

**City of Culver City, California
Agenda Item Report**

Meeting Date: <u>01/14/13</u>		Item Number: <u>PH-1</u>	
CITY COUNCIL AGENDA ITEM: PUBLIC HEARING – Consideration of the Need for a Comprehensive Review of the Existing City Charter as Required by Section 1900 of the City Charter.			
Contact Person/Dept.: Martin R. Cole, Assistant City Manager/City Clerk		Phone Number: 310-253-6000	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☒		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (Email) Meetings and Agendas – City Council (01/07/14)			
Department Approval: Martin R. Cole (01/06/14)		City Attorney Approval: Carol Schwab (by H. Baker) (01/07/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (01/07/14)		City Manager: John M. Nachbar (01/07/14)	

RECOMMENDATION:

Staff recommends the City Council consider the need for a comprehensive review of the City Charter as required by Section 1900 of the City Charter and direct the City Manager as deemed appropriate.

BACKGROUND:

City Charter, Section 1900, provides the following:

“Beginning in January 2014, and in January every 10 years thereafter, the City Council shall hold a public hearing to consider the need for a comprehensive review of the existing Charter and shall determine whether or not to appoint a Committee to consider and propose amendments to the existing Charter.”

At the February 11, 2013 City Council meeting, the City Council provided its consensus to place on a future agenda the discussion of various provisions of the City Charter. At that meeting, Council Member O’Leary mentioned the following items:

- Council Resignation and Elections
- Role of the City Manager with regard to the City Manager’s jurisdiction and the City Council’s jurisdiction pertaining to the Police and Fire Chiefs and the City Attorney
- Council Terms

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At the Regular City Council meeting of May 28, 2013, the City Council considered a staff report (Item A-7: Discussion of Review of and Potential Amendments to the City Charter, the Process for Initiating Charter Review/Amendments, and (If Desired) Related Direction to the City Manager). A copy of the staff report and attachments for that item are provided as part of this staff report.

During the May 28, 2013 City Council meeting, the following items were discussed:

(1) Police and Fire Chiefs/City Attorney Reporting to the City Manager and Hiring/Removal

(2) Removal of the Culver City Unified School District from the City Charter (if legally possible): Please note, this issue was discussed during the 2005-2006 Charter review process. Attachment 2 is an excerpt from a September 20, 2005 memo from the Charter Review Committee to the City Council responding to questions raised about the proposed Charter amendments. This information explains the basis for inclusion of the governance of a school district in a city's charter and the effect if not included. During that process, the Culver City Unified School District (CCUSD) Board of Education expressed an interest in seeing those provisions remain.

(3) Combination of CCUSD and City Elections: Please note, this subject is currently being considered by the City Council/CCUSD Board of Education Liaison Committee.

The City Council did not make any formal motions at the May 28, 2013 meeting.

DISCUSSION:

Legal Requirements for Charter Amendments

As the City Council is aware, any amendments proposed to the City Charter must be presented to the voters for consideration. California Government Code Section 34458 provides for the most expeditious process for proposing amendments to the City Charter.¹ Section 34458 authorizes the City Council, on its own motion, to propose charter amendments to be submitted to the voters for potential adoption, and sets forth the required process. This may be done by the City Council with the assistance of City staff, or by a Charter Review Committee appointed by the City Council (as set forth in City Charter Section 1900). Nothing in the Government Code or the City Charter requires the creation of a Charter Review Committee (as was done in 2006)—this would be at the discretion of the City Council.

¹ Another process provided by the Government Code involves the election of a formal charter commission, which must be done at a general or special election and would also require substantial additional time.

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The charter review process that resulted in the City Charter of 2006 was quite extensive. The City Council determined to appoint members to a Charter Review Committee which met for over a year and involved a significant allocation of staff and financial resources estimated to be in the magnitude of hundreds of thousands of dollars. While it is not expected any review deemed necessary at this point would require an allocation of resources of that magnitude, it should be noted the use of a Committee to review the City Charter and propose amendments (including the creation of the Committee and appointment of members) would add a significant amount of time, financial and staff resources to this current process.

Generally speaking, any decision to place an item before the voters must be made **at an absolute minimum**, no later than 88 days prior to the date for the election. And such election (to submit proposed charter amendments to the voters) must be: an established statewide general (none currently established), statewide primary (June 3, 2014), or regularly scheduled municipal election (April 12, 2016).

Should the City Council determine a comprehensive review (or review of specific provisions) of the City Charter is necessary, additional details of each of the processes available would be provided in a subsequent staff report, including discussion of whether a Charter Review Committee is desired.

FISCAL ANALYSIS:

Discussion of this item at this evening's meeting does not create a fiscal impact. However, should the City Council determine to place before the voters proposed amendment(s) to the City Charter, there would be an unanticipated fiscal impact based upon the number of such amendments. Should the City Council determine to move forward with this discussion and ultimately consider placement of such amendment(s) on a ballot, staff will provide an estimate of associated costs.

ATTACHMENTS:

1. Staff Report from May 28, 2013
2. Excerpt from Memo from Charter Review Committee to the City Council (09/20/2005)

MOTION:

That the City Council:

Consider the need for a comprehensive review of the City Charter as required by Section 1900 of the City Charter and direct the City Manager as deemed appropriate.