

MEETING DATE: January 13, 2014

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.

ATTACHMENTS

	<u>Pages</u>
1. Staff Report from May 28, 2013	1 - 36
2. Excerpt from Memo from 09/20/2005	37

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

Meeting Date: <u>05/28/13</u>		Item Number: <u>A-7</u>	
CITY COUNCIL AGENDA ITEM: 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.			
Contact Person/Dept.: Martin R. Cole, Phone Number: 310-253-6000 Assistant City Manager/City Clerk			
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 (05/21/13)			
Department Approval: Martin R. Cole (05/21/13)		City Attorney Approval: Carol Schwab (by H. Baker) (05/21/13)	
Chief Financial Officer Approval: Jeff Muir (05/21/13)		City Manager: John Nachbar (05/21/13)	

RECOMMENDATION:

Staff recommends the City Council discuss review and potential amendments to the City Charter, the process for initiating Charter review/amendments, and direct the City Manager as deemed appropriate.

BACKGROUND:

The voters of the City of Culver City adopted a new City Charter on April 11, 2006, which became effective July 1, 2006 (City Charter) (Attachment 1). The City Charter that was placed on the 2006 ballot was the product of a recommendation of the City's Charter Review Committee, which members were appointed by the City Council.

City Charter, Section 1900 (Charter Review Committee), 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.”

This mandated public hearing to determine whether and to what extent a review of the City Charter is warranted has already been placed on the City Council tentative agenda for January, 2014.

City of Culver City, California
Agenda Item Report

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

Per the City Council's request, staff has agendized this item to seek general direction from the City Council with regard to review and potential amendment of the City Charter, and the process for initiating such review/amendments.

DISCUSSION:

Based upon the areas of interest expressed by a member of the City Council at its February 11, 2013 meeting, the City Council may wish to pay particular attention to the following Sections of the City Charter:

SUBJECT MATTER	CITY CHARTER ARTICLES/SECTION(S)
Council Resignation Elections	Section 604 (Vacancy) Article XV (Elections)
Role of the City Council/City Manager – City Attorney, Fire Chief, Police Chief	Section 607 (Powers of the City Council) Section 700 (Powers and Duties of the City Manager) Section 701 (Non-Interference by the City Council) Article IX (City Attorney)
Council Terms	Section 600 (Number, Election, and Term of Office) Section 601 (Term Limits)

Staff Review of the Charter

As a result of this evening's discussion, should the City Council determine that additional discussion and/or review of City Charter provisions are deemed necessary, staff will also take this opportunity to conduct a review of the City Charter and propose additional discussion items as needed.

City of Culver City, California
Agenda Item Report

City Charter Section 2011 also provides for a process for removal of any obsolete provisions of Article XX (Succession and Transition). Such process shall be undertaken within the next 90 days, with any obsolete items presented to the City Council for removal.

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. Please note 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 to this 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 8, 2014). The General Municipal Election in Culver City is scheduled to be held on April 8, 2014. Eighty-eight days prior to that date falls on January 10, 2014. Should the City Council determine it wishes to place any items on the ballot at the earliest possible election date (April 8, 2014), the City Clerk recommends such process be completed no later than October, 2013.

Should the City Council determine it wishes to pursue placement of proposed City Charter amendments before the voters, additional details of each of the processes available would be provided in a subsequent staff report.

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 amendments to the City Charter, there would be an unanticipated fiscal impact based upon the number of such amendments. Should the City Council determine to

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.

City of Culver City, California
Agenda Item Report

move forward with this discussion and ultimately consider placement of such amendments on a ballot, staff will provide an estimate of associated costs.

ATTACHMENTS:

1. City Charter of 2006

MOTION:

That the City Council:

Discuss review of and potential amendments to the City Charter and the process for initiating such review/amendments, and direct the City Manager as deemed appropriate.

MEETING DATE: May 28, 2013

AGENDA ITEM: **Discussion of the City Charter and Potential Amendments
Thereto and (If Desired) Related Direction to the City
Manager**

ATTACHMENTS

	<u>Pages</u>
1. City Charter of 2006	1-32

CHARTER OF THE CITY OF CULVER CITY

Preamble

Article I. Name and Charter Status

Section 100. Name and Charter Status.

Article II. Definitions

Section 200. Definitions.

Article III. Form of Government

Section 300. Form of Government.

Article IV. Boundaries

Section 400. Boundaries.

Article V. Powers of the City

Section 500. Powers of the City.

Article VI. City Council

Section 600. Number, Election and Term of Office.

Section 601. Term Limits.

Section 602. Eligibility.

Section 603. Compensation.

Section 604. Vacancy.

Section 605. Forfeiture of Office.

Section 606. Mayor and Vice Mayor

Section 607. Powers of the City Council.

Section 608. City Council Meetings.

Section 609. Special Meetings.

Section 610. Notice of Public Meetings.

Section 611. Public Participation.

Section 612. Council Proceedings.

Section 613. Adoption of Ordinances and Resolutions.

Section 614. Urgency Ordinances.

Section 615. Ordinances: Enactments.

Section 616. Ordinances: Publication.

Section 617. Ordinances: Amendments.

Section 618. Ordinances: Codification.

Section 619. Ordinances: When Effective.
Section 620. Ordinances: Violation and Penalty.
Section 621. Publishing of Legal Notices.

Article VII. City Administration

Section 700. Powers and Duties of City Manager.
Section 701. Non-Interference by City Council.

Article VIII. Annual Budget

Section 800. Budget Preparation.
Section 801. Submission to City Council.
Section 802. Public Hearing.
Section 803. Further Consideration and Adoption.
Section 804. Appropriations.
Section 805. Amendments.

Article IX. City Attorney

Section 900. Eligibility.
Section 901. Duties.

Article X. Board of Education

Section 1000. Number and Term.
Section 1001. Eligibility.
Section 1002. Vacancies.
Section 1003. Forfeiture of Office.
Section 1004. Organization of the Board of Education.
Section 1005. Special Elections.

Article XI. Commissions, Boards and Committees

Section 1100. In General.
Section 1101. Appropriations.
Section 1102. Chairperson and Vice Chairperson.
Section 1103. Procedures.
Section 1104. Oaths and Affirmations.
Section 1105. Committees.

Article XII. Civil Service

Section 1200. Merit Principle.
Section 1201. Classification.
Section 1202. Appointments from Civil Service Positions.

Section 1203. Prohibitions.

Article XIII. Retirement System

Section 1300. Public Employees' Retirement System.

Article XIV. General Provisions Relating to Officers and Employees

Section 1400. Official Bonds.

Section 1401. Oath of Office.

Section 1402. Financial Interest.

Section 1403. Ethical Conduct.

Section 1404. Improper Political Activity.

Article XV. Elections.

Section 1500. General Municipal Elections.

Section 1501. Special Municipal Elections.

Section 1502. Elections Official.

Section 1503. Procedure for Holding Elections.

Section 1504. Initiative, Referendum and Recall.

Section 1505. Elections by Mail.

Article XVI. Financial and Fiscal Matters

Section 1600. Fiscal Year.

Section 1601. Tax System.

Section 1602. Tax Limits.

Section 1603. Bonded Debt Limit.

Section 1604. Contracts for Public Works.

Section 1605. Purchasing of Supplies, Materials and Equipment.

Section 1606. Reserve Funds.

Section 1607. Capital Funds.

Section 1608. Claim Required for Actions Against City.

Section 1609. Independent Audit Required.

Article XVII. Franchises

Section 1700. Franchises.

Article XVIII. Revenue Retention

Section 1800. Reductions Prohibited.

Section 1801. Mandates Limited.

Article XIX. Charter Review Committee

Section 1900. Charter Review Committee

Article XX. Succession and Transition

Section 2000. Effective Date of Charter.

Section 2001. Rights and Liabilities

Section 2002. Existing Laws, Regulations and Policies.

Section 2003. Rights of Officers and Employees Preserved.

Section 2004. Continuance of City Council and Board of Education.

Section 2005. Existing Commissions, Boards and Committees.

Section 2006. Existing Employees of City.

Section 2007. Existing Contracts and Contracting Procedures.

Section 2008. Pending Actions and Proceedings.

Section 2009. Continuance of City Treasurer.

Section 2010. Continuance of City Clerk.

Section 2011. Elimination of Transition Provisions.

Article XXI. Miscellaneous

Section 2100. Violations.

Section 2101. Validity.

PREAMBLE

The People of the City of Culver City, by popular vote, have enacted this Charter to establish a responsive, efficient, effective and accountable government through which all voices in our diverse community can be heard; to ensure fair representation and distribution of government resources; to provide a safe and harmonious environment for our mutual well-being; and to promote the principles of liberty, equality and home rule.

ARTICLE I. NAME AND CHARTER STATUS

SECTION 100. NAME AND CHARTER STATUS.

The municipal corporation now existing and known as the "City of Culver City" shall continue to exist, under the same name, as a charter city and a municipal corporation organized and existing under the Constitution and laws of the State of California.

ARTICLE II. DEFINITIONS

SECTION 200. DEFINITIONS.

As used in this Charter:

(a) "Board of Education" shall mean and refer to the Board of Education of the Culver City Unified School District.

(b) "City" shall mean and refer to the City of Culver City.

(c) "Constitution" shall mean and refer to the Constitution of the State of California.

(d) "City Council" shall mean and refer to the City Council of the City of Culver City.

(e) "Council Member" shall mean and refer to a member of the City Council of the City of Culver City.

(f) The term "days" shall mean calendar days.

(g) "Department Head" shall mean and refer to a person appointed by either the City Council or the City Manager to exercise management and control of a City department.

(h) The term "officers" shall mean and refer to the members of the City Council and all persons appointed by the City Council to serve on a commission, board, committee or other governmental body.

(i) "School District" shall mean and refer to the Culver City Unified School District.

(j) "State" shall mean and refer to the State of California.

ARTICLE III. FORM OF GOVERNMENT

SECTION 300. FORM OF GOVERNMENT.

The municipal government established by this Charter shall be the "Council-Manager" form of government, under which the City Council sets policy and the City Manager administers the government.

ARTICLE IV. BOUNDARIES

SECTION 400. BOUNDARIES.

The boundaries of the City shall be those boundaries existing as of the effective date of this Charter. The boundaries may later be changed in the manner authorized by State law.

ARTICLE V. POWERS OF THE CITY

SECTION 500. POWERS OF THE CITY.

The City shall have all of the rights, powers and privileges which may be granted to a charter city under the Constitution and laws of the State, as fully and completely as though they were specifically enumerated in this Charter.

Without limiting the preceding provisions, the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution.

The enumeration in this Charter of any particular power shall not be held to exclude other powers, nor to be any limitation upon this general grant of power.

ARTICLE VI. CITY COUNCIL

SECTION 600. NUMBER, ELECTION AND TERM OF OFFICE.

The City Council shall consist of five members elected at-large, at the times and in the manner provided in this Charter. A full term of office shall be four years, commencing at the meeting at which the election results are certified, and continuing until a successor is elected and certified. Any ties in voting shall be settled by the casting of lots.

SECTION 601. TERM LIMITS.

No person shall serve more than two consecutive full terms as a Council Member. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Nothing in this provision shall act to bar service as a Council Member after at least two years have elapsed from the Council Member's last full term.

SECTION 602. ELIGIBILITY.

Only residents of the City who are lawfully registered voters of the City shall be eligible to hold an elective City office. Candidates for election to any such office must have been lawfully registered voters of the City for the 30 days immediately preceding the filing of their nomination papers.

SECTION 603. COMPENSATION.

Council Members shall receive compensation for their services in accordance with the provisions of State law.

The City shall maintain records of the total annual compensation, including benefits, received by individual Council Members in their capacities as elected public officials of the City, including all compensation received for services on the Culver City Redevelopment Agency and any other boards or agencies. Individual Council Members shall provide information that the City requires in order to comply with this section. Such information shall be made available to the public in accordance with State law.

SECTION 604. VACANCY.

The City Council, by a vote of at least three of its members, may appoint a replacement to fill any vacancy on the City Council. Such appointee shall hold office until a successor is elected and certified. If the vacancy occurs before the first day to file nomination papers for the next general municipal election, a Council Member shall be elected at that election as the successor to any appointee, or to fill the vacancy if it has not previously been filled by appointment, and such newly elected Council Member shall serve the remainder of the unexpired terms and until a successor is elected and certified.

If a vacancy is not filled by appointment within 30 days after its occurrence, the City Council shall immediately call a special election to fill the vacancy. The special election shall be held not later than 120 days after the vacancy occurs, except that no special election shall be called to fill the vacancy

if it cannot be held at least 180 days before the next general municipal election. A person elected at a special election shall hold office for the remainder of any unexpired term and until a successor is elected and certified.

If there is an election to fill one or more full terms and one or more unexpired terms, then the candidates who receive the highest number of votes shall serve the full terms, and of the candidates remaining, those who receive the next highest number of votes shall serve the unexpired terms.

At any time when there are three or four vacancies on the City Council, the remaining Council Member or Members shall constitute a quorum for the purpose of holding a meeting to consider taking action pursuant to this section, and such action may be taken by the unanimous vote of the remaining Member or Members.

SECTION 605. FORFEITURE OF OFFICE.

The grounds for forfeiture of the office of a Council Member are the following:

(a) The Council Member is absent, without the consent of the City Council, from all regular City Council meetings for a period of 60 consecutive days from and after the last regular City Council meeting attended by such Council Member;

(b) The Council Member is convicted of a felony or a crime involving moral turpitude; or

(c) The Council Member ceases to be a resident and lawfully registered voter of the City.

After the occurrence of any of the foregoing events, the office of the Council Member shall be declared vacant by the City Council by a vote of at least three of its members. At the request of the affected Council Member, the City Council shall hold a public hearing before declaring the office vacant.

SECTION 606. MAYOR AND VICE MAYOR.

Immediately following the certification of election results for any general or special municipal election at which Council Members are elected and at the second meeting in April in odd numbered years, the City Council shall elect one of its members as its presiding officer, who shall have the title of Mayor and one of its members as Vice Mayor. Both shall serve at the pleasure of the City Council.

The Mayor shall have a voice and a vote in all City Council proceedings, shall be the official head of the City for all ceremonial purposes, and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with the office of Mayor. The Vice Mayor shall perform the duties of the Mayor during the absence or incapacity of the Mayor.

A Council Member who has held the office of Mayor or Vice Mayor for one year shall not be eligible for reelection to that same office until one year has elapsed.

SECTION 607. POWERS OF THE CITY COUNCIL.

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and the Constitution. The City Council shall have the power to:

(a) Appoint, suspend, remove and fix the compensation of the City Manager, Fire Chief, Police Chief and City Attorney, by a vote of at least three of its members;

(b) Create, modify or abolish any City department, and to prescribe the powers and duties of such departments and their Department Heads;

(c) Review and certify the results of all City elections;

(d) Control all legal business and proceedings, including, but not limited to, the authority to employ other attorneys to take charge of any litigation or other legal matters or to assist the City Attorney in connection with any legal matter, which authority, in whole or in part, may be delegated to the City Attorney; and

(e) Compel the attendance of witnesses, examine them under oath, and compel the production of evidence before it. The City Council may cause subpoenas to be issued in the name of the City and be attested to by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor. Council Members, and any City staff members designated by the City Council, shall have the power to administer oaths in any investigation or proceeding before it.

Additionally, the City Council shall have all other powers consistent with this Charter and the Constitution.

SECTION 608. CITY COUNCIL MEETINGS.

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

The Council Chambers of City Hall shall be the primary place of all City Council meetings.

By a vote of at least three of its members, the City Council may order a regular meeting to be held not less than seven days after that date at a place within the City other than the Council Chambers.

The City Council may, upon making a finding that the public interest requires it, order a meeting adjourned to another location within the City and to a time during the same day on which the order is made.

If for any reason it shall be unsafe to meet in the Council Chambers, meetings may be held for the duration of the unsafe condition at a place within the City designated by the Mayor, or by the City Council.

Whenever an order is made to hold a meeting at a place other than the Council Chambers, the City Clerk shall immediately post a copy of the order at a conspicuous location near the outside of the main entrance to the Council Chambers. The order shall remain posted until the meeting is held.

SECTION 609. SPECIAL MEETINGS.

A special meeting of the City Council may be called at any time by the Mayor, or by a majority of the Council Members.

SECTION 610. NOTICE OF PUBLIC MEETINGS.

The City Council shall comply with the applicable provisions of State law regarding the giving of notice for regular and special meetings. The City Council shall consider whether it should establish additional procedures to provide efficient, timely and cost-effective notice in a manner consistent with currently available technology.

SECTION 611. PUBLIC PARTICIPATION.

During any public meeting, all persons shall have the right to address the City Council, and any City commission, board or committee, subject to reasonable rules of decorum and time limits established by ordinance or the presiding officer.

SECTION 612. COUNCIL PROCEEDINGS.

Three members of the City Council shall constitute a quorum to do business, but in the absence of a quorum, a lesser number may declare a meeting adjourned.

Except as otherwise provided in this Charter, actions of the City Council shall be decided by a majority of the members present and voting on a matter, excluding abstentions.

The City Clerk shall keep a correct record of all proceedings of the City Council, and shall record the vote taken on all actions and enter the result in the minutes of the meeting.

SECTION 613. ADOPTION OF ORDINANCES AND RESOLUTIONS.

No ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. The foregoing shall not apply to urgency ordinances adopted in the manner provided in this Charter. A resolution adopted by the City Council shall become effective in accordance with its terms.

At the time of adoption of an ordinance, it shall be read in full, unless, after the reading of the title, the further reading thereof is waived by unanimous consent of the Council Members present. In the event that any ordinance is altered after its introduction, it shall be reintroduced and not finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so reintroduced. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

The votes of at least three members of the City Council shall be required for the introduction or enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

No order for the payment of money shall be adopted or made at any time other than at a regular or adjourned regular meeting.

SECTION 614. URGENCY ORDINANCES.

Any ordinance declared by the City Council to be necessary as an urgency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency may be introduced and adopted at any regular, adjourned, or special meeting if passed by a vote of at least four-fifths of its members.

SECTION 615. ORDINANCES: ENACTMENTS.

In addition to all other acts of the City Council that are required by State law or by this Charter to be enacted by ordinance, every act of the City Council establishing a fine or other penalty or granting a franchise shall be enacted by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Culver City does ordain as follows:".

SECTION 616. ORDINANCES: PUBLICATION.

The City Clerk shall record the full text of all ordinances and resolutions adopted by the City Council in a properly indexed book. The City Clerk shall also cause each ordinance, or a summary of such ordinance, to be published not later than 15 days after its adoption in a newspaper circulated in the City and designated by the City Council.

SECTION 617. ORDINANCES: AMENDMENTS.

Any provision of an existing ordinance may be amended without reenactment and republication of the entire original ordinance.

SECTION 618. ORDINANCES: CODIFICATION.

The City Council shall periodically provide for the preparation of a general codification, compilation, consolidation, revision, indexing or arranging of all City ordinances and resolutions then having the force and effect of law.

The codification of City ordinances may be accomplished by reference to the passage of previously adopted ordinances. Such codifications need not be published in the manner required for other ordinances, but prior to adoption, at

least three copies of the Code shall be filed in the office of the City Clerk, where they shall be available for public inspection.

Detailed regulations pertaining to any subject, such as fire, building, plumbing, electrical and mechanical codes, as well as codes on other subjects that require extensive regulations, may be adopted by reference, and without the necessity of publication, in the manner provided above. One copy of such codes shall be filed in the office of the City Clerk, prior to their adoption, where they shall be available for public inspection.

Subsequent amendments to sections of the general codification of City ordinances, or the regulatory codes, shall be enacted in the same manner required by this Charter for the amendment of ordinances generally.

SECTION 619. ORDINANCES: WHEN EFFECTIVE.

In order to allow the People to exercise their referendum power, no ordinance shall become effective until 30 days from and after the date of its adoption, except, the following, which shall take effect upon adoption:

- (a) An ordinance calling for or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law, or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or
- (d) An urgency ordinance adopted in the manner provided in this Charter.

SECTION 620. ORDINANCES: VIOLATION AND PENALTY.

Unless a specific ordinance provides otherwise, a violation of an ordinance of the City shall be a misdemeanor. The City Council, by ordinance, may establish the penalty by fine or imprisonment, or both, for misdemeanors and only by fine for infractions.

Violations of City ordinances may be prosecuted in the name of the People of the State of California or may be redressed by the City through any legal or equitable remedies.

SECTION 621. PUBLISHING OF LEGAL NOTICES.

The City Council shall designate one newspaper circulated in the City for the publication of all notices and other matters required to be published in a newspaper. When possible, a change to another newspaper shall not be made until a notice of the intention to change is published in the previously designated newspaper.

The charges for such publications in the designated newspaper shall not exceed the rates charged to the general public for similar publications.

All legal notices or other matters required to be published shall also be posted in at least three public places within the City.

Posting of legal notices in three public places shall be sufficient, without publication if the designated newspaper is unavailable and a suitable replacement cannot be designated.

ARTICLE VII. CITY ADMINISTRATION

SECTION 700. POWERS AND DUTIES OF CITY MANAGER.

The City Council shall appoint the City Manager who shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter, by ordinance, resolution or other action of the City Council. The City Manager, or his or her designee, shall:

(a) Appoint, suspend and remove all City employees, including Department Heads, the City Clerk and the City Treasurer, except as otherwise provided by State law or this Charter;

(b) Direct and supervise the administration of all City departments, except as otherwise provided by this Charter;

(c) Attend all City Council meetings, at which the City Manager shall have the right to take part in discussion, but shall not vote;

(d) Prepare and submit to the City Council an annual budget pursuant to this Charter, and implement the final budget approved by the City Council; and

(e) Perform such other duties as are specified in this Charter, or by ordinance, resolution or other action of the City Council.

SECTION 701. NON-INTERFERENCE BY CITY COUNCIL.

Neither the City Council, nor any Council Member shall:

- (a) Order or direct the City Manager to appoint or remove any person to or from any position of employment with the City;
- (b) Except as otherwise permitted by this Charter or by ordinance, order or direct the City Manager to enter into a municipal contract or make a purchase of supplies from any particular person or entity;
- (c) Interfere in any way with the performance of the duties of any City employee; or
- (d) Interfere in any way with the duties of the City's elections official in the conduct of elections.

Nothing in this section shall prevent the City Council, or any of its members, from advising the City Manager of any information which might assist the City Manager in the discharge of the City Manager's duties; or contacting City employees for the purpose of inquiry, obtaining information or advising employees of citizen complaints.

ARTICLE VIII. ANNUAL BUDGET

SECTION 800. BUDGET PREPARATION.

All Department Heads shall, upon request, provide the City Manager with estimates of revenues and expenditures for their departments, detailed in the manner prescribed by the City Manager. The City Manager shall review the estimates, hold conferences with department personnel, and prepare a proposed budget.

SECTION 801. SUBMISSION TO CITY COUNCIL.

At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit a proposed budget to the City Council. After reviewing the proposed budget, the City Council shall set the date and time for a public hearing on the proposed budget and, at least 10 days prior to its scheduled date, shall cause notice of such public hearing to be published in a newspaper circulated in the City and designated by the City Council.

Copies of the proposed budget shall be available for public inspection in the office of the City Clerk at least 10 days prior to the public hearing.

SECTION 802. PUBLIC HEARING.

The City Council shall hold a public hearing on the proposed budget at the time so advertised, or at any time to which the public hearing shall be adjourned from time to time, where interested persons shall be given an opportunity to be heard.

SECTION 803. FURTHER CONSIDERATION AND ADOPTION.

At the conclusion of the public hearing, the City Council shall further consider the proposed budget, make any revisions that it may deem advisable, and, on or before the first day of the fiscal year, adopt the budget by a vote of at least three of its members. Upon adoption, the budget shall be in effect for the ensuing fiscal year. A copy of the budget, certified by the City Clerk, shall be filed with the City Manager. An additional copy shall remain on file in the office of the City Clerk where it shall be available for public inspection. Copies of the adopted budget shall be made available for the use of City departments.

SECTION 804. APPROPRIATIONS.

After adoption of the budget, the amounts allocated in the budget as proposed expenditures shall be appropriated to the specified City departments, for the objects and purposes named in the budget. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

SECTION 805. AMENDMENTS.

After the adoption of the budget, the City Council may amend or supplement the budget only by a vote of at least four-fifths of its members.

ARTICLE IX. CITY ATTORNEY

SECTION 900. ELIGIBILITY.

The City Attorney shall be an attorney-at-law, licensed and authorized to practice in all of the courts of the State.

SECTION 901. DUTIES.

The City Attorney, or his or her designee, shall:

(a) Serve as the chief legal adviser to the City Council, City Manager, and all City departments in all matters pertaining to the business of the City;

(b) Represent and appear for the City in all legal actions in which the City is concerned or is a party. In the course of performing such duties, the City Attorney shall have the authority to employ other attorneys to handle litigation or provide other assistance as required by the City Attorney, subject to the provisions of this Charter;

(c) Attend all meetings of the City Council, unless excused;

(d) Prepare or approve the language of all City ordinances, resolutions and of any amendments to such ordinances or resolutions, and approve the form of City contracts and bonds;

(e) Prosecute on behalf of the People criminal cases for violations of this Charter, of City ordinances or of State laws, which in the opinion of the City Attorney warrant prosecution; and

(f) Perform such other duties as are specified in this Charter, or by ordinance, resolution or other action of the City Council.

ARTICLE X. BOARD OF EDUCATION

SECTION 1000. NUMBER AND TERM.

The Board of Education shall consist of five members, elected at-large from the School District, for a term of four years.

SECTION 1001. ELIGIBILITY.

Only residents of the School District who are lawfully registered voters of the School District shall be eligible to hold office as a member of the Board of Education. Candidates for election to such office must have been lawfully registered voters of the School District for the (30) days immediately preceding the filing of their nomination papers.

SECTION 1002. VACANCIES.

The Board of Education shall fill any vacancy by appointment. Such appointee shall hold office until a successor is elected and certified. If the vacancy occurs before the first day to file nomination papers for the next regular Board of Education election, a Board Member shall be elected at that election as successor to any appointee, or to fill the vacancy if it has not been previously filled before appointment, and such newly elected Board Member shall serve for the remainder of any unexpired term and until a successor is elected and certified.

If a vacancy is not filled by appointment within 60 days after its occurrence, the Board of Education shall immediately call a special election. The special election shall be held not later than 120 days after the vacancy occurs, except that no special election shall be called to fill the vacancy if it cannot be held at least 180 days before the next regular Board of Education election. A person elected at a special election shall hold office for the remainder of the unexpired term and until a successor is elected and certified.

If there is an election to fill one or more full terms and one or more unexpired terms, then the candidates who receive the highest number of votes shall serve the full terms, and of the candidates remaining, those who receive the next highest number of votes shall serve the unexpired terms.

SECTION 1003. FORFEITURE OF OFFICE.

The grounds for forfeiture of the office of a member of the Board of Education are the following:

(a) The Board Member is absent, without the consent of the Board of Education, from all regular Board meetings for a period of 60 consecutive days from and after the last regular Board meeting attended by such Board Member;

(b) The Board Member is convicted of a felony or a crime involving moral turpitude; or

(c) The Board Member ceases to be a resident and lawfully registered voter of the School District.

After the occurrence of any of the foregoing events, the office of the Board Member shall be declared vacant by the Board of Education, by a vote of at least three of its members. At the request of the affected Board Member, the Board of Education shall hold a public hearing before declaring the office vacant.

SECTION 1004. ORGANIZATION OF THE BOARD OF EDUCATION.

At the annual organizational meeting of the Board of Education, the members shall elect a president, vice-president and clerk. No Board Member shall serve more than two consecutive years in such office.

SECTION 1005. SPECIAL ELECTIONS.

The Board of Education may, at its discretion, call an election for any reason sanctioned by law at any time it deems appropriate.

ARTICLE XI. COMMISSIONS, BOARDS AND COMMITTEES

SECTION 1100. IN GENERAL.

The City Council may, by ordinance, establish and abolish such commissions and boards as it may determine, from time to time, to be necessary for the effective and efficient governance of the City, to encourage citizen participation in local government and maintain positive human relations in the community.

SECTION 1101. APPROPRIATIONS.

The City Council shall appropriate sufficient funds for the efficient and proper functioning of all City commissions and boards.

SECTION 1102. CHAIRPERSON AND VICE CHAIRPERSON.

As soon as practicable, following the first day of July of every year, each commission or board of the City shall organize by electing one of its members to serve as its presiding officer, with the title of Chairperson, and electing one of its

members as Vice Chairperson. The Chairperson and Vice Chairperson shall each serve at the pleasure of the commission or board.

The Chairperson shall have a voice and vote in all proceedings of the commission or board, shall be the official head of the commission or board for all ceremonial purposes, and shall perform such other duties as may be prescribed by this Charter or by ordinance. The Vice Chairperson shall perform the duties of the Chairperson during the absence or incapacity of the Chairperson.

SECTION 1103. PROCEDURES.

The City Manager shall designate City staff, as necessary, to assist each commission or board, and to keep a record of its proceedings and transactions. Each commission or board may prescribe its own rules and regulations, which shall be consistent with this Charter and applicable ordinances, resolutions and other City Council actions. Such rules and regulations shall be subject to the approval of the City Council and shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

SECTION 1104. OATHS AND AFFIRMATIONS.

Any commission or board, and the designated City staff, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the commission or board.

SECTION 1105. COMMITTEES.

The City Council, by ordinance, resolution or other action, may establish and abolish committees for a specified purpose, and shall appropriate sufficient funds for the efficient and proper functioning of such committees.

ARTICLE XII. CIVIL SERVICE

SECTION 1200. MERIT PRINCIPLE.

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

The Civil Service System adopted by the City Council pursuant to State law and in effect prior to the effective date of this Charter, shall continue in full

force and effect unless changed by ordinance of the City Council or by amendment to the rules and regulations approved by the City Council. As provided in the State enabling act referred to above, the City Council shall not have the authority to withdraw any departments or employees, including Department Heads, placed in Classified Service, from the operation of such system, either by outright repeal of the Civil Service ordinance or otherwise, unless and until its withdrawal shall have been submitted to the voters of the City at a regular or special municipal election held in the City and shall have been approved by majority vote at a City election.

SECTION 1201. CLASSIFICATION.

All Department Heads shall be in the Unclassified Service.

The City Manager, City Attorney, City Clerk and City Treasurer shall be in the Unclassified Service.

SECTION 1202. APPOINTMENTS FROM CIVIL SERVICE POSITIONS.

In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and within two years is removed or resigns from that position, the employee shall revert to his or her former position in the Classified Service upon the same terms and conditions as if he or she had continuously remained in that position.

SECTION 1203. PROHIBITIONS.

No person shall willfully make any false statements, certificate, mark, rating or report in regard to any application, test certification or appointment held or made under the Civil Service System or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service System or its rules and regulations.

ARTICLE XIII. RETIREMENT SYSTEM

SECTION 1300. PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees, to do and perform any act or exercise any authority granted, permitted or required under the provisions of the Public Employees' Retirement Law, as it now exists or hereafter may be

amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate the contract with the Board of Administration of the Public Employees' Retirement System, whereby all employees are members of the System, only under authority granted by ordinance adopted by majority vote at a City election.

ARTICLE XIV. GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

SECTION 1400. OFFICIAL BONDS.

The City Council shall fix the amounts and terms of the official bonds of all employees who are required to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

SECTION 1401. OATH OF OFFICE.

Before entering upon the duties of their respective offices, all officers and employees of the City shall take and subscribe to the following oath or affirmation:

"I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

SECTION 1402. FINANCIAL INTEREST.

Except as provided by State law, officers and employees of the City shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

Officers and employees of the City shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.

The office and employment of an officer or employee shall be forfeited upon a judicial finding of a violation of this section.

SECTION 1403. ETHICAL CONDUCT.

It is the policy of the City that all officers and employees of the City shall observe the highest standards of ethics. City officers and employees shall comply with all federal, State and City statutes, laws, ordinances, rules, regulations and policies relating to conflicts of interest, campaign disclosure and ethical conduct, including, but not limited to, those relating to decision-making where the official has a private financial interest; acceptance of gifts and other items of value; acceptance of campaign contributions; use of confidential information; and use of public property and resources. The City Council shall adopt such ordinances and resolutions as it deems necessary to promote ethical conduct in government.

SECTION 1404. IMPROPER POLITICAL ACTIVITY.

The officers and employees of the City shall not engage in, nor shall the facilities of the City be used for, improper political activities. The City Council shall have the authority to establish rules and regulations to implement this policy.

ARTICLE XV. ELECTIONS

SECTION 1500. GENERAL MUNICIPAL ELECTIONS.

General municipal elections for the filling of all elective offices, other than the Board of Education, shall be held in the City on the second Tuesday in April in each even numbered year.

The election of members of the Board of Education shall be held in accordance with State law. Expenses for Board of Education elections shall be paid by the School District.

SECTION 1501. SPECIAL MUNICIPAL ELECTIONS.

The City Council may, at its discretion, call an election for any reason sanctioned by law at any time it deems necessary. Such election shall be known as a special municipal election.

SECTION 1502. ELECTIONS OFFICIAL.

The City Clerk shall be the City's elections official, and as such shall supervise the conduct of City elections and shall perform all other duties assigned by State law to the City's elections official. In all such matters, the City Clerk shall act in a fair and impartial manner, in accordance with all applicable provisions of this Charter, State law and City ordinances. Neither the City Council, nor individual Council Members shall interfere with the City Clerk in the performance of the duties assigned by this section.

SECTION 1503. PROCEDURE FOR HOLDING ELECTIONS.

Unless otherwise provided by this Charter, all City elections shall be held in accordance with applicable provisions of the then current State law.

SECTION 1504. INITIATIVE, REFERENDUM AND RECALL.

The rights of the initiative, referendum and recall are reserved to the voters of the City. All applicable provisions of the then current State law governing the initiative, referendum and recall processes shall apply, insofar as such provisions are not in conflict with this Charter.

SECTION 1505. ELECTIONS BY MAIL.

The City Council may, by ordinance, authorize the conduct of elections wholly by mail, under which all votes shall be cast in the manner of absentee ballots.

ARTICLE XVI. FINANCIAL AND FISCAL MATTERS

SECTION 1600. FISCAL YEAR.

The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year; provided, however, that the City Council may, by a vote of at least four-fifths of its members, adopt an ordinance changing the City's fiscal year.

SECTION 1601. TAX SYSTEM.

Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the County system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

If the City Council fails to fix the rate and levy taxes on or before August 31st in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

SECTION 1602. TAX LIMITS.

Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of one percent of the assessed value of taxable property in the City for municipal purposes, unless authorized by a two-thirds vote at a City election.

There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected as additional taxes, if no other provision for payment thereof is made:

(a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and

(b) A tax sufficient to meet all obligations of the City to the Public Employees' Retirement System, or other system for the retirement of City employees due and unpaid or to become due during the ensuing fiscal year.

Special levies, in addition to the above, may be made annually, based on City Council approved estimates, for specific purposes as may be approved by the City Council. The proceeds of any such special levy shall be used for no other purpose than that specified.

SECTION 1603. BONDED DEBT LIMIT.

The bonded indebtedness of the City may not exceed the sum of 15 percent of the total assessed valuation of all the real and personal property within the City.

SECTION 1604. CONTRACTS FOR PUBLIC WORKS.

The City Council shall, from time to time, establish, by ordinance, procedures to ensure the integrity of awarding all contracts for the construction or improvement of public works, buildings, streets, drains, sewers, utilities, parks and playgrounds. Subject to such exceptions as the City Council may establish, these procedures shall call for soliciting multiple bids for all contracts. The procedures shall be reviewed periodically by the City Council at a public hearing.

The City Council may award a contract without complying with the procedures then in place by a vote of at least four-fifths of its members after a public hearing.

This Charter has been enacted for the collective benefit of the People of the City of Culver City, and is not intended to confer legal rights or remedies upon individual persons or entities that elect to do business with the City. In furtherance of this intention, it is specifically declared that no contractor, person or entity shall be entitled to bring any legal or equitable action against the City alleging that the City failed to perform its obligations under this section or under any ordinance enacted to establish the procedures for awarding public works contracts. Nothing in this paragraph shall prohibit or restrict the City from adopting ordinances or entering into contracts that grant legally enforceable rights to one or more contractors, persons or entities.

SECTION 1605. PURCHASING OF SUPPLIES, MATERIALS AND EQUIPMENT.

The City Council shall establish procedures for the purchasing, storing and distribution of all supplies, materials and equipment required by any City department. The City Manager shall direct the implementation of such procedures for all City departments.

SECTION 1606. RESERVE FUNDS.

The City Council shall maintain sufficient cash reserves for the purpose of placing the payment of operating expenses of the City on a cash basis. The reserves shall be built from any available sources, and in combination with anticipated revenues shall be sufficient to meet all lawful demands against the City. Transfers may be authorized by the City Council from one fund to another fund or funds in such amounts as may be required to place those funds as nearly as possible on a cash basis. In case of such transfers, monies shall be returned to the fund from which they were transferred as they become available.

SECTION 1607. CAPITAL FUNDS.

The funds for capital improvements, previously created, are hereby continued in existence. The City Council by ordinance may create a special fund or funds for a special capital improvement purpose. Subject to the restrictions of the Constitution, the City Council may levy and collect taxes for capital improvements and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the money derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by majority vote at a City election. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once established, such fund shall be restricted to only the purposes for which it was created, unless the assent of the voters is expressed to the use of such fund for some other purpose by majority vote at a City election.

SECTION 1608. CLAIM REQUIRED FOR ACTIONS AGAINST CITY.

No suit may be brought on any claim for money or damages against the City, the City Council, or any City commission, board, committee, officer or employee until a claim has been presented and rejected in whole or in part in accordance with procedures adopted by the City Council for the regulations of claims, subject to the provisions of State law.

SECTION 1609. INDEPENDENT AUDIT REQUIRED.

At the beginning of each fiscal year, the City Council shall employ an independent, certified public accountant or firm of such accountants who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of the City and of all officers and employees of the City who receive, handle or disburse public funds and of all such other City officers, employees and departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant or firm to the City. Copies of such audit and report shall be provided to each Council Member; and copies shall be placed on file in the office of the City Clerk and made available for inspection by the general public. Such accountant or firm shall have no direct or indirect personal interest in the fiscal affairs of the City or of any of the officers of the City.

ARTICLE XVII. FRANCHISES

SECTION 1700. FRANCHISES.

The City Council may, by ordinance, grant a franchise to furnish the City and its inhabitants with any public utility or service and to use the public streets for that purpose. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise from the City is prohibited.

Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the time and place at which any person may appear before the City Council and be heard. The City Council shall direct the City Clerk to publish the resolution at least once within 15 days of its passage in a newspaper circulated in the City and designated by the City Council. The date and time fixed for the public hearing shall be not less than 20, nor more than 60 days after the adoption of the resolution.

At the hearing, the City Council shall consider all protests and comments. Thereafter, the City Council may amend, grant or deny the franchise. Such decision shall be final and conclusive, subject to the right of referendum of the People. The provisions of this section shall not apply to a transfer or assignment of an existing franchise.

ARTICLE XVIII. REVENUE RETENTION

SECTION 1800. REDUCTIONS PROHIBITED.

With regard to municipal affairs and areas not preempted by the State, any revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

SECTION 1801. MANDATES LIMITED.

No other level of government shall have the right to require any person acting on behalf of the City to perform any function unless and until the mandating authority provides sufficient funds for the performance of such function. The City Council may instruct any department, commission, board,

committee, officer or employee of the City to disregard any mandate for which adequate funding has not been provided.

ARTICLE XIX. CHARTER REVIEW COMMITTEE

SECTION 1900. CHARTER REVIEW COMMITTEE.

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. Within 12 months after its creation, or such other time period as may be specified by the City Council, the Committee shall present to the City Council any proposed amendments to the Charter. The City Council shall act upon the recommendations of the Committee before the last day to place the proposed amendments on the ballot at the next regular municipal election. The City Council may, at its discretion, appoint a Charter Review Committee at any time.

ARTICLE XX. SUCCESSION AND TRANSITION

SECTION 2000. EFFECTIVE DATE OF CHARTER.

This Charter shall be effective on the later of July 1, 2006, or the date it is accepted and filed by the Secretary of State.

SECTION 2001. RIGHTS AND LIABILITIES.

The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts.

SECTION 2002. EXISTING LAWS, REGULATIONS AND POLICIES.

All lawful ordinances, resolutions, policies, rules and regulations in force at the time this Charter takes effect, and that are not in conflict or inconsistent with this Charter, are hereby continued in force until they have been duly repealed, amended, changed or superseded by proper authority.

SECTION 2003. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED.

Except as specifically provided, nothing in this Charter shall affect or impair the civil service, pension and retirement rights or privileges of officers or employees of the City, or of any City department existing at the time this Charter takes effect.

SECTION 2004. CONTINUANCE OF CITY COUNCIL AND BOARD OF EDUCATION.

The members of the City Council and of the Board of Education of the Culver City Unified School District in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and certified.

SECTION 2005. EXISTING COMMISSIONS, BOARDS AND COMMITTEES.

Commissions, boards and committees previously established by the City Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the City Council may abolish any or all of said commissions, boards or committees and may alter their structure, membership and duties.

The members of the commissions and boards holding office when this Charter takes effect shall continue to hold office until their respective terms of office shall expire and until their successors shall be appointed, or until such time as the body is abolished by action of the City Council.

The members of Committees existing when this Charter takes effect shall continue to remain members until they are replaced or removed by the City Council or until the Committee is abolished.

SECTION 2006. EXISTING EMPLOYEES OF THE CITY.

The present employees of the City shall continue to perform their duties without interruption, subject to this Charter and all applicable provisions of any existing or future ordinance, resolution, rule or law relating to the removal, duties or control of such employees.

SECTION 2007. EXISTING CONTRACTS AND CONTRACTING PROCEDURES.

All contracts entered into by the City, or for its benefit, before the effective date of this Charter, shall continue in full force and effect according to their terms.

The procedures for awarding contracts for public works existing at the time this Charter takes effect, will continue to be followed until such time as the City Council establishes, by ordinance, different required procedures.

SECTION 2008. PENDING ACTIONS AND PROCEEDINGS.

No civil or criminal action or proceeding that has been brought by or against the City, or any City department and that is pending as of the effective date of this Charter, shall be affected or abated by the adoption of this Charter. All such actions or proceedings may be continued, even if the functions, powers or duties of any City department that is a party to such action or proceeding have been assigned or transferred under this Charter to another City department. In that event, such actions may be prosecuted or defended by the head of the City department to which such functions, powers and duties have been assigned or transferred under this Charter.

SECTION 2009. CONTINUANCE OF CITY TREASURER.

The previously elected City Treasurer shall continue to serve until April 8, 2008. Prior to such date, the elected City Treasurer shall exercise all of the duties and functions assigned to the City Treasurer by the Charter in effect immediately prior to the adoption of this Charter, including the supervision and direction of the City's investment function. Should the office of City Treasurer become vacant prior to April 8, 2008, the City Council shall appoint a replacement to serve until April 8, 2008.

SECTION 2010. CONTINUANCE OF CITY CLERK.

The person elected to the office of City Clerk at the April 11, 2006, general municipal election shall serve until April 8, 2008. Prior to such date, the elected City Clerk shall exercise all of the duties and functions assigned to the City Clerk by the Charter in effect immediately prior to the adoption of this Charter. Should the office of City Clerk become vacant prior to April 8, 2008, the City Council shall appoint a replacement to serve until April 8, 2008.

SECTION 2011. ELIMINATION OF TRANSITION PROVISIONS.

If, in the judgment of the City Attorney, any of the sections included in this Article become obsolete by virtue of the completion of all acts required under those sections, the City Attorney shall so advise the City Council. Upon the adoption by the City Council of a resolution to such effect, the obsolete sections shall be deemed to have expired, and the City Clerk shall then remove those sections from the next printing of this Charter.

ARTICLE XXI. MISCELLANEOUS

SECTION 2100. VIOLATIONS.

A violation of any provision of this Charter shall be a misdemeanor, except that such violation may be prosecuted as an infraction at the discretion of the prosecuting authority. The City Council shall, by ordinance, establish the penalties for a violation of this Charter, but in no event shall such penalties exceed the maximum penalties permitted under State law.

Any violation of this Charter may be prosecuted in the name of the People of the State of California or may be redressed by the City through any legal or equitable remedies.

SECTION 2101. VALIDITY.

If any provision of this Charter, or the application of any Charter provision to any person or circumstance, is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected.

concurrent election in Culver City, at the City's cost. The County's refusal to open the ballot to city applications may be a temporary condition because if electronic voting continues to grow, there would be no ballot room. Of course, there are problems, some quite serious, with electronic voting. We gathered only preliminary evidence on moving to November, because the Committee was not inclined to pursue it further. Voters in small cities often worry that their issues and candidates will be buried on the big partisan ballot, outweighing any possible benefit from higher turnout.

BOARD OF EDUCATION

Questions:

- Why is Article X, dealing with the School Board, in the Charter?
- Do the election rules for the School Board need to be in the Charter? Have we heard the views of the School Board?

Responses:

A number of Charter cities (e.g., Glendale, Pasadena, Los Angeles, Culver City) have a section in their Charter that refers to governance of the Board of Education in accordance with Article 9, Section 16(a) of the California State Constitution. (Attachment 4). This provision is often misunderstood as giving the City Council potential control over the schools. Actually, day-to-day operations of the schools are fully governed by state law through the Education Code. The Charter provisions mean that the city charter (not the City Council) governs the structure of the Board of Education, including number of members, how they are elected or appointed, compensation and related matters. Any change to the governance structure of the Board of Education must be passed by a majority of school district voters, not City voters. In other words, the City Charter governs both the City and Board of Education.

The alternative to having these matters in the Charter is that school district voters have no opportunity to control the governance structure of their school district without a change in state law. They are then governed by the Legislature, not themselves. Furthermore, school district counsel found that if a School Board is governed by an existing charter and is not mentioned in a restated charter, the existing School Board is automatically dissolved and there must be an immediate election of a new Board.

As stated above, if the election rules for the School Board do not appear in the Charter, the Board's elections will be governed by the Education Code. We have been advised that the members of the Board of Education are in favor of retaining these Charter provisions and the proposed Charter language in Article X.