

Alameda City Council
City of Alameda
2263 Santa Clara Avenue
Alameda, California 94501

July 7, 2026

Re: Agenda Item 7-B—Proposed Charter Amendment Measure for the November 3, 2026 Ballot

Dear Madam Mayor and Members of the City Council,

I am particularly concerned about Agenda Item 7-B and the proposed Charter Amendment measure described as a “cleanup” measure to amend or repeal outdated Charter provisions. This is a second letter I’m sending to you that raises legal questions around the proposed framework of such a ballot measure.

I understand that the City of Alameda, as a charter city, possesses broad authority under Article XI of the California Constitution to propose Charter amendments and submit them to the voters. However, California courts have afforded charter cities substantial discretion in determining how legislative Charter amendments are presented to the voters. In particular, courts have distinguished between **voter initiatives** and **legislative Charter amendments** and have recognized that the Legislature’s single-subject limitations applicable to initiatives *do not automatically apply in the same manner* to Charter amendments placed on the ballot by a city council.

However, that authority is not unlimited and discretion must still be exercised consistently with fundamental principles of fair elections, informed voter consent, and the requirement that voters be given a meaningful opportunity to approve or reject significant governmental changes.

My concern is that Agenda Item 7-B does not merely eliminate obsolete language or correct outdated provisions. Instead, it combines numerous unrelated and substantive policy decisions affecting separate areas of municipal governance—including executive authority, civil service protections, City Attorney powers, public utility governance, financial oversight, and historic preservation—with minor technical amendments into a single ballot question.

This creates a significant legal risk that the measure could be challenged as an improper bundling of unrelated governmental changes that deprives Alameda voters of the ability to make an informed and independent choice on each significant Charter amendment.

The ballot question asks voters to approve amendments to more than twenty Charter sections and repeals two additional sections. Although the City describes the proposal as updating

“outdated language and provisions,” several amendments represent substantive changes in governmental authority.

Some examples here—

1. Section 8-2 — Expansion of City Manager Authority Over City Litigation

The proposed amendment to Section 8-2 would authorize the City Attorney to commence actions not only with authorization from the City Council, but also through “written instruction of the City Manager.”

This is not merely a technical correction. It changes the allocation of authority between elected officials, the City Attorney, and the City Manager regarding litigation decisions affecting the City.

Whether the City Manager should possess such authority is a significant policy question deserving independent voter consideration. A voter may support modernization of obsolete Charter language while opposing a transfer of litigation authority from the elected Council to an appointed administrative officer. Under the current structure of Agenda Item 7-B, voters are not provided that choice.

2. Section 2-3 — Creation of Additional Exempt Positions Outside Civil Service

The proposed amendment to Section 2-3 would allow the City Council to establish positions that are exempt from Civil Service requirements and serve at the pleasure of appointing authorities.

This is a substantial change affecting municipal employment structure, accountability, and employee protections. It is unrelated to other proposed amendments concerning publication requirements, historical boards, or obsolete Charter provisions.

3. Sections 10 and 12 — Public Utilities Board Governance and Financial Oversight

The amendments concerning the Public Utilities Board represent another independent policy area.

These provisions would alter:

- Board composition
- professional qualification requirements
- employee restrictions
- financial reporting requirements
- audit responsibilities.

Most notably, Section 12-4(B) would change responsibility for selecting the annual auditor from the City Council to the City Auditor.

The question of who controls independent financial oversight of a public utility is a matter of public accountability and fiscal governance. It is not logically connected to the removal of obsolete Charter provisions elsewhere in the proposed measure.

4. Sections 28-2 through 28-4 — Historical Advisory Board

The proposed amendments concerning the Historical Advisory Board alter the composition and qualifications of a City advisory body.

These provisions represent a separate policy decision regarding historic preservation governance and community representation. They have no reasonable relationship to amendments involving City Attorney authority, utility governance, or municipal employment.

Although California law does not prohibit every Charter amendment from containing multiple provisions, courts have repeatedly emphasized that election measures must be presented fairly and in a manner that allows voters to understand what they are approving.

California courts have recognized that governmental bodies may not structure ballot measures in a manner that undermines the electorate's ability to make an informed choice.

In **Hernandez v. County of Los Angeles (2008) 167 Cal.App.4th 12**, the court recognized that legislative bodies have broader authority than initiative proponents when placing measures before voters. However, that decision does not grant unlimited authority to combine unrelated policy decisions into a single measure or eliminate the requirement that elections be conducted fairly.

Similarly, California courts have emphasized in election cases involving ballot presentation and voter understanding that the electorate must not be confronted with misleading or confusing choices. The principles discussed in cases such as **Californians for an Open Primary v. McPherson (2006) 38 Cal.4th 735** and related election jurisprudence reinforce that voters must be allowed to meaningfully understand the governmental action on which they are voting.

The concern here is not that the City lacks authority to propose Charter amendments. The concern is that the City is exercising that authority in a manner that combines fundamentally different governmental decisions into one up-or-down vote.

The practical effect of Agenda Item 7-B is that voters who support one portion of the measure may be required to approve other unrelated provisions they oppose.

For example:

- A voter who supports deleting obsolete Charter language regarding outdated employment provisions may be forced to simultaneously approve a change to City Attorney authority.
- A voter who supports updating historic preservation provisions may be forced to approve changes to public utility financial oversight.

- A voter who supports administrative modernization may be forced to approve changes to civil service protections.

This is the classic concern of “**logrolling**”—combining separate issues into a single measure so that support for one provision carries unrelated provisions across the finish line.

While California law recognizes that some Charter amendments may appropriately address multiple related provisions, the amendments contained in Agenda Item 7-B do not share a common purpose beyond the broad characterization that they are “cleanup.” A broad label cannot transform unrelated substantive policy decisions into a single coherent amendment.

The staff report indicates that the Charter Review Subcommittee directed staff to bring forward three separate Charter amendment proposals, including this cleanup measure. That approach demonstrates that the City itself recognizes that certain Charter changes involve sufficiently different subjects to warrant separate consideration by voters.

If three separate measures are appropriate for Charter amendments generally, then combining more than twenty distinct Charter changes into a single ballot question raises substantial concerns about whether voters are being given a meaningful opportunity to consider each proposal individually.

I respectfully request that the City Council reconsider Agenda Item 7-B and direct staff to separate the proposed amendments into distinct ballot measures organized by subject matter.

At a minimum, it would be in the best interest of the City and voters that the Council separate:

1. City Attorney authority and litigation powers
2. Civil service and municipal employment changes
3. Public Utilities Board governance and financial oversight
4. Historical Advisory Board amendments
5. Purely technical Charter cleanup provisions

Doing so would protect the integrity of the electoral process, reduce the risk of litigation, and ensure that Alameda voters are able to make informed decisions on important questions of municipal governance. Proceeding with the current structure creates avoidable legal exposure, including the possibility of a pre-election writ of mandate challenging whether the measure has been presented to voters in a manner consistent with California election law and constitutional principles of informed voter choice.

I appreciate the Council’s service to Alameda and urge careful consideration of this issue before placing the measure on the November 2026 ballot.

Sincerely,

Carmen Reid