respond to many more calls per firefighter than firefighters in other California agencies. This is leading to significant retention difficulties.
7. Understaffed Police and Fire Departments also lead to delayed response times.
8. Fair compensation is an important factor in maintaining adequate staffing, so enacting a binding dispute resolution provision in the City Charter is necessary to maintain adequate staffing.
9. The City Charter currently contains provisions allowing for mediation of certain disputes between the City and the Fire Department regarding firefighter wages, hours, and other terms and conditions of City employment, but the process is not binding on the parties. Moreover, there is currently no dispute resolution provision in the Charter for police officers.
10. This Measure therefore amends the City Charter of the City of Stockton to make disputes over compensation for sworn police officers and firefighters subject to an impasse resolution process that requires binding arbitration, which is a viable

- alternative to fairly and efficiently resolve disputes regarding public safety personnel wages, hours, and other terms and conditions of City employment.
11. Under binding arbitration, a jointly selected neutral third party is responsible for determining, subject to proposals submitted by the parties, the terms and conditions of new collective bargaining agreements to govern the employment relationship. This process for resolving disputes over fair compensation for police officers and firefighters will help ensure Stockton offers a competitive compensation package that will improve and maintain staffing levels.
  12. Efficient and effective dispute resolution is also needed because strikes by police and firefighters, which endanger public safety, are generally prohibited as a matter of state law. The City Charter currently contains provisions related to prohibiting firefighter strikes. The Measure retains this prohibition as part of the new Charter section pertaining to binding arbitration, and extends it to include police officers as well as firefighters.
  13. By stabilizing labor relations, this Measure will improve the City's ability to retain experienced police officers and firefighters and recruit qualified new police officers and firefighters.

**B. Purpose.** The people of the City of Stockton declare that our purpose and intent in enacting this Measure is to address ongoing public safety concerns by improving the ability of the City of Stockton to retain its veteran public safety employees and reduce the ongoing attrition of police officers and firefighters to other agencies by making amendments to the Charter of the City of Stockton to provide for binding arbitration for sworn police and fire department employees on all matters relating to their wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement.

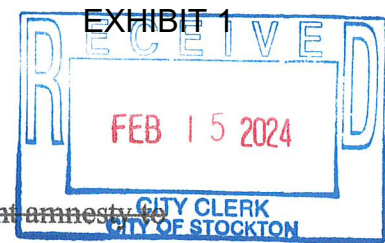
**SECTION 3. Amendments to the Charter of the City of Stockton.**

**A.** The Charter of the City of Stockton is hereby amended to repeal Section 1607 (“Impartial Mediation for Employee Disputes”) of Article XVI (“Fire Department”) of the Charter (deletions are indicated in ~~strikethrough~~).

**~~SECTION 1607. Impartial Mediation for Employee Disputes.~~**

~~(a) Declaration of Policy. It is hereby declared to be the policy of the City of Stockton that strikes by firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.~~

~~(b) Prohibition Against Strikes. If any firefighter employed by the City of Stockton willfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new~~



~~employee. No officer, board, council, or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.~~

~~(e) Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with recognized Fire Department employee organizations on all matters relating to the wages, hours, and other terms and conditions of City employment within the scope of representation, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement.~~

~~(d) Impasse Resolution Procedures.~~

~~(1) All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations regarding a memorandum of understanding (MOU) between the City and a Fire Department employee organization should be submitted to impartial mediation upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.~~

~~(2) Within three (3) days after either party has notified the other, in writing, that it desires to proceed to mediation, representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall request cost free mediation through the California State Mediation and Conciliation or other mutually agreeable organization. The parties may mutually agree on a private mediator or other impasse resolution process.~~

~~(3) Any mediation proceeding convened pursuant to this Article shall be conducted in conformance with State law. The parties may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the mediation process, or reduce the costs of the mediation.~~

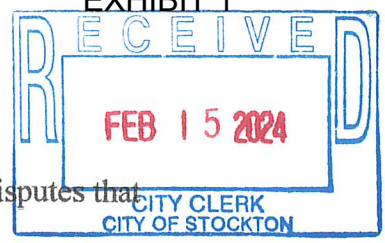
~~(4) The cost of any mediation convened pursuant to this Article, including the fee for the services of the mediator, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.~~

**B.** The Charter of the City of Stockton is hereby amended to insert the following new language into the Charter:

Article XXVIII. Impartial and Binding Arbitration for Sworn Police and Fire Department Employee Disputes

SECTION 2801 Declaration of Policy.

It is hereby declared to be the policy of the City of Stockton that maintaining effective public safety depends upon the maintenance of stable employer-employee relations and adequate staffing levels. In order to assure that effective public safety services are provided to all people



of Stockton, a method is hereby adopted for peacefully and equitably resolving disputes that might otherwise lead to reductions in law enforcement staffing levels.

Strikes by police and firefighters, which endanger public safety, are generally prohibited as a matter of state law. Consistent with state law, the people of the City of Stockton hereby declare it to also be the policy of the City that strikes by firefighters or police officers employed by the City of Stockton endanger the public health, safety, and welfare, are against public policy, and are prohibited by this Charter.

SECTION 2802 Prohibition Against Strikes.

Consistent with the policy set forth in Section 2801, if any firefighter or police officer employed by the City of Stockton willfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council, or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

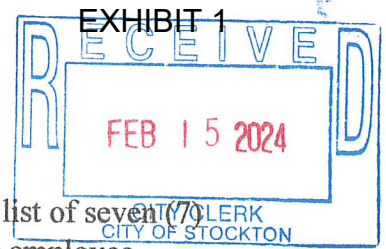
SECTION 2803 Obligation to Negotiate in Good Faith.

The City, through its duly authorized representatives, shall negotiate in good faith with the recognized sworn police and fire department employee organizations on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the City and the recognized sworn police and fire department employee organizations, respectively, or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said employees in the recognized employee organizations shall be altered, eliminated, or changed.

SECTION 2804 Impasse Resolution Procedures.

(a) All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized sworn police and fire employee organizations, respectively, shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

(b) Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators ("Arbitration Board") within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the recognized employee organization involved in the dispute cannot agree upon the selection of the third, neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation



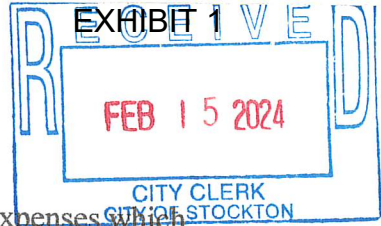
Service of the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

(c) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure, as may be amended from time to time. The Arbitration Board shall hold public hearings, receive evidence from the parties, and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

(d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits, and terms and conditions of public and private employment, including, but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits, and terms and conditions of employment of California state and local public employees performing similar services to the extent that such can be reasonably done, including comparable classifications in the greater metropolitan area, and in the four California cities next larger in population than Stockton and the four California cities next smaller in population than Stockton; and the financial condition of the City of Stockton and its ability to meet the costs of the decision of the Arbitration Board.

(e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to confirm or approve the decision of the Arbitration Board shall be permitted or required.

(f) The expenses of any arbitration proceeding convened pursuant to this Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of



the transcript of the proceedings, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

**SECTION 4. Internal Consistency.**

It is the intent of the people of the City of Stockton that the amendments contained in Section 3 of this Measure be read and construed in full harmony with the rest of the Charter of the City of Stockton. To the extent that any provisions of the Stockton Municipal Code, or any other ordinances of the City may be inconsistent with this Measure, the provisions of this Measure shall govern.

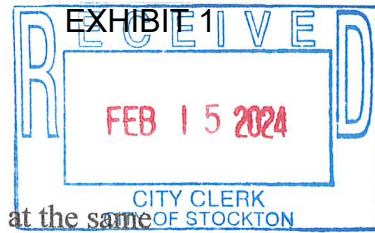
**SECTION 5. Implementation.**

A. This Measure is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Measure by the voters of the City of Stockton. Upon approval of this Measure by the voters, the City is directed to promptly take all appropriate actions, including but not limited to taking any and all necessary administrative steps, as required by state law, to implement this Measure.

B. The Charter in effect on the date of filing of the Notice of Intent to Circulate this Measure (“Filing Date”), and the Charter as amended by this Measure, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City’s Charter remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of any element of the Charter that is adopted between the Filing Date and the effective date of the Charter amendments adopted by this Measure shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the Charter amendments adopted by this Measure, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Measure and other elements of the Charter.

**SECTION 6. Effect of Other Measures on the Same Ballot.**

To ensure that the intent of the voters is not frustrated, this Measure is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter measures or City-sponsored measures placed on the same ballot as this Measure and which, if approved, would regulate sworn police and fire department employee disputes in any manner whatsoever and that would frustrate the purpose and intent of this Measure (each, a “Conflicting Measure”). In the event that this Measure and one or more Conflicting Measures are adopted by the voters at the same election, then it is the voters’ intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety with respect to sworn police and fire department employee disputes and said other measure or measures shall be rendered void and without any legal effect with respect to such matter. If this Measure is



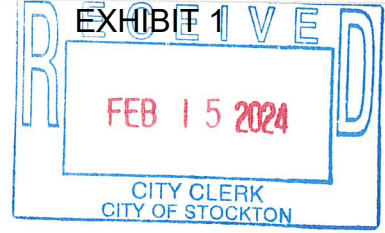
prevented from going into effect by a Conflicting Measure approved by the voters at the same election, and such Conflicting Measure is later held invalid, this Measure shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Measure and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Measure to be implemented upon its adoption without imposing any additional or inconsistent requirement(s) on sworn police and fire department employee disputes, then it is the voters' intent that both the other measure and this Measure shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

**SECTION 7. Interpretation and Severability.**

**A.** This Measure must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Measure be interpreted or implemented by the City and others in a manner that broadly facilitates the purpose set forth in this Measure. Notwithstanding the foregoing, this Measure must also be interpreted to be consistent with all preemptive federal and state laws, rules, and regulations. The Myers-Miliias-Brown Act (MMBA) generally governs labor-management relations in California local government, and this Measure is intended to be fully consistent with and harmonized with the MMBA to the extent required by law.

**B.** If, for any reason, any section, sub-section, sentence, clause, phrase, part, or portion of this Measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Measure. The voters declare that this Measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Measure is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Measure that can be given effect without the invalid application.

**C.** If, for any reason, any portion of this Measure is held by a court of competent jurisdiction to be invalid, we the People of the City of Stockton indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Measure by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Measure, including adopting or reenacting any such portion in a manner consistent with this Measure.



**SECTION 8. Amendment.**

The amendments to the Charter of the City of Stockton set forth in Section 3 of this Measure may be amended or repealed only by a majority of the voters of the City voting in an election held in accordance with state law.