



**SPECIAL CITY COUNCIL MEETING  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
MARCH 30, 2026, 5:30 PM**

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This meeting will be available for viewing via YouTube at  
<https://www.youtube.com/@cityofporterville4149> ,

Please direct any questions to the Office of City Clerk at 559-782-7464.

Call to Order

Roll Call

Pledge of Allegiance Led by Mayor Meister

Invocation

**ORAL COMMUNICATIONS**

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

**SCHEDULED MATTERS**

**1. Review of Charter Amendment Recommendations**

Re: Review and provide direction regarding proposed Charter amendments recommended by the Charter Review Committee and summarized in the City Attorney's memorandum.

**ADJOURNMENT** - to the meeting of April 7, 2026, at 5:30 p.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, requesting electronic participation as an accommodation, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 N. Main Street, Porterville, CA 93257, and on the City's website at [www.ci.porterville.ca.us](http://www.ci.porterville.ca.us).



SUBJECT: Review of Charter Amendment Recommendations

SOURCE: City Manager's Office

COMMENT: This item was previously presented to the City Council at the March 3, 2026, City Council meeting and was tabled by the Council for discussion at a future meeting.

On October 7, 2025, the City Council reviewed a comprehensive list of potential Charter amendments compiled by the Charter Review Committee. On January 20, 2026, the City Council directed that a limited number of amendments move forward for additional legal review and development and requested that the Charter Review Committee continue refining language and sequencing for potential ballot consideration.

The Charter Review Committee met on February 5, 2026, to review draft language and policy options. The City Attorney has prepared a memorandum summarizing the Committee's discussions, draft Charter amendment concepts, and alternative ballot language for Council consideration.

The memorandum identifies four primary amendment topics recommended for Council review:

1. Voter Identification for Local Elections
2. Local Control of Public Works and Self-Performance
3. City Council Consent for Appointment or Removal of Department Heads
4. Filling Council Vacancies by Election

At the conclusion of the February 5 meeting, the Charter Review Committee also requested that the City Council consider whether, given potential additional time, the Committee should be directed to review additional Charter provisions for general housekeeping and clean-up purposes.

The Committee specifically identified and discussed the current Charter language requiring at-large elections, which conflicts with the City's district-based election ordinance adopted to address Voting Rights Act compliance. The

City Attorney has recommended that the Council consider whether to propose an amendment providing flexibility for the City to establish its voting system by ordinance rather than prescribing a specific format within the Charter.

Additionally, the Committee Chair requested that the City Council consider whether to replace a current alternate member who has not attended several meetings.

This item is presented for City Council review and direction regarding which amendments should continue moving forward, whether additional Charter housekeeping items should be evaluated, and whether any changes to the composition of the Charter Review Committee are warranted.

RECOMMENDATION:                    That the City Council:

1. Review the Charter Review Committee recommendations and the City Attorney memorandum;
2. Identify which Charter amendments should proceed for further development;
3. Provide direction regarding potential additional Charter housekeeping review, including consideration of amendments related to election structure; and
4. Provide direction regarding the status of the Charter Review Committee alternate member.

ATTACHMENTS:                    1.     Memo - City Attorney

Appropriated/Funded:

Review By:

Department Director:  
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

**MCCORMICK KABOT & LEW  
MEMORANDUM**

TO: City Council  
Cc: Rich Tree, City Manager  
Porterville Charter Review Committee

FROM: Julia M. Lew, City Attorney

DATE: February 23, 2026

SUBJ: Charter Sections Directed to be Addressed by the City Council and Reviewed by the Charter Committee on February 5, 2026

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The following is the summary of the February 5, 2026, Charter Committee discussion items that were approved to move forward and be further considered by the City Council. These items include proposed draft ballot measure language by the Committee, and proposed draft charter amendment language by the City Attorney with additional recommended changes either incorporated or presented as options (which are highlighted for reference) from the attorney Committee Member, Alex Krase .

**VOTER ID FOR LOCAL ELECTIONS**

The committee discussed the Council’s request for consideration of an amendment to the City Charter regarding Voter identification for local elections.

Section 5 of the City Charter covers the timing and procedures for local elections.

The timing and manner of a charter city’s elections have traditionally been considered a matter of local concern and therefore subject to the charter cities’ local powers and control. However, the City of Huntington Beach approved a charter proposal in 2024 to implement voter identification requirements for its local elections that was counteracted by the California legislature which adopted California Elections Code 10005 that went into effect on January 1, 2025. It states:

“A local government shall not enact or enforce any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted, unless required by state or federal law. For the purpose of this section, “local government” means any charter or general law city, charter or general law county, or any city and county.”

On November 3, 2025, the California Court of Appeal found that the City of Huntington Beach’s Charter Section was invalid, and the City filed an appeal of that decision December 15<sup>th</sup>, asking the California Supreme Court to weigh in. The State Supreme Court denied review last month, and the lower court has now upheld the validity of Section 10005. Huntington Beach is petitioning the U.S. Supreme Court for review.

Even if a court ruling invalidates Section 10005, in order to implement such a measure, the City would need to separate its local election from the consolidated State election and would need to administer its own election (or contract with a private elections administration company). Currently the City has a contract with Tulare County to administer its local election, which the City has consolidated with the State general election. The cost of the City running its own election would be significant and should be addressed prior to passing any measure.

There is a sizable backlash to Elections Code 10005 that has resulted in a pending State ballot initiative that will likely be qualified for inclusion in the November 2026 election (at last count the petition has 1.3 million signatures). If the ballot measure passes, it would change the State constitution to require express voter identification for any election in the State, including local elections consolidated with the State elections. This change, if it withstands any additional legal scrutiny, would render any charter amendment unnecessary. Past polling results on this issue indicated a majority of Californians may be in favor of the requirements.

Additionally, there is a current Congressional effort (the SAVE Act), which has been passed by the House but as of the date of this memo has not yet been scheduled for a vote by the Senate.

Given the current prohibition on requiring voters to present identification prior to casting a ballot, the Charter Committee considered adding conditional language to the charter that becomes operative only when permitted by State and Federal law is the best the City can legally do at this time. The City could amend Charter Section 5 or opt to add a standalone section that, for example, reads as follows:

**Committee-approved Measure Language (two alternatives):**

**A) Shall the City Charter be amended to require reasonable identification in municipal elections as provided by ordinance and consistent with applicable law in order to protect the integrity of local elections and strengthen public confidence in the voting process?**

**OR**

**B) Shall the citizens of Porterville require voters to provide adequate identification in order to vote in municipal elections providing that said actions are allowed by law?**

**Section \_\_\_\_\_. *Special Provisions Relating to Municipal Elections.***

*(a) Beginning in 2027, for all municipal elections:*

*1. "Elector" means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.*

*2. The City shall verify the eligibility of Electors by voter identification, with the requirements adopted by Ordinance, and/or as otherwise permitted or required by the Federal and State Constitutions.*

*(b) This Section shall become operative and implemented when and to the fullest extent allowed and authorized by Federal and State law.*

Mr. Krase noted that given the Committee's additional elections cost concerns, the Council may wish to consider additional modifications that allow the City not to adopt a voter identification ordinance if it is determined to result in a negative fiscal impact. His changes are highlighted below.

**Section \_\_\_\_\_. *Special Provisions Relating to Municipal Elections.***

*(a) Beginning in 2027, for all municipal elections:*

*1. "Elector" means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.*

*2. The City shall verify the eligibility of Electors by voter identification, with the requirements adopted by Ordinance, and/or as otherwise permitted or required by the Federal and State Constitutions.*

*(b) This Section shall become operative and implemented when and to the fullest extent allowed and authorized by Federal and State law.*

*(c) The City shall not be required to enact a voter identification ordinance if it determines that it would result in a negative fiscal impact on the City by deviating from the statewide requirements.*

## **CITY SELF PERFORMANCE FOR REPAIR AND MAINTENANCE WORK**

Section 61 of the City Charter currently states as follows:

"Sec. 61. Competitive Bidding For Contract Work For Erection, Improvement And Repair Of Public Buildings, Etc., Where The Amount Is In Excess Of Five Thousand Dollars.

When a required expenditure exceeds five thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice. (4-6-1971)

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths ( $\frac{4}{5}$ ) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice, not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the council may, by resolution passed by a vote of four-fifths ( $\frac{4}{5}$ ) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose. (4-10-1961)

Amendment note - The first paragraph of § 61 was amended April 6, 1971 by increasing the amount from \$2,500.00 to \$5,000.00."

The Section contains a public contracting requirement for certain work where the cost exceeds \$5,000. The section covers the erection, improvement and repair of certain public buildings and works; work in or about streams, embankments, overflow protection; "street sewer work except maintenance or repair" and the furnishing of supplies or material for any such project, "including maintenance or repair of streets, sewers or water lines."

The City Council has expressed a desire to ensure that the City is able to perform street maintenance and repairs with its own forces, without regard to the public contracting requirements of the State. The

City Council expressed support to consider further expansion to set its own rules concerning public contracting, not only allowing City forces to engage in other public maintenance and repairs when it has qualified city work forces to do so, but also giving the City full flexibility to exercise its home rule powers when allowed in the public works context. However, the Council ultimately directed that consideration of changes to the bid threshold in the Charter be deferred for now.

The Charter Review Committee considered making a comprehensive amendment to Section 61. The proposed Section 61 revisions remove ambiguous language in that section. Note that if a revision to Section 61 is made, per the Council's direction, the bid threshold for work contracted out (\$5,000) is also included in order to remain in place.

**Committee-approved Measure Language:**

**Should the Charter be amended to allow for self-performance for City maintenance, repair and public improvement work?**

***Section 61. Local Control of Public Work and Purchasing.***

*Except as provided by City ordinance or agreement approved by the City Council, the City of Porterville as a Charter City, is exempt from the requirements of the California Public Contracts Code and from the requirements of any other California statute regulating City public contracting and purchasing. This exemption shall not prohibit the City Council from subsequently adopting any section, article, chapter, or part of the California Public Contracts Code in whole or in part for the City's own use.*

*A. The City shall have the power to establish standards, procedures, rules or regulations for all aspects of the bidding not otherwise addressed in this Charter, award, contract provisions, requirements, and performance of any public works contract, including but not limited to the compensation rates to be paid for the performance of such work, the use of alternative contracting and project delivery methods including without limitation design-build, public private partnerships, construction manager at risk, best value procurement, pre-qualification of bidders, and similar methods.*

*B. The City shall have the power to accept gifts and donations, including donations of material and labor, in the construction of any public works project.*

*C. The City shall have the power to perform any work of improvement, replacement, repair or maintenance by use of its own forces and is not required to contract for such work, including the construction of such work. The City may also contract with other public agencies for such work.*

*D. The City shall have the power to establish standards, procedures, rules, or regulations related to the purchasing of goods, property, or services.*

*E. When a contract for public work is estimated to exceed \$5,000.00, it shall be awarded to the lowest responsive responsible bidder unless otherwise prescribed or permitted by State or Federal law.*

Based on the US Bureau of Labor CPI inflation calculator, \$5000 in January, 1971 has the same purchasing power as \$40,860.80 in January, 2026. The Committee has not considered increasing the threshold based on direction from the Council. However, the Committee discussed and expressed support for a measure proposing an increase if the Council wished to reconsider it.

**CITY COUNCIL AUTHORITY OVER DEPARTMENT HEADS.**

The Council has expressed an interest in considering authorizing amendments that would increase its authority over Department Heads, potentially to include the authority to hire, terminate and evaluate those employees.

At its meeting on January 20, the City Council gave direction to produce draft Charter provisions that require either consent by or consultation with the City Council for department head appointment or termination decisions made by the City Manager or City Administrator.

Section 21 could be amended to modify the power of the City Manager concerning appointment and removal of department heads, as follows:

**Committee-approved ballot language:**

**Should the City Manager receive City Council consent to hire or terminate (department) directors?**

Note: this was one of several motions considered, but the only one that passed (4-1).

A second separate motion was considered for the following measure language (failing 2-3):

“Should the City Manager receive City Council consent to hire or terminate (department) directors, with a 4/5 vote of all Council members?”

A third separate motion was considered as follows (failing 2-3):

“Shall the citizens of Porterville allow the City Council to fire department heads without cause by simple majority vote so long as all State labor laws are followed?”

**Amend Section 21(b) (Section 21 enumerates the powers of City Manager, with the new language in bold) to read:**

*21(b): To appoint, except as otherwise provided in this charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same. **Appointment and removal of department heads shall be subject to the consent of the Council.***

Mr. Krase provided an option with a minor clarification:

**Amend Section 21(b) (Section 21 enumerates the powers of City Manager, with the new language in bold) to read:**

*21(b): To appoint, except as otherwise provided in this charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same. **Appointment and removal of department heads shall be subject to the consent and direction of the Council.***

**ELECTION, NOT SELECTION.**

The City Council has expressed an interest in requiring special elections to fill mid-term council vacancies, in lieu of requiring council appointments.

Charter Section 16 provides that vacancies in legislative offices (aside from vacancies created by recall election) shall be filled by appointment by the council, with that appointee serving until the next

council election. In the event the council fails to agree and make that appointment, the Mayor is charged with doing so.

The Council may want to consider specifying whether or not the special election should be held in conjunction with the next scheduled State election so that it could be consolidated. If that is the desire, vacancies that occurred within 114 days of the State election would likely need to be postponed to the next election unless the City Council holds its own special election.

How this is handled varies in other cities. Note that the main drawback to requiring vacancies be filled by election is that there could be an extended period during which the seat remains vacant, and the committee considered potentially allowing a short-term council appointment until the election can be held and the successor is seated. The committee also raised special election cost concerns.

**Committee Approved Ballot Measure Alternatives (3 alternatives approved):**

**Shall the charter be amended to require council vacancies be filled by special election, and allow the council appointment to fill the seat until that special election?**

**Shall the Charter be amended to require Council appointment to fill the seat temporarily and call a special election as soon as feasible thereafter?**

**Shall the citizens of Porterville vote to allow that any unoccupied council seat must be filled by a special election that must occur no sooner than 90 days and no later than 180 days from the date the seat was vacated? The City Council shall still have the right to appoint a temporary replacement for the seat until said special election has been held.**

***Sec. 16. Vacancies in Office.***

*(a) A City Council office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, is convicted of a felony or of an offense involving a violation of his or her duties, ceases to be a resident of the City or the district corresponding in number to the office to which he or she was elected, neglects to qualify within the time prescribed by the provisions of this Charter, is absent from the State without leave or willfully fails or refuses to perform their duties of office for more than 45 consecutive days, or fails to attend five (5) consecutive regular city council meetings of the unless prevented from attending by sickness without being excused therefrom by such body (but in no case for a period exceeding 90 days).*

*(b) The Council shall declare the existence of any vacancy, except vacancy caused by death or resignation which are deemed to exist as of their effective dates. Such declaration shall be a final determination of the existence of the vacancy unless a court review is sought within thirty days after such declaration.*

*(c) A resignation is effective when received by the City Clerk unless a different time is stated in the resignation.*

*(d) A vacancy in an elected office shall be filled as follows:*

*(1) A vacancy in the office of a Councilmember may[or shall?] be temporarily filled by appointment, until the filled by special election by the Council in accord with Subsection (2) below, within thirty days after the Council declares the existence of the vacancy or the incumbent dies or resigns.*

*(2) A special election shall be called by the City Council within 30 days after the declaration or effective date of the vacancy. The vacancy in the office of a Councilmember shall be filled by a special election to be held not sooner than ninety (90) days, or later than one hundred eighty (180) days after the Council*

*calls such election. A special election shall not be necessary if the vacancy occurs not later than within \_\_\_\_\_ days of the regular election to fill that seat.*

*(e) Any person elected to fill a vacancy shall serve for the remainder of any unexpired term and until his or her successor qualifies. If a person appointed to fill a vacancy is a candidate for the same office which he or she then holds, the designation under the candidate's name on the ballot may be the words "appointed incumbent" or may be words designating the profession, vacation, or occupation of the candidate.*

*(f) If the Council fails to call a special election within thirty days after the incumbent dies, or his or her resignation is effective, or the declaration of the existence of the vacancy becomes final, the salary or other compensation of each member of the Council shall cease until the Council calls such special election.*

*(g) At any special election called to fill a council, the candidate receiving the majority of votes cast shall succeed to the vacated office for the unexpired term upon certification of the election results. If no candidate receives a majority of votes cast, Council shall call another special election within thirty days of the certification of the election results and the two candidates receiving the most votes shall be placed on that special election ballot.*

The Committee expressed concerns with the special elections costs for the City, if it opts to fill council vacancies solely via special election, particularly if the election cannot be timely consolidated with a State election.

Mr. Krase also noted this concern as well suggested as an alternative that the City could mirror the requirements on California State Special Districts, Cal. Gov. Code § 1780. (This specifically gives the City Council the option of calling a special election or making an appointment.)

#### Alternative modified version of Cal. Gov. Code § 1780

(a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of the City shall be filled pursuant to this section.

(b) The remaining Council members may fill the vacancy either by appointment pursuant to subdivision (c) or by calling an election pursuant to subdivision (d).

(c) (1) The remaining members of the Council shall make the appointment pursuant to this subdivision within 60 days after either the date on which Council is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the City, including City Hall at least 15 days before the Council makes the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general election that is scheduled 130 or more days after the date the City is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(d) (1) In lieu of making an appointment the Council may within 90 days of the date the City is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the City calls the election.

(e) (1) If the vacancy is not filled by the Council by appointment, or if the Council has not called for an election within 90 days of the date the Council is notified of the vacancy or the effective date of the vacancy, whichever is later, then the City shall order a special election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council calls the election.