

**DATE:** February 10, 2026  
**TO:** Honorable Mayor and City Council  
**FROM:** Jennifer Logue, City Attorney  
**TITLE:** Charter Modernization – 2026 Ballot Measure



## STUDY SESSION MEMO

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### PURPOSE

The purpose of this Study Session is to present proposed amendments to the City Charter and to provide the City Council with an opportunity to review, discuss, and provide feedback on those proposed amendments. The Study Session is intended to solicit City Council direction and policy input to inform further refinement of the proposed Charter amendments prior to any formal consideration or action.

### BACKGROUND

The City Council's 2025–27 Work Plan includes a project to place a measure on the 2026 ballot proposing amendments to the City Charter to modernize its provisions. The amendments contemplated for the 2026 ballot are intended to be non-controversial in nature and limited to technical and clarifying changes, including correcting typographical errors, clarifying existing language, revising archaic terminology, improving internal consistency, and aligning the Charter with State law and current operational practices. More substantive policy-level Charter amendments may be considered as part of a separate ballot measure in 2028. This phased approach is intended to avoid potential voter confusion and ensure that the proposed Charter amendments do not conflict with or distract from the City's planned 2026 bond measure.

In developing the recommended amendments, the City Attorney's Office conferred with the City Manager and the City Clerk and conducted a peer-city benchmarking review of the city charters of San Francisco, San Jose, Sacramento, Oakland, Los Angeles, Palo Alto, Redwood City, Sunnyvale, and Santa Clara to identify best practices for modernization and technical Charter amendments. The review included larger cities that regularly update their charters and therefore often reflect more current drafting standards, as well as nearby jurisdictions, to ensure that the proposed amendments are consistent with contemporary practices of Mountain View's neighboring cities. While the charters reviewed vary significantly in structure, organization, and substantive requirements and do not contain identical language or provisions, the review helped provide a general understanding of modern drafting approaches and commonly used requirements.

## **DISCUSSION**

The proposed Charter amendments are organized below by change category rather than in numerical or chronological order within the Charter. Within each category, the affected Charter sections are identified, along with an explanation of the proposed amendment and the rationale for recommending or presenting it. The categories are generally arranged from least to most complex. For example, amendments intended to update the Charter to use gender-neutral language are grouped together, with each impacted Charter section identified and discussed within that category. This organizational approach is intended to facilitate focused Council review and feedback on related amendments.

### **1. Typographical Errors**

Staff's review of the City Charter identified at least one typographical error in the last paragraph of Section 1107. To ensure accuracy and clarity, staff recommends amending the Charter to correct this error and to make any additional typographical corrections that may be identified as part of the Charter amendment process. Making these corrections will improve the readability and internal consistency of the Charter without altering its meaning or operation.

### **2. Gender-Neutral Language Revisions**

City staff recommends amending the City Charter to replace gender-specific terminology with gender-neutral language. These revisions are intended to modernize the Charter, improve clarity and inclusivity, and ensure that the document reflects contemporary drafting standards. As part of the Charter review process, staff examined a wide range of other city charters, and nearly all of the charters reviewed use gender-neutral language throughout. Updating the Mountain View City Charter to do the same would align it with current municipal drafting conventions.

If the City Council supports amending the Charter to use gender-neutral language, the proposed amendments would apply to Sections 602, 711, and 1603. Section 602, which governs the powers and duties of the City Manager, would be amended to replace the reference to the City Manager as "he" with the gender-neutral term "they." Section 711, governing the powers and duties of the City Attorney, would be amended to replace the phrase "his or her" with "their." In addition, Section 1603, addressing the construction of the Charter, would be revised to add a new subsection (f) stating that the Charter is intended to be gender-neutral, that all words referring to persons shall be construed as gender-neutral, and that words in the singular include the plural and words in the plural include the singular, unless the context clearly requires otherwise. These proposed amendments are technical and non-substantive in nature and are not intended to modify, expand, or limit any powers, duties, or authority established by the Charter.

### **3. State Law and Operational Alignment**

This section includes proposed Charter amendments intended to update various provisions to align the Charter with current State law and the City's existing operational practices. Over time, changes in State law and the evolution of City operations can render certain Charter provisions outdated or inconsistent with how the City functions today. The proposed amendments in this section are intended to clarify existing requirements, update provisions that no longer reflect current law or practice, and ensure that the Charter accurately reflects the City's present-day legal and operational framework.

a. Section 501

Staff recommends amending Section 501 of the City Charter, which governs eligibility requirements for City Councilmembers, to clarify that the term “qualified elector,” as used in that section, has the same meaning as the term “elector” as defined in the California Elections Code. Section 501 currently provides that a Councilmember “shall remain a resident and a qualified elector of the City of Mountain View or of territory annexed thereto, as defined in the California Elections Code.” However, the placement of the phrase “as defined in the California Elections Code” at the end of the sentence makes the provision unclear. Moreover, the California Elections Code does not define the term “qualified elector,” but instead defines the term “elector.” The proposed amendment would clarify this provision to expressly align the Charter language with State law. This is a technical, non-substantive clarification and is not intended to change or expand the eligibility requirements for Councilmembers.

All city charters reviewed for this project require City Councilmembers to be “electors” of the city, as that term is generally defined in the California Elections Code. While some charters use the term “elector,” others use the term “qualified elector,” and still others expressly incorporate the statutory criteria for elector eligibility (such as minimum age requirements) directly into the charter, the underlying requirement is consistent across jurisdictions. Although the specific drafting approach varies, all comparable charter cities impose this eligibility standard. Clarifying the Mountain View City Charter to more clearly align with this common requirement would therefore improve clarity and consistency without altering the substantive eligibility criteria.

b. Section 504

Staff recommends amending Section 504 of the City Charter, which sets forth the process for filling a vacancy on the City Council, to extend the timeframe for the Council to either make an appointment or call a special election from 30 days after the commencement of the vacancy to 60 days. The current 30-day deadline presents an extremely tight timeline within which to evaluate options, solicit and review applications, conduct interviews, and take formal action, particularly when accounting for noticing and procedural

requirements. California Government Code section 36512 provides general law cities up to 60 days to fill a council vacancy by appointment or to call a special election. The proposed amendment would align the Charter with this State law timeframe and better reflect practical operational considerations, without altering the substantive process for filling vacancies.

A review of other city charters conducted as part of this project shows that approaches to filling City Council vacancies vary among jurisdictions. For example, the charter of San Jose does not impose a specific timeline for Council action, while Oakland and Santa Clara require action within 30 days. The charter of Sacramento generally requires a special election to be called within 14 days of a vacancy, unless the vacancy occurs within one year of the next general election, in which case the vacancy is filled by appointment with no specified timeline. Palo Alto and Redwood City allow up to 60 days to act, and the charter of Los Angeles does not impose a deadline. While these timelines differ, aligning the Mountain View City Charter with State law by providing a 60-day timeframe would be consistent with the approach taken by at least a few peer cities and would provide a more reasonable and workable period for the Council to either make an appointment or call a special election, without introducing a controversial policy change.

c. Section 514

Staff recommends amending Section 514 of the City Charter, which governs the adoption of ordinances and resolutions, to remove the requirement that ordinances and resolutions be read in full unless further reading is waived by unanimous vote of the Council after the title is read. As part of the Charter review process, staff examined how other cities address this issue and found that, among the charters reviewed, only Sunnyvale requires the title of an ordinance to be read at the time of its introduction or adoption.

In addition, California Government Code section 36934 provides that a reading of an ordinance or its title is not required if the title is included on the published agenda and a copy of the full ordinance is made available to the public both online and in print at the meeting prior to its introduction or passage. The City of Mountain View already includes the title of each ordinance on the agenda and makes the full ordinance available to the public online in advance of Council consideration, and the City could readily make a printed copy available at the meeting if it wished to fully align with the State law framework. Although Government Code section 36934 applies only to general law cities and is cited here for comparative purposes, it reflects current legislative practice. Finally, State law does not require the reading of resolutions or their titles. Therefore, the proposed amendment would modernize the Charter by eliminating an outdated procedural requirement while preserving transparency and without altering the substance of the ordinance or resolution adoption process.

d. Section 515

Staff recommends amending Section 515 of the City Charter, which governs how votes on the adoption of ordinances must be taken and recorded, to revise the current roll-call voting requirement so that a roll-call vote is required *only* if requested by a Councilmember. State law does not require roll-call votes for the adoption of ordinances, and this change would align the Charter with current City practice. In addition, with the exception of the City of Santa Clara, staff did not identify a similar mandatory roll-call voting requirement in the city charters reviewed as part of the peer-city benchmarking process. It is also noteworthy that on July 15, 2025, the Santa Clara City Council directed the formation of a Charter Review Committee to conduct a comprehensive review and update of its Charter, and the roll-call voting requirement may be addressed as part of that process. The proposed amendment would provide procedural flexibility while maintaining transparency and preserving the ability of any Councilmember to request a roll-call vote when desired.

**4. General Charter Modernization and Clarification**

a. Section 709

Staff recommends amending Section 709 of the City Charter, which governs the powers and duties of the City Clerk, to remove outdated references to maintaining “books” and instead refer more generally to the maintenance of City “records.” The City no longer maintains official records in bound books, and records are now generally created, stored, and accessed electronically. The proposed amendment would modernize the Charter language to reflect current record-keeping practices while preserving the substance of the City Clerk’s duties and responsibilities.

b. Section 902

Staff recommends amending Section 902 of the City Charter, which governs appointments and terms for boards, commissions, and committees, to clarify the requirement for staggered terms and to align the Charter with current City practice. As currently written, Section 902 requires appointments and term expirations to occur on January 1. However, several existing boards, commissions, and committees operate on appointment cycles that do not align with a January 1 schedule. For example, the Youth Advisory Committee typically makes appointments in June. The proposed amendment would preserve the Charter’s intent to ensure staggered terms and continuity of service, while providing flexibility to accommodate differing appointment cycles currently in use by the City.

c. Section 900

Section 900 of the City Charter generally governs appointive boards and commissions. As part of the Charter modernization effort, the City Council has expressed a desire to explore whether the Charter requirement that all members of boards and commissions be residents and qualified electors of the City of Mountain View should be modified to instead authorize the City Council to establish membership qualifications for individual boards, commissions, and committees by ordinance or resolution. In reviewing how other cities address these issues, staff found that most city charters require residency and/or elector status for boards and commissions created directly by the charter, while many are either silent or expressly authorize the council to establish membership qualifications for boards, commissions, and committees created legislatively. This review was intended to provide general context and inform discussion, recognizing that charter structures, requirements, and approaches vary significantly among jurisdictions. **Table 1** below provides a comparative overview of how other cities address residency and elector requirements for charter-created and council-created boards, commissions, and committees.

**Table 1 - Peer-City Charter Comparison – Residency/Elector Requirements**

City	Charter-Created Boards & Commissions	Council-Created Boards, Commissions & Committees
San Jose	Yes	No
Santa Clara	Yes	Yes, except Youth Commission and Bicycle & Pedestrian Advisory Committee
Oakland	Yes (most charter-created bodies)	No
Sacramento	Yes	No
Palo Alto	No	No
Sunnyvale	Yes	No
Redwood City	Yes	Yes
Los Angeles	No general charter provision governing boards and commissions	No general charter provision governing boards and commissions
San Francisco	Yes, unless otherwise provided in the Charter	No

To assist the City Council in considering potential Charter amendments related to residency/elector requirements for boards, commissions, and committees, staff has identified three policy options for Council consideration. Each option reflects a different approach to establishing residency and elector requirements and is presented below with a brief description and a summary of potential advantages and disadvantages. These

options are intended to facilitate discussion and direction and are not presented in order of preference.

### **Option 1: Status Quo (Current Charter Approach)**

#### **Proposed Charter Concept**

Members of all boards, commissions, and committees shall be residents and qualified electors of the City, unless otherwise provided in this Charter.

#### **Description**

This option retains the existing Charter requirement for all boards, commissions, and committees, with no delegation of authority to the City Council to establish alternative membership qualifications.

#### **Pros**

- Maintains a clear and uniform eligibility standard for all bodies
- Ensures all members have a direct residency-based connection to the City
- Avoids the need for additional ordinances or resolutions to establish qualifications

#### **Cons**

- Limits flexibility to tailor membership qualifications for specific boards or committees
- May unnecessarily restrict participation for advisory bodies where broader expertise could be beneficial
- Does not reflect the approach used by many peer cities that distinguish between charter-created and council-created bodies
- Charter-level rigidity may make future adjustments more difficult

### **Option 2: Partial Delegation (Charter-Created vs. Council-Created Bodies)**

#### **Proposed Charter Concept**

Members of boards and commissions created by the Charter shall be residents and qualified electors of the City. The City Council may, by ordinance or resolution, establish qualifications for membership on boards, commissions, and committees created by the Council.

#### **Description**

This option preserves Charter-level residency and elector requirements for boards and commissions created by the Charter, while granting the City Council authority to establish membership qualifications for bodies created legislatively.

#### **Pros**

- Preserves Charter-level standards for core, Charter-created bodies

- Provides flexibility for Council-created bodies to reflect their specific purpose and function
- Aligns with the approach used by many peer cities

**Cons**

- Introduces different eligibility rules for different types of bodies
- Requires ongoing Council action to establish and maintain qualifications
- May create some administrative complexity in tracking applicable requirements
- Could raise questions about consistency across advisory bodies

**Option 3: Full Delegation to City Council****Proposed Charter Concept**

The qualifications for membership on all boards, commissions, and committees shall be established by the City Council by ordinance or resolution.

**Description**

This option fully delegates authority to the City Council to establish membership qualifications for all boards, commissions, and committees.

**Pros**

- Maximizes flexibility to tailor qualifications to each body's role and needs
- Allows qualifications to evolve without further Charter amendments
- Simplifies the Charter by delegating detailed requirements to legislative action

**Cons**

- Removes Charter-level residency and elector protections
- May be perceived as reducing voter-established standards
- Greater potential for frequent or inconsistent changes over time
- Requires careful policy discipline to ensure transparency and consistency

Staff does not recommend a specific option related to residency/elector requirements for boards, commissions, and committees. Instead, staff seeks City Council feedback and direction on whether to pursue any of the approaches described above and, if so, which option or combination of options should be further developed for potential inclusion in a Charter amendment.

Notwithstanding the foregoing, staff does *not* recommend deleting or substantively amending Charter provisions governing boards and commissions created directly by the Charter, as those bodies and their core functions were established by the voters, and removing them or delegating full authority to the City Council to reestablish and define their functions, duties, powers, and jurisdiction by ordinance or resolution would represent a significant policy change likely to be controversial and inconsistent with the

limited, non-substantive scope of the Charter amendments contemplated for the 2026 ballot.

d. Sections 904, 905, 906, 909 and 911

Depending on the City Council's direction regarding residency and elector requirements for boards, commissions, and committees, corresponding amendments to several related Charter provisions may be necessary to ensure internal consistency. Specifically, Sections 904 (Meetings; Chairman), 905 (Compensation; Vacancies), 906 (Planning Commission), 909 (Recreation and Parks Commission), and 911 (Library Board) may require non-substantive clarifying and conforming revisions. For example, Section 904 may benefit from clarification regarding whether the requirement to select a presiding officer applies only to boards and commissions created by the Charter or more broadly to all appointive bodies. Similarly, Section 905 would require amendment to remove the provision stating that a vacancy occurs when a member ceases to be a resident and qualified elector of the City, if the Council elects to modify or eliminate that eligibility requirement. These potential amendments are identified to highlight areas where additional conforming changes may be needed depending on Council direction.

## 5. Municipal Code Reference Update

Staff recommends amending Section 1702 of the City Charter, which contains the definitions applicable to the Community Stabilization and Fair Rent Act (CSFRA), to revise subsection (o), the definition of “Relocation Assistance,” to update references to sections of the Mountain View Municipal Code. The current definition references Municipal Code provisions that have since been repealed or renumbered, creating ambiguity and potential confusion regarding the applicable requirements. While this amendment is technical and necessary to ensure clarity and accuracy, staff recognizes that amendments to the CSFRA are often perceived as substantive and can be controversial regardless of scope. Accordingly, staff recommends that this proposed Charter amendment be presented to voters as a separate ballot measure, so that failure of this measure would not affect the City’s broader Charter modernization efforts.

## QUESTIONS FOR COUNCIL

1. Does the City Council support amending the Charter to correct typographical errors?
2. Does the City Council support amending the Charter to replace gender-specific terminology with gender-neutral language?
3. Does the City Council support amending Charter Section 501 to clarify the reference to “qualified elector” to align with State law?

4. Does the City Council support amending Charter Section 504 to extend the deadline to fill a City Council vacancy by appointment or to call a special election from 30 days to 60 days?
5. Does the City Council support amending Charter Section 514 to remove the requirement that ordinances and resolutions be read or have their titles read prior to adoption?
6. Does the City Council support amending Charter Section 515 to require a roll-call vote on the adoption of ordinances only when requested by a Councilmember?
7. Does the City Council support amending Charter Section 709 to remove outdated references to maintaining “books” and replace them with a general reference to maintaining City records?
8. Does the City Council support amending Charter Section 902 to clarify the requirement for staggered terms for boards, commissions, and committees?
9. Does the City Council wish to retain the residency and elector requirement for all boards, commissions, and committees, or to pursue a partial or full delegation approach as described in this report?
10. Based on the Council’s direction regarding residency and elector requirements, does the City Council support making corresponding clarifying and conforming amendments to Charter Sections 904, 905, 906, 909, and 911?
11. Does the City Council support amending Charter Section 1702 to update Municipal Code references and placing this amendment on the ballot as a separate measure?
12. Does the City Council have any additional direction regarding the proposed Charter update?

#### **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html)

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

#### **EXEMPT FROM THE LEVINE ACT**

General policy and legislative actions

**NEXT STEPS**

1. Community Outreach regarding the Charter Update
2. Return to Council with proposed ballot question and Charter amendments

**PUBLIC NOTICING**

Agenda posting.

cc: Kimbra McCarthy, City Manager  
Heather Glaser, City Clerk