

MEETING DATE: 06/27/11

AGENDA ITEM: 1) Discussion of the Roles of City Commissions under the New City Charter; 2) Introduction of an Ordinance Repealing and Replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) Relating to City Commissions and Agencies; 3) Adoption of a Resolution Amending City Council Policy 2007-01 Entitled "City Commissions," and Rescinding Resolution No. 2007-R029; 4) Adoption of a Resolution Amending City Council Policy 3304 and Rescinding Former City Council Policy 3304; 5) Adoption of a Resolution Amending City Council Policy 3303 and Rescinding Former City Council Policy 3303; 6) Introduction of an Ordinance Amending CCMC Section 9.10.040 to Designate the Public Works Director as the Person Responsible for Street and Parkway Trees Including the Removal of Trees with an Appeal to the PRCS Commission; 7) Introduction of an Ordinance Amending CCMC Section 7.01.230.B.2 Clarifying those Individuals Eligible to Receive Parking Decals Which Exempt their Vehicles from Parking or Standing Provisions; and 8) Adoption of a Resolution Amending City Council Policy Statement Number 3003 Entitled "Issuance of City Parking Decals" and Rescinding Former City Council Policy 3003; and 9) Directing the City Manager to Present a Report at a Future City Council Meeting which Discusses the Application of Similar Rules and Regulations to the City's Committees and Boards, as Appropriate.

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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. [RESERVED]

Charter, and the application of such provision to other persons or circumstances, shall not be affected.

SECTION 2010. [RESERVED]**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

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Meeting Date: 07/26/10		Item Number: A-6	
AGENDA ITEM: 1) Discussion of the Roles of City Commissions under the New City Charter; 2) Introduction of an Ordinance Repealing and Replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) Relating to City Commissions and Agencies; 3) Adoption of a Resolution Amending City Council Adopted Policy 2007-01 Entitled "City Commissions," and Repealing Resolution No. 2007-R029; 4) Provide Direction Regarding the Proposal to Designate the Public Works Director as the Person Responsible for Street and Parkway Trees Including the Removal of Trees with an Appeal to the PRCS Commission; 5) Introduction of an Ordinance Amending Section 7.01.230.B.2 of the CCMC Clarifying those Individuals Eligible to Receive Parking Decals Which Exempt their Vehicles from Parking or Standing Provisions; and 6) Adoption of a Resolution Amending City Council Policy Statement Number 3003 Entitled "Issuance of City Parking Decals" and Rescinding Resolution No. 95-R005.			
Contact Person/Dept.: Martin R. Cole, Asst. City Manager		Phone Number: (310) 253-6000	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: City Commissioners (07/22/10); Meetings and Agendas – City Council (07/22/10)			
Department Approval: Martin R. Cole (07/21/10)		City Attorney Approval: Carol Schwab (by H. Baker) (07/21/10)	
Chief Financial Officer Approval: Jeff Muir (07/21/10)		City Manager Approval: P. Lamont Ewell (07/22/10)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: 1. Discuss the roles of the various City Commissions; and, 2. Introduce an Ordinance repealing and replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) relating to City Commissions and Agencies; and, 3. Adopt a Resolution amending City Council Adopted Policy 2007-01 entitled "City Commissions," and repealing Resolution No. 2007-R029; and, 4. Direct staff related to the proposal to designating the Public Works Director as the person responsible for street and parkway trees with an appeal to the PRCS Commission; and,			

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5. Introduce an Ordinance amending Section 7.01.230.B.2 of the CCMC clarifying those individuals eligible to receive parking decals which exempt their vehicles from parking or standing provisions; and,
6. Adopt a Resolution amending City Council Policy Statement Number 3003 entitled "Issuance of City Parking Decals" and rescinding Resolution No. 95-R005.

BACKGROUND:

Since its incorporation in 1917, the City of Culver City has grown in both size and population. As the City has "evolved," over the past 90 years, the City Council has (either by the former City Charter's requirement or under its own prerogative) determined to create four Commissions to provide advice to the City Council on the general topics of (1) Civil Service, (2) Cultural Affairs, (3) Parks and Recreation, and (4) Planning. In addition to providing advice to the City Council, under the former Charter and existing provisions of the Culver City Municipal Code (CCMC), several of the Commissions currently perform duties which may result in final decisions.

On April 11, 2006, the voters of Culver City approved a new City Charter (New Charter). The New Charter became effective on July 1, 2006 (Attachment 1). Among several significant changes implemented as part of the New Charter, the following provision related to the City's Commissions was adopted:

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.

Given this provision in the New Charter, the City Council has an opportunity to review the City's Commissions as it considers the existing regulations in the CCMC, as well as current City Council Policies and Resolutions. In addition, at a facilitated meeting held in February, 2007 which included several of the City's Commissioners, the City Council discussed the operations of the City's Commissions and considered several insightful comments from City Commissioners.

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This item was originally presented to the City Council in April of 2008 as part of the implementation of the City Charter approved by the voters on April 11, 2006 (which New Charter became effective on July 1, 2006).

At that time, a number of Commissioners voiced concerns to both the sitting Council Members and the Council Members-Elect. Amongst the concerns voiced, the Commissioners felt they had not been given sufficient time to review and provide input on the recommendations made by the City Council Subcommittee on the Roles of Commissions (Council Subcommittee). The City Council determined to not hear this item in order to provide an opportunity for Commissioners to provide feedback on the various recommendations contained in the staff report.

Since April of 2008, the Council Subcommittee, along with the City Manager, Assistant City Manager, City Attorney, Assistant City Attorney, Department Heads and other key staff, met a number of times with subcommittees formed by each Commission. During these meetings, the Council Subcommittee and staff listened intently to the concerns voiced by the Commission Subcommittees. The Commission Subcommittees then returned (often on more than one occasion) to their respective commissions to provide an update and receive additional feedback from the full Commissions). At one meeting of the Council Subcommittee, the professional consultant to the Charter Review Committee shared his views on the roles of Commissions directly with the Council Subcommittee, including the distinction between an advisory commission and a managing commission. His conclusion was that commissions in a City Council-City Manager form of government advise the City Council (and sometimes the City Manager) on policy issues with administration authority vested in the City Manager.

This issue is perhaps one of the most vetted in recent City history. During the last 28 months, the City Council has appointed five different members to sit on the Council Subcommittee (Initially, Council Members Rose and Gross; then Council Members Weissman and Silbiger, and now Council Members Weissman and O'Leary). Most recently, in the early part of 2010, former City Manager Mark Scott met with the Civil Service Commission and the Parks, Recreation, and Community Services Commission to share his and the Council Subcommittee's views on the roles of Commissions.

While the concerns voiced by the Commissioners related to interaction between Commissions and staff were addressed, the key issue of the overall role of Commissions in a City Council-City Manager form of government remains unresolved, which has lead to increased levels of frustration amongst the

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Commission, staff, and the Council Subcommittee. Further, the lack of clear definition of roles and responsibilities has reduced efficiency (whereas one of the major advantages to the new form of government was an increase in efficiency).

The City Charter requires the City Council, the Commissions, the chief administrator of the City (the City Manager) and staff to perform different roles when compared to the CAO form of government. These changes are significant.

After over two years of receipt of comment and consideration of this issue by the Council Subcommittee, it is important and legally required for the City Council to fully implement the City Council-City Manager form of government in accordance with the City Charter.

DISCUSSION:

One of the important general concepts espoused by the Charter Review Committee in recommending the New Charter to the City Council was to streamline the management of the City under the policy direction of the City Council and the operational management of a City Manager. As part of that streamlining, the New Charter provided the specific opportunity embodied in Section 1100 for the City Council to review the structure under which the City's Commissions are created, members appointed, and business transacted. The following paragraphs outline the general issues embodied in the proposed Ordinances and Resolutions:

General Operational Items Applicable to all Commissions

The former Charter and existing CCMC provided for differing provisions relating to the creation and general role, membership, appointment/removal process, parking decals, official City Identification, and allowance for attending meetings. The following items are proposed to apply to all Commissions:

(1) Creation and General Role

The New Charter provides that the City Council may create Commissions by Ordinance. Therefore, attached for the City Council's consideration is an Ordinance which clarifies and updates the structure, membership, and duties of each of the City's four Commissions. Included in the proposed ordinance are provisions which standardize, where appropriate, various procedures which the Council Subcommittee and staff believe should be standardized amongst all Commissions

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for the effective and efficient governance of the City in accordance with the New Charter.

The Council Subcommittee also recommends that training for Commissioners be subject to the prior approval of the Department Head or the City Manager. The attached revised City Council Adopted Policy 2007-01 has an appropriate amendment.

(2) Policy Creation

Under the New Charter (see Section 300), the authority to provide policy direction vests solely in the City Council. Additionally, Section 700 provides the City Manager with the authority to “direct and supervise the administration of all City Departments.” To implement this structure, the proposed Ordinance includes provisions clearly defining the specific role of Commissions to act in an advisory capacity to the City Council (or in the case of the Civil Service Commission – to the City Manager) which is the sole body charged with providing policy direction to the City Manager. Further, as provided for in Section 701, “Neither the City Council, nor any Council Member shall...interfere in any way with the performance of the duties of any City employee...” By extension, this “Non-Interference Clause” applies to appointees of the City Council, including City Commissions.

(3) Membership

Under the New Charter (see Section 602), candidates for the office of City Council are required to be: (1) residents of the City and (2) qualified electors (registered voters) for the 30 days immediately preceding the filing of nomination papers and during their term of office. It is proposed these requirements related to residency and voter registration be replicated for membership of all four Commissions (currently such a requirement is only applicable to the Civil Service and Planning Commission). Further, any person who holds a paid position with the City (a City employee) shall not be eligible for appointment to a City Commission (the CCMC currently expressly prohibits City employees from serving on two of the Commissions – it is proposed to apply this standard to all Commissions). Finally, it shall be expressly stated that one person may only serve on one Commission at any time (this does not include committees, boards, or ad-hoc bodies created by the City Council – excepting where there is an incompatibility of offices).

(4) Appointment/Removal and Disciplinary Process

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As the elected, policy-making body, the City Council is the highest authority in Culver City. As such and in accordance with the New Charter, the City Council is empowered to establish and abolish Commissions. As creations of the City Council, Commissions are subject to the general oversight of the City Council and Commissions and their members must comply with policies and other actions adopted by the City Council. Furthermore, as representatives of the City Council, Commissions and their members are held to a very high standard of conduct. Therefore, it is proposed that the City Council may appoint and remove Commissioners with a majority vote, with or without cause. Commissioners serve at the pleasure of the City Council and may be appointed or removed under that standard.

As a result of comments provided by Commissioners to the City Manager in 2008 when the City Council Policy was presented to each Commission, staff is also providing examples of misconduct which would subject a Commissioner to disciplinary proceedings. Also, should it become necessary to discipline Commissioners, the amended City Council Adopted Policy 2007-01 provides for various means of discipline available to the City Council.

(5) Terms

The CCMC currently provides for a term of four years with a limit of two consecutive terms (and the ability to re-apply for additional terms with an absence of two years between terms).

The Subcommittee recommends the City Council adopt terms for the Commissions that meet the following criteria:

- (a) The City Council shall endeavor to consider appointments to Commissions in May or early June and Commission terms shall begin on July 1 of odd numbered years (except where an unexpected vacancy occurs)
- (b) Commission terms shall be staggered in a fashion similar to that of the City Council (as a hypothetical example, three seats shall hold terms from July 1 2011 to June 30 of 2014 and two seats shall hold terms from July 1 2012 to June 30, 2015.
- (c) Commissions with memberships of more than five persons shall be staggered in a similar fashion as determined by the City Council at the time creation of such a Commission is considered by the City Council.

Under these proposed criteria, 2011 will be the first "transition year" with some or all of the Commissioners appointed in 2011 subject to a term of less than four years

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(most likely a three year term). After the "transition year," the standard term for all Commissioners would return to four years.

The Council Subcommittee members also recommend that term limits similar to those applicable to the City Council be imposed on Commissions (e.g. up to two full four year terms and then a two year "sit out" period).

(6) Attendance at and Frequency of Meetings

City Council Policy 3304 states in pertinent part:

"All members of the Civil Service Commission, Planning Commission and Human Services and Park Commission (Parks and Recreation Commission), and any other Commission hereafter created or established, and members of the Landlord-Tenant Mediation Board shall be entitled to a monthly allowance of fifty dollars (\$50.00); provided, however, no such allowance shall be paid unless the members attend at least one scheduled meeting per month."

The Council Subcommittee and Staff recommend the City Council include a provision in the CCMC giving the City Council authority to establish, by resolution, an allowance for members of Commissions, Boards, and Committees and that such allowance be paid to members of Commissions without regard to the number of meetings held each month. Should the City Council introduce the proposed ordinances this evening, staff will prepare an appropriate resolution for the City Council's consideration which would implement this new procedure and repeal City Council Policy 3304.

With respect to the frequency of Commission meetings, the Council Subcommittee recommends the Commissions meet on an as needed basis. Additionally, the Council Subcommittee and Staff also recommend the Commissions not meet if staff determines there are insufficient items agendized to justify a meeting. These issues are addressed in the proposed Ordinance and the amended City Council Adopted Policy 2007-01. For the sake of clarity, the City Manager shall be empowered to make the final determination if a Commission shall meet based upon input from the appropriate Department Head. This change will increase efficiency and conserve staff and financial resources.

(7) Compliance with City Council Policy

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The amended City Council Adopted Policy 2007-01 includes a provision that Commissioners are required to comply with applicable law and duly adopted City Council policies.

(8) Mandatory Orientation for New Commission Appointees

To ensure newly appointed Commissioners are best prepared for their important advisory roles, staff recommends Commission appointees be required to attend an orientation within 90 days of their appointment. The consequence of not attending this orientation would be forfeiture of the appointment. Applications for Commission positions will be modified to include this requirement so applicants will be aware of this in advance of applying for and potentially being appointed to a Commission seat. An amendment to City Council Adopted Policy 2007-01 is proposed consistent with this recommendation (see Attachment 4). This requirement would become effective with the Commissioners appointed in 2011.

(9) Legal Opinions of the City Attorney

Section 901 of the New Charter provides:

“The City Attorney, or his or her designee, shall 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.”

The Subcommittee recommends the City Council clarify that Commissions and individual Commissioners, as advisors to the City Council, are required to adhere to the legal opinions and advice of the City Attorney with regard to procedural matters and give deference to such opinions with regard to interpretations of law. City Council Adopted Policy 2007-01 is proposed to be amended to include these requirements (see Attachment 4).

(10) Issuance of Parking Decals

City Council Policy 3003, adopted in 1995, established a policy regarding the issuance of parking decals to certain people who operate their private vehicles while engaged in official City business. The parking decals exempt enforcement of parking regulations of the CCMC while on City business in Culver City. The Council Subcommittee recommends the decals be issued to the City Council, City Manager, City Attorney, Assistant City Manager, Department Heads and other position as authorized by the City Manager. The proposed policy will no longer authorize routine issuance of parking decals to the City Clerk, City Treasurer, Automobile

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Club, School Board Members and School Board Administrative Staff, Members of Commissions/Boards, L.A. Airport Advisory Committee and the Chamber of Commerce (as currently authorized by City Council Policy 3003).

Staff recommends the City Council adopt a Resolution amending City Council Policy 3003 (Attachment 5) and introduce a proposed Ordinance amending CCMC Section 7.01.230.B.(2) (Attachment 6) to be consistent with the Subcommittee's recommendations.

(11) Official City Identification

The Subcommittee recommends the City Council amend City Council Adopted Policy 2007-01 to reiterate and emphasize that official City identification (including badges, ID Cards, business cards, etc.) shall be used for official identification purposes only. Further, and consistent with the spirit of the Attorney General's Opinion, the Council Subcommittee recommends the City Council consider replacing the current official identification (generally a badge) with a nametag like pin for the City Council, the Commissioners, and all non-sworn staff. Further, inappropriate use of Official Identification items shall be classified as Major Misconduct with significant consequences.

(12) City Council Jurisdiction

The proposed Ordinance clarifies specifically that, unless prohibited by the City Charter or other applicable Federal or State law, the City Council has direct jurisdiction over all matters which may be considered by Commissions. While remaining respectful of the important advisory role of the Commissions, the City Council or the City Manager may determine to bring items directly to the City Council for consideration.

Commission-Specific Items

While certain items can be applied to all Commissions, there are some topic-specific items which should be handled on a Commission-specific basis.

(1) Cultural Affairs Commission

The proposed Ordinance amends the CCMC to clarify general terms of the Cultural Affairs Commission with the other Commissions in accordance with the New Charter. Other than compliance with the general requirements as recommended by

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the Council Subcommittee, the Council Subcommittee did not recommend any additional specific amendments to the role of the Cultural Affairs Commission.

(2) Planning Commission:

Standard Conditions of Approval: The Planning Division is currently working on a set of "official" Standard Conditions of Approval to be utilized by the Planning Commission when considering various discretionary entitlement applications. The Council Subcommittee recommends that, upon recommendation by the Planning Commission, these Standard Conditions of Approval be reviewed and approved by the City Council. The Planning Commission or staff, through the Planning Commission, may, from time to time, recommend amendments to the Standard Conditions of Approval for consideration by the City Council. Amendments to the Standard Conditions of Approval would only become effective upon approval by the City Council. It is recommended that this process be included among the Planning Commissions duties as set forth in the CCMC (see Attachment 3).

(3) Parks, Recreation, and Community Services (PRCS) Commission:

1. **Jurisdiction over Trees:** Under the current CCMC, the PRCS Commission has been provided jurisdiction over street and parkway trees. Management of the City's "municipal forest" has become a more complex process, often requiring the expertise of a landscape architect. To remove existing potential for duplication of jurisdiction, it is proposed the Parks, Recreation, and Community Services Commission retain advisory jurisdiction over the general topic of trees in the City's parks. However, management of the City's municipal forest should be the responsibility of the Public Works Department (for street and parkway trees), and day-to-day management of the trees located in the City's parks should be the responsibility of the Parks, Recreation and Community Services Department.

Private person requests for removal street or parkway trees authorized by CCMC Section 9.10.040 is proposed to become an administrative action, requiring a permit issued by the Public Works Department (subject to appeal to the PRCS Commission).

The City Council is requested to provide direction to staff to clarify that the Public Works Director is responsible for the management of the City's street and parkway trees.

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2. Jurisdiction over Music and Entertainment: The current CCMC provides the Parks, Recreation, and Community Services Commission with the mission to provide the City Council with advice on music and entertainment. It is proposed to amend this mission to be consistent with the Commission's broader role with respect to music and entertainment conducted in parks.

(4) Civil Service Commission:

Responsibility for Personnel Administration: The New Charter makes significant changes to the day-to-day operations of the City's government. Section 300 of the New Charter provides:

"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."

Under this and other sections of the New Charter, the roles and responsibilities of the City Council, the City's Commissions, and the City Manager have changed. Section 700 of the New Charter provides in pertinent part:

"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... The City Manager... shall... **direct and supervise the administration** of all City departments except as otherwise provided by the Charter... (**emphasis added**)"

Section 806(B) of the former Charter provided the Civil Service Commission with the responsibility to:

1. "Act in an advisory capacity to the City Council on **personnel administration (emphasis added)**; and
2. After a public hearing thereon, recommend to the City Council adoption of amendments or repeal of the civil services rules and regulations;
3. Make any investigation which it may consider desirable concerning the **administration of personnel** in the municipal service and report its findings to the City Council." (**emphasis added**)

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4. Provide a procedure for handling the appeals of any employee in the classified service who is suspended, demoted or removed from his employment. Such procedure shall provide for the employee to have the option of a hearing before the Commission, or before a special hearing officer or board composed of person(s) qualified to hear and make findings and recommendations on such matters. No hearing officer or member of such board shall be a resident, employee or officer of the City."

The provisions of the New Charter and the responsibilities provided to the Civil Service Commission by the former Charter and current CCMC and Civil Service Rules are in conflict. Since the New Charter's provisions are now in force and prevail, the Council Subcommittee recommends certain amendments to the powers and responsibilities of the Civil Service Commission. The attached ordinance addresses the following issues:

- (1) Establishes the Civil Service Commission as an appeal hearing body whose decisions are advisory to the City Manager. The decision of the City Manager shall be final and binding; and,
- (2) Stays the obligation of the Civil Service Commission to perform any other duties conferred upon the Civil Service Commission by the CCMC, Civil Service Rules or other City policy or regulation pending a revision to the Civil Service Rules and other City policies.

Consistent with the above, should the City Council provide direction to proceed with this idea, over the next few months, staff will be bringing to the City Council (and through the Civil Service Commission, where applicable) revisions to the Civil Service Rules and City Policies/regulations. Prior to any change in the employee appeal procedure (as proposed in Item 1 above), the City will bargain with the employee labor groups.

It should be noted that the historical functioning of the Civil Service Commission may have been appropriate in a Chief Administrative Officer form of government. However, under the City Council-City Manager form of government and also given the privacy rights conferred on employees (especially with regard to personnel matters), the role of the Civil Service Commission needs to change to reflect both the new form of government in Culver City and these privacy concerns.

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(4) Board of Zoning Adjustments:

The Chapter of the CCMC related to the Commissions also includes provisions related to the Board of Zoning Adjustments (Board). While the Subcommittee did not consider the Board in its discussions, Staff is recommending certain procedural clarifications to the CCMC related to the appeal procedure to ensure consistency with the Zoning Code.

Miscellaneous Revisions

Several other typographical, grammatical, formatting and other non-substantive changes have been made to ensure clarity and consistency.

Future Applicability to the City's Boards and Committees

The Subcommittee recommends that once the City Council has provided its policy direction with respect to these recommended changes, staff be provided direction to prepare a similar report that would apply these policy directives to the City's Committees and Boards. If so directed by the City Council, it is expected this report would return to the City Council on or before September 13, 2010.

FISCAL ANALYSIS:

Similar to the fiscal analysis presented to the City Council when the Council considered (and ultimately adopted) City Council Policy 2007-01 related to the City's Commissions, adoption of these recommendations is expected to streamline the operations of the Commissions, thereby resulting in either a direct operational savings or a savings of staff time which can be redirected to other activities. However, the actual amount of savings is difficult to estimate at this time.

In addition to the direct/indirect fiscal impacts, adoption of these recommendations is expected to allow the City to provide information to the City Council, Commissioners, Staff, and the general public more quickly and in a more consistent and user-friendly format. Further, adoption of these recommendations will eliminate potential conflicts between current operations and provisions of the New Charter (which provisions prevail) and any associated duplication of efforts, thereby saving staff and financial resources.

ATTACHMENTS:

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- (1) The City Charter of 2006 (New Charter)
- (2) Proposed Ordinance regarding Chapter 3.03 relating to Commissions and Agencies
- (3) Proposed Resolution amending City Council Adopted Policy 2007-01
- (4) Proposed Resolution amending City Council Policy Statement Number 3003 relating to the issuance of parking decals
- (5) Proposed Ordinance amending Section 7.01.230.B.2

MOTION:

That the City Council:

- (1) Discuss the recommendations of the Council Subcommittee relating to the roles of Commissions; and,
- (2) Introduce an Ordinance repealing and replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) relating to City Commissions and Agencies; and,
- (3) Adopt a Resolution amending City Council Adopted Policy 2007-01 entitled "City Commissions," and repealing Resolution No. 2007-R029; and,
- (4) Provide direction to staff related to the proposal to designate the Public Works Director as the person responsible for street and parkway trees with an appeal to the PRCS Commission; and,
- (5) Introduce an Ordinance amending Section 7.01.230.B.2 of the CCMC clarifying those individuals eligible to receive parking decals which exempt their vehicles from parking or standing provisions; and,
- (6) Adopt a Resolution amending City Council Policy Statement Number 3003 entitled "Issuance of City Parking Decals" and rescinding Resolution No. 95-R005.

MEETING DATE: July 26, 2010

AGENDA ITEM: 1) Discussion of the Roles of City Commissions under the New City Charter; 2) Introduction of an Ordinance Repealing and Replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) Relating to City Commissions and Agencies; 3) Adoption of a Resolution Amending City Council Adopted Policy 2007-01 Entitled "City Commissions," and Repealing Resolution No. 2007-R029; 4) Provide Direction Regarding the Proposal to Designate the Public Works Director as the Person Responsible for Street and Parkway Trees Including the Removal of Trees with an Appeal to the PRCS Commission; 5) Introduction of an Ordinance Amending Section 7.01.230.B.2 of the CCMC Clarifying those Individuals Eligible to Receive Parking Decals Which Exempt their Vehicles from Parking or Standing Provisions; and 6) Adoption of a Resolution Amending City Council Policy Statement Number 3003 Entitled "Issuance of City Parking Decals" and Rescinding Resolution No. 95-R005.

ATTACHMENTS

(1) The City Charter of 2006 (New Charter)	1 - 32
(2) Proposed Ordinance regarding Chapter 3.03 relating to Commissions and Agencies	33-43
(3) Proposed Resolution amending City Council Adopted Policy 2007-01	44-53
(4) Proposed Resolution amending City Council Policy Statement Number 3003 relating to the issuance of parking decals	54-56
(5) Proposed Ordinance amending Section 7.01.230.B.2	57-58

CHARTER OF THE CITY OF CULVER CITY

Preamble

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Section 100. Name and Charter Status.

Article II. Definitions

Section 200. Definitions.

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Section 300. Form of Government.

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Article XI. Commissions, Boards and Committees

Section 1100. In General.
Section 1101. Appropriations.
Section 1102. Chairperson and Vice Chairperson.
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Section 1300. Public Employees' Retirement System.

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Section 1400. Official Bonds.

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Article XV. Elections.

Section 1500. General Municipal Elections.

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Article XVI. Financial and Fiscal Matters

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Section 1603. Bonded Debt Limit.

Section 1604. Contracts for Public Works.

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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.

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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.

ORDINANCE NO. 2010-__

**AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, REPEALING AND REPLACING CHAPTER
3.03 OF THE CULVER CITY MUNICIPAL CODE RELATING
TO CITY COMMISSIONS AND AGENCIES.**

WHEREAS, a new Charter was adopted by the Culver City voters on April 11, 2006 and became effective on July 1, 2006; and,

WHEREAS, among several significant changes to be implemented by the new Charter, Section 1100 authorizes the City Council, by ordinance, to establish and abolish commissions and boards as it may determine to be necessary for the effective and efficient governance of the City, and Section 2005 of the new Charter allows the City Council to alter the structure, membership and duties of commissions, boards and committees; and,

WHEREAS, the City Council has reviewed the City's Commissions in light of the new Charter, the City's existing ordinances, resolutions and policies, as well as discussions at a February 2007 facilitated meeting with the City Council and several of the City's Commissioners and over two years of meetings held between a City Council Subcommittee, Commission appointed subcommittees, staff and consultants; and,

WHEREAS, after reviewing the provisions of the new Charter along with the existing provisions of the Culver City Municipal Code (CCMC), incorporating ideas from the facilitated meeting and multiple meetings with the various Subcommittees held over a period of more than two years, and reviewing the City's past practices as well as practices in other cities, the City Council has determined that amendments to Chapter 3.03 of the CCMC relating to Commissions are necessary for the effective and efficient governance of the City.

NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY ORDAIN, as follows:

1 **SECTION 1.** Chapter 3.03 of the Culver City Municipal Code is hereby
2 repealed and replaced to read as follows:

3 **CHAPTER 3.03: COMMISSIONS AND AGENCIES**

4 ***General Provisions***

5 § 3.03.005 Creation; composition; eligibility; compensation

6 § 3.03.010 Terms of members

7 § 3.03.015 Term limits

8 § 3.03.020 Removal; Forfeiture of membership

9 § 3.03.025 Meetings; meeting place; quorum; minutes

10 § 3.03.030 Compliance with applicable laws

11 § 3.03.035 City Council Retains Jurisdiction

12 ***Civil Service Commission***

13 § 3.03.100 Powers and duties

14 ***Cultural Affairs Commission***

15 § 3.03.200 Powers and duties

16 ***Parks and Recreation Commission***

17 § 3.03.300 Powers and duties

18 ***Planning Commission***

19 § 3.03.400 Powers and duties

20 § 3.03.405 Board of Zoning Adjustment

21 ***Redevelopment Agency***

22 § 3.03.500 Necessity declared; authority

23 § 3.03.505 Agency designated; powers and duties

24 § 3.03.510 Term limits

25 ///

26 ///

27 ///

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GENERAL PROVISIONS

§ 3.03.005 CREATION; COMPOSITION; ELIGIBILITY; COMPENSATION.

There shall be a Civil Service Commission, Cultural Affairs Commission, Parks, Recreation, and Community Services Commission, and Planning Commission, each consisting of five members to be appointed by the City Council. Commissioners shall be residents of the City who are lawfully registered voters of the City, none of whom shall hold any paid office or employment in the City Government. Applicants for appointment to any Commission seat must have been lawfully registered voters of the City for the 30 days immediately preceding the filing of their application. No person may serve on more than one Commission at any time. Compensation of Commissioners, if any, may be established by resolution of the City Council.

§ 3.03.010 TERMS OF MEMBERS.

Members of the Commissions shall generally serve for a term of four years and until their respective successors are appointed and qualified. The terms of at least one and not more than two members shall expire on July 1st of each succeeding odd-numbered year, and any appointment to fill an unexpired term shall be for such unexpired period only. The City Council may determine to appoint persons to the Commissions for terms less than four years for purposes of creating staggered terms or for any other reason determined by the City Council.

§ 3.03.015 TERM LIMITS.

A. No person shall serve more than two consecutive full terms as Commissioner. 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.

1 B. Nothing in this provision shall act as a bar to service as a
2 Commissioner after at least two years have elapsed from the last full term as
3 Commissioner.

4 **§ 3.03.020 REMOVAL; FORFEITURE OF MEMBERSHIP.**

5 A. Commissioners serve at the pleasure of the City Council and
6 may be removed at any time by a majority vote of the Council.

7 B. The grounds for forfeiture of the seat of a Commissioner are the
8 following:

9 1. The Commissioner is convicted of a felony or a crime
10 involving moral turpitude; or

11 2. The Commissioner ceases to be a resident and lawfully
12 registered voter of the City.

13 Upon request of the affected Commissioner whose seat has been
14 forfeited, the City Council shall hold a public hearing during which the City
15 Council shall consider declaring the seat vacant. The conclusion of the City
16 Council shall be at the City Council's sole discretion and shall be final. In the
17 absence of such a request and notwithstanding the provisions of Section
18 3.03.005 hereof, after the occurrence of any of the foregoing events, the seat
19 of the Commissioner may be declared vacant by the City Council by a vote of
20 at least three of its members

21 **§ 3.03.025 MEETINGS; MEETING PLACE; QUORUM; MINUTES.**

22 A. **Meetings.** Each Commission shall meet on an as-needed
23 basis as determined in the sole discretion of the City Manager or duly
24 authorized designee. Meetings shall at all times be open to the public and
25 shall be held in the Council Chambers except when such Chambers are
26 required for any meeting of the City Council or when the Commission
27 determines that a meeting should be held in a different location due to the
28

subject matter being considered, in which case another room or public place within the City limits may be used.

B. **Change of Meeting Place.** Notice of change in meeting place shall be posted on the front door of the Council Chambers.

C. **Quorum.** A majority of the members of the Commission shall constitute a quorum.

D. **Minutes.** Commission minutes shall be kept in accordance with City Council policy.

§ 3.03.030 COMPLIANCE WITH APPLICABLE LAWS.

Commissioners shall comply with all applicable laws and City Council policies.

§ 3.03.035 CITY COUNCIL RETAINS JURISDICTION

Unless prohibited by applicable federal or state law or the City Charter, notwithstanding any other provisions of this Code, the City Council retains jurisdiction on all items which may otherwise be considered by the various Commissions. Either the City Council or the City Manager, in their sole discretion, may determine to have any item heard directly by the City Council.

CIVIL SERVICE COMMISSION

§ 3.03.100 POWERS AND DUTIES.

The Civil Service Commission shall have the following powers and duties:

A. Acting in an advisory capacity to the City Manager, hear appeals of any employee under the Classified Service who has received a reduction in step within a salary range, suspension, demotion, or dismissal, or who is appealing the denial of a grievance, and advise the City Manager of its findings, conclusions and

recommendations. The City Manager shall consider such findings, conclusions, and recommendations and render a decision, which decision shall be final and conclusive;

B. After a public hearing thereon, recommend to the City Council the adoption of amendments to or repeal of the Civil Service Rules consistent with the City Charter and Civil Service System;

C. Perform such other duties, not inconsistent with the City Charter, this Code or the Civil Services Rules, with respect to the Civil Service System as may be prescribed by ordinance, resolution, City Council policy, other City Council action or the Civil Service Rules. Notwithstanding the foregoing, the Civil Service Commission shall have no obligation or authority to perform any duties provided to it under the Civil Service Rules or other City policies, when such duties are inconsistent with this Chapter.

CULTURAL AFFAIRS COMMISSION

§ 3.03.200 POWERS AND DUTIES.

The Cultural Affairs Commission shall have the following powers and duties:

A. Act in an advisory capacity to the City Council on matters pertaining to the enrichment of the community through fine arts, visual arts, performing arts, arts education, historic preservation and cultural issues;

B. Serve as an advocate for cultural activities and programs within the City;

- 1 C. Implement the City's Public Art Program, and encourage
2 the integration of cultural affairs into the social and economic fabric of
3 the City to improve the quality of life for City residents; and
4 D. Perform such other duties, not inconsistent with the City
5 Charter or this Code, as may be prescribed by ordinance, resolution,
6 City Council policy or other City Council action.

7
8 **PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION**

9
10 **§ 3.03.300 POWERS AND DUTIES.**

11 The Parks, Recreation, and Community Services Commission shall
12 have the following powers and duties:

13 A. Act in an advisory capacity to the City Council on matters
14 pertaining to public recreation, parks, playgrounds, and music and
15 entertainment as may from time to time be performed in the City's
16 parks;

17 B. Upon review of a report presented by staff, recommend
18 programs and plans designed to promote the full acceptance of all
19 citizens in all aspects of community life without regard to race, religion,
20 sex, color or national origin and to receive, hear and investigate
21 complaints of discrimination based on race, religion, sex, color or
22 national origin;

23 C. Upon review of a report presented by staff, review the
24 requirements of the City as to park, playground and recreation facilities
25 and after such review formulate a practical program for the
26 development of such facilities and make such recommendations to the
27 City Council for the approval and implementation of said program;

D. Upon review of a report presented by staff, investigate the possibilities of park beautification and tree planting, develop plans for the general beautification of public parks through the planting of flowers, grass, shrubs and trees and recommend to the City Council for adoption of such program or programs related to said beautification plans as it may deem practical and proper;

E. Upon review of a report presented by staff, study and, from time to time, make recommendations to the City Council for the proper care and maintenance of parks, playgrounds, and the like, and use its best efforts to promote a general City-wide program of beautification and park and playground development; and

F. Perform such other duties, not inconsistent with the City Charter or this Code, as may be prescribed by ordinance, resolution, City Council policy or other City Council action.

PLANNING COMMISSION

§ 3.03.400 POWERS AND DUTIES.

The Planning Commission shall have the following powers and duties:

A. After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the General Plan, or any part thereof, for the physical development of the City;

B. Exercise such control over zoning, land subdivisions and building as is granted to it by the City Council and by the laws of the State of California;

C. Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City and public improvement in general;

1 D. Make recommendations to the City Council concerning
2 adoption of or amendments to the City's Standard Conditions of
3 Approval, which are utilized by the Planning Commission during its
4 approval of various entitlement applications;

5 E. Upon the direction of the City Council, issue Orders to
6 Show Cause why use permits, exceptions or variances granted should
7 not be revoked for violation and to hold necessary hearings,
8 transmitting findings and recommendations to City Council. A person
9 aggrieved by the action of the Commission may appeal to the City
10 Council by filing a notice of appeal in accordance with the appeal
11 procedures and within the time limits set forth in Chapter 17.640 of this
12 Code;

13 F. Perform such other duties, not inconsistent with the City
14 Charter or this Code, as may be prescribed by ordinance, resolution,
15 City Council Policy or other City Council action.

16 **§ 3.03.405 BOARD OF ZONING ADJUSTMENT.**

17 A. The Planning Commission shall appoint two (2) of its members
18 to act as a Board of Zoning Adjustment. The duties of said Board shall
19 include the following:

20 1. To hear appeals involving error in any order,
21 requirement, or determination by any City official in the administration
22 of Title 17 of this Code (the "Zoning Code").

23 2. To perform such other duties as may be prescribed by
24 ordinance, resolution or City Council policy.

25 B. In the event any applicant, City official or interested person is
26 aggrieved by a determination of the Board of Zoning Adjustment, an appeal
27 therefrom may be taken, in writing, to the Planning Commission as a whole,
28 in accordance with the appeal procedures and within the time limits set forth

1 in Chapter 17.640 of the Zoning Code. The Board may refer such matters to
2 the Planning Commission, as a whole, as it deems advisable.

3 4 REDEVELOPMENT AGENCY

5 6 **§ 3.03.500 NECESSITY DECLARED; AUTHORITY.**

7 It is hereby found and declared, pursuant to Section 33101 of the
8 Community Redevelopment Law, that there is a need for the redevelopment
9 agency created by Section 33100 of said Law to function in the City of Culver
10 City and said agency is hereby authorized to transact business and exercise
11 its powers under the Community Redevelopment Law.

12 **§ 3.03.505 AGENCY DESIGNATED; POWERS AND DUTIES.**

13 The City Council of the City of Culver City, California hereby declares
14 itself to be the redevelopment agency to be known as Culver City
15 Redevelopment Agency and that all rights, powers, duties, privileges and
16 immunities vested by the Community Redevelopment Law in such agency
17 shall be, and are, vested in this body.

18 **§ 3.03.510 TERM LIMITS.**

19 A. No person shall serve more than two consecutive full terms on
20 the Redevelopment Agency. If a person serves a partial term in excess of
21 two years, it shall be considered a full term for the purpose of this provision.

22 B. Nothing in this provision shall act as a bar to service on the
23 Redevelopment Agency after at least two years have elapsed from the last
24 full term.

25
26 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
27 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
28 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,

the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
Culver City News and shall post this Ordinance or a summary thereof in at least three
places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section,
subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
invalid or unconstitutional by any final action in a court of competent jurisdiction or by
reason of any preemptive legislation, then the City Council would have independently
adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this _____ day of _____, 2010.

CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE City Clerk

CAROL A. SCHWAB, City Attorney

A10-00267

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1 the operations of the City's Commissions and the standard of conduct for Commission
2 appointees; and

3 WHEREAS, over the past two years, the City Council, through an appointed
4 Subcommittee, has continued its review of the City's Commissions in light of the new
5 Charter, the City's existing ordinances, resolutions and policies, including Policy 2007-01
6 and comments received from Commissioners when the City Manager presented City
7 Council Policy 2007-01 to the Commissions at duly noticed and public meetings of the
8 Commissions and when the City Council Subcommittee met on multiple occasions with the
9 Commission appointed subcommittees; and,
10

11 WHEREAS, after completing such review, the City Council has determined
12 that amendments to Policy 2007-01 are necessary for the effective and efficient
13 governance of the City.
14

15 NOW, THEREFORE, the City Council of the City of Culver City, California,
16 DOES HEREBY RESOLVE as follows:

17 1. The City Council hereby amends City Council Policy 2007-01, entitled
18 "City Commissions," which amended Policy is attached hereto as Exhibit "A" to this
19 Resolution.

20 2. Amended City Council Policy 2007-01 shall be effective immediately
21 upon its adoption.
22

23 3. The City Manager is hereby authorized to format this amended City
24 Council Policy 2007-01 in a format consistent with other City Council adopted policies and
25 shall include the final version of this adopted policy with other adopted policies.

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27 ///

1 4. The City Manager shall distribute this amended City Council Policy
2 2007-01 to interested parties, which include, but are not limited to, the City's Commissions
3 and City Staff.

4 APPROVED and ADOPTED this _____ day of _____ 2010.

5
6
7 CHRISTOPHER ARMENTA, MAYOR
8 City of Culver City, California

9 ATTEST:

9 APPROVED AS TO FORM:

10
11 _____
12 MARTIN R. COLE, City Clerk

10
11 _____
12 CAROL A. SCHWAB, City Attorney

13 A10-00268

City Council Policy 2007-01
Adopted by Resolution No. 2007-R029 on May 29, 2007
Amended by Resolution No. 2010-R_____ on July 26, 2010
Subject Matter: City Commissions

PURPOSE

The purpose of this policy is to provide general guidelines on topics related to the City's Commissions. At the time of this policy's adoption by the City Council, the following four Commissions existed:

- Parks and Recreation Commission
- Planning Commission
- Civil Service Commission
- Cultural Affairs Commission

This Policy shall apply to all Commissions, both existing at the time of the adoption of this Policy and subsequent thereto and shall be consistent with the City Charter and other applicable laws.

BACKGROUND

This policy is a result of discussions at the facilitated meetings held in February, 2007 during which the City Council met with members of the City's Commissions and Executive Management and over two years of meetings held between a City Council Subcommittee, Commission appointed subcommittees, staff, and consultants. This policy addresses various issues raised during these meetings by City Council Members, City Commissioners, and Executive Management.

GENERAL ROLE OF THE CITY'S COMMISSIONS

The City of Culver City prides itself on the participatory nature of its local government. The City's Commissions play an important role in the efficient governance of the City, and provides interested community members with the opportunity to serve their fellow citizens.

As advisory bodies to the City Council, the Commissions' advice on topics within their purview, combined with factual research performed by City Staff, provide the City Council with a more complete picture of many issues. In the role of advisors to the City Council, Commissions administer policies adopted by the City Council. From time to time, Commissions may be asked to interpret and enforce City Council adopted policy. However, unless expressly provided the authority to do so by the City Council, Commissions shall not make policy.

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COMMISSIONER CODE OF CONDUCT

As representatives of the City Council and the City, it is important that Commissioners set an example of conduct appropriate for their key roles. Therefore, Commissioners are required to adhere to the following:

Preparation for Meetings

It is necessary for Commissioners to be prepared to discuss the items on the Agenda. Therefore, Commissioners should, whenever possible, be provided with agenda packets at least three business days prior to the meeting date. Questions should be posed to staff prior to the meeting to allow staff the time necessary to prepare and provide responses.

Punctuality/Attire

As part of making the City's government as open and accessible to the public as possible, the City Council has directed that meetings of all Commissions shall generally be televised. This, coupled with the public nature of the Commission meetings, makes it important for Commissioners to begin meetings on time. Further, when attending official City events, including monthly Commission meetings, Commissioners shall be appropriately attired. Business casual shall be the generally acceptable mode of attire.

Conduct at Meetings

In compliance with the State's Open Meetings Law, commonly known as "The Brown Act," Commissions can only take action on items that appear on the Agenda. Commissioners wishing to have an item agendaized for discussion must obtain a majority of Commissioners' support to place an item on a future agenda. Commissioners who believe they may have a concern related to Brown Act compliance shall consult with the City Attorney.

While considering items at Commission meetings, disagreements may arise, which is a natural part of the process in a participatory government. However, it is important that Commissioners conduct meetings with proper decorum and respect.

To facilitate proper decorum, Roberts Rules of Order shall be the parliamentary standard when conducting meetings.

Fair and Unbiased Consideration of Issues

Pursuant to the letter and spirit of the Brown Act and appropriate ethical standards, Commissioners shall approach items before the Commission in a fair and unbiased manner. Consistent with this requirement, Commissioners shall conduct themselves in an appropriate manner at all times, including prior to and during meetings and while in contact with the press and members of the public.

///

Role of the Chair

The Chair is the presiding officer of the Commission meeting. In that role, the Chair is responsible for maintaining order and decorum. The Chair calls the meetings to order, recognizes speakers, and manages the agenda. It is also the Chair's responsibility to ensure the person who has the floor is given the attention of other Commissioners and the public and is allowed to speak without undue or inappropriate interruption, and that Commissioners, those addressing the Commission, and members of the Public are treated with due respect.

During certain proceedings, such as an official Public Hearing, legal procedures are in place to ensure all persons are able to address a Commission during consideration of an Agenda Item. The Chair is responsible for guiding the Commission's discussion in accordance with the procedures either contained in the staff report or reported by staff.

Role of the City Attorney

As provided in the City Charter, the City Attorney, or his or her designee, is the chief legal adviser to the City Council, City Manager, and all City departments in all matters pertaining to the business of the City. Commissions and individual Commissioners, in their advisory capacity to the City Council, are required to adhere to the legal opinions and advice of the City Attorney with regard to procedural matters and give deference to such opinions with regard to interpretations of law.

Use of Official City Identification

Official City identification (including ID Cards, business cards, etc.) shall be used for official identification purposes only. Further and consistent with the spirit of the Attorney General's Opinion, official identification shall be a nametag like pin for the City Council, the Commissioners, and all non-sworn staff. Inappropriate use of Official Identification items shall be classified as Major Misconduct with significant consequences.

Commissioner Misconduct

As appointees of the City Council, Commissioners serve at the pleasure of the City Council. Violations of this Code of Conduct shall be handled in the following manners:

- (1) Minor Misconduct: Issues will be reported to the Department Head of the department that provides staff support to the Commission. The Department Head shall then attempt to resolve the issue with the City Manager and Commissioner.
- (2) Major Misconduct: Issues of this level will involve the City Manager's Office and may lead to a recommendation to the City Council to remove the Commissioner from his or her seat.

The City Manager shall report Commissioner misconduct to the City Council.

Following are examples of misconduct which may subject Commissioners to disciplinary action(s):

- (1) Minor misconduct: Lack of preparation for a meeting; late arrival at meetings; discourteous behavior in relations with fellow Commissioners, staff, and/or members of the public.
- (2) Major misconduct: repeated instances of minor misconduct; misuse of official City identification; violation of City Council Policies (including, but not limited to, the City Council Policies addressing violence in the workplace; acceptance of gifts or gratuities; drug free workplace and drugs and alcohol in the workplace; discrimination and harassment in the workplace; and smoking in the workplace; and other policies as may be adopted by the City Council from time to time).

While the above items are presented as examples, the determination of what (if any) discipline to impose, up to and including removal from a Commission, shall be at the sole discretion of the City Council.

Discipline of Commissioners by the City Council

Should the City Council determine, in its sole discretion, that a Commissioner may have allegedly acted in a manner inconsistent with law or this Policy, the City Council may determine to impose any or all of the following:

- (1) Provide direction to the City Manager to meet with the Commissioner(s) to informally investigate alleged misconduct and provide counseling to the Commissioner(s) to indicate behavior consistent with law and this Policy.
- (2) Provide direction to the City Manager to investigate Commissioner misconduct and report findings to the City Council.
- (3) Require the Commissioner to appear before the City Council to hear charges of misconduct.
- (4) Determine, in the City Council's sole discretion and with or without cause, to remove a Commissioner from his/her seat. Such removal shall only be effective upon a majority vote of the City Council.

Commissioner Attendance and Forfeiture of Commission Seat

Annually, in May, the City Manager shall provide the City Council with a summary of attendance by Commissioners at Commission meetings.

Any Commissioner who is absent from three (3) consecutive meetings of the Commission or a total of five (5) meetings in any six (6) month period shall thereby automatically forfeit his membership on said Commission, provided, however, that there shall be no such forfeiture in the event of any of the following:

A. When a Commissioner is unable to attend due to illness or physical incapacity.

B. When a Commissioner is unable to attend because of business or vacation.

C. When the City Council has determined before forfeiture that an absence is justified.

For purposes of this Policy, attendance at a meeting shall be established when a Commissioner is present for a minimum of 50% of the duration of the meeting. Duration of the meeting shall be the total time period elapsed from the convening of the meeting until the adjournment of the meeting, including any recesses.

COMMISSION INTERACTION WITH THE CITY COUNCIL

One common theme discussed at the facilitated meetings was the importance of having regular interaction between the City Council and Commissioners. Therefore, the following may be scheduled:

- Annual Joint Meeting of all Commissions with the City Council.

COMMISSION INTERACTION WITH THE CITY STAFF

As part of maintaining proper decorum and respect, Commissioners shall interact with staff with proper politeness and courtesy. Whenever possible, issues and concerns of Commission Members and/or City Staff shall be addressed to the Department Head of the department that provides staff support to the Commission. Should resolution not be reached after consultation with the Department Head, Commission Members may consult with the City Manager's Office.

Commissions, as bodies, and individual Commissioners may make routine informational requests to City Staff that do not require significant research or other allocation of staff resources. Neither Commissions nor individual Commissioners shall provide direction to City Staff (other than to place items on future Agendas). Agenda item requests which require the dedication of significant time resources shall not be undertaken without the approval of the Department Head and/or the City Manager. Major policy items may also be

presented to the City Council for consideration and direction prior to allocation of staff resources by the City Manager.

COMMISSIONER ORIENTATION/TRAINING

Commissioner Training/Orientation is important to prepare new commissioners for the key role they play. Ongoing training for Commissioners is also important to keep Commissioners abreast of the latest developments in their field(s).

New Commissioner Orientation

To ensure newly appointed Commissioners are best prepared for their important advisory roles, Commission appointees are required to attend an orientation within 90 days of their appointment. Failure to attend such orientation shall result in forfeiture of the appointment. The orientation program will provide new Commissioners with information in the following basic areas:

- General City Operations
- The State Open Meetings Law (The Brown Act)
- General Parliamentary Procedure (Roberts Rules) and Etiquette
- Ethics (AB 1234) – Including proper use of Commissioner Title and Official City Identification
- Electronic Voting System

Existing Commissioner Training and Ongoing Training

The City Council shall consider funding that would provide ongoing training to Commissioners during each fiscal year. Commissioners are encouraged to recommend applicable training for inclusion in future year budgets. This training should include training specific to the area of responsibility of the Commission. One source of important and credible training is the League of California Cities. Requests to participate in training opportunities shall be subject to the prior approval of the Department Head or the City Manager.

MEETINGS OF COMMISSIONS

Frequency of Meetings

Commissions shall meet on an as needed basis. No Commission meeting shall be held during months when the City Manager or his duly authorized designee determines there are insufficient items to justify a meeting.

Meeting Minutes

Meeting minutes are an important summary of the actions taken by the Commission on items that appear on the Commission Agenda (Action Minutes). They are not meant to capture each word (Verbatim Minutes). To facilitate more rapid production and transmittal of the minutes, Staff shall prepare and Commissions shall approve Action Minutes similar to those produced for the City Council meetings. Where there is a dissenting opinion, a one sentence

description of the nature of the opinion may be included. Commissioners or members of the public interested in additional information may seek a copy of the audio/video recording of the meeting from the City staff.

With the adoption of this standardized form of minutes, it shall be the goal of each Commission to consider approval of their minutes at the next regularly scheduled meeting of their Commission.

Compensation

In accordance with Culver City Municipal Code Section 3.03.005, compensation of Commissioners, if any, may be established by resolution of the City Council.

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RESOLUTION NO. 2010-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CULVER CITY, CALIFORNIA, AMENDING CITY
COUNCIL POLICY STATEMENT 3003 ENTITLED
"ISSUANCE OF CITY PARKING DECALS" AND
RESCINDING RESOLUTION NO. 95-R005.

WHEREAS, a new Charter was adopted by the Culver City voters on April 11,
2006 and became effective on July 1, 2006; and,

WHEREAS, as part of the Phase 2 implementation of the new City Charter,
the City Council reviewed the roles and duties of City Commissions and Boards, including
existing provisions of the Culver City Municipal Code and City Council policies; and

WHEREAS, after reviewing City Council Policy Statement Number 3003
relating to the issuance of City parking decals, the City Council determined that, effective
June 30, 2011, certain positions and organizations should no longer receive parking decals
as authorized by Section 7.01.230.B.2 of the Culver City Municipal Code.

NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY RESOLVE as follows:

1. The City Council hereby amends City Council Policy 3003, entitled
"Issuance of City Parking Decals," which amended Policy is attached hereto as Exhibit "A"
to this Resolution.

2. Amended City Council Policy 3003 shall be effective on July 1, 2011.

3. The City Manager is hereby authorized to format this amended City
Council Policy 3003 in a format consistent with other City Council adopted policies and
shall include the final version of this adopted policy with other adopted policies.

1 4. The City Manager shall distribute this amended City Council Policy
2 3003 to interested parties, which include, but are not limited to, the City's Commissions,
3 and City Staff.

4 APPROVED and ADOPTED this _____ day of _____ 2010.
5
6

7 _____
CHRISTOPHER ARMENTA, MAYOR
8 City of Culver City, California

9 ATTEST:

APPROVED AS TO FORM:

10
11 _____
12 MARTIN R. COLE, City Clerk

11 _____
12 CAROL A. SCHWAB, City Attorney
13 For

13 A10-00271
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**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

General Subject: Administration

Specific Subject: Issuance of City Parking
Decals

Policy Number: 3003

Date Issued: 01/23/95

Effective Date: 01/24/95

Resolution No.: 95-R005

Date Amended: 07/26/2010

Effective Date: 06/30/2011

Resolution No.: 2010-R____

PURPOSE:

To establish policy regarding the issuance of City parking decals (permits) to authorized persons.

STATEMENT OF POLICY:

Pursuant to Municipal Code Section 7.01.230, certain people who operate their private vehicles on official City business are exempt from the enforcement of certain parking regulations of the Code. The City may issue parking decals (permits) which allow for parking in time-limit zones or metered areas. Currently such permits are authorized for:

City Council
City Manager
City Attorney
Department Heads
Other persons as authorized by the City Manager

Permittees must be operating the vehicle in the conduct of City business, and the valid permit must be conspicuously displayed on the left rear bumper of the vehicle.

Citations issued to such vehicles may be voided by the Chief of Police when proof of City business at the time and place of the citation is presented.

PROCEDURES:

Numbered parking decals will be issued through the office of the City Manager or other City Department or Office designated by the City Manager. Persons with multiple vehicles may be issued more than one permit. When the vehicle is no longer being used, or when the incumbent is no longer eligible under this policy, permits shall be removed from the vehicle and surrendered to the City by the permittee.

Additions/deletions from the list of authorized persons shall be determined by the City Manager.

Exhibit A to Resolution No. 2010-R____

ORDINANCE NO. 2010-____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTION 7.01.230.B.2 OF THE
CULVER CITY MUNICIPAL CODE PERTAINING TO
EXEMPTION OF VEHICLES FROM PARKING OR
STANDING PROVISIONS.

WHEREAS, as part of the Phase 2 implementation of the new City Charter,
the City Council reviewed the roles and duties of City Commissions and Boards, including
existing provisions of the Culver City Municipal Code and City Council policies; and

WHEREAS, after reviewing City Council Policy Statement Number 3003
relating to the issuance of City parking decals, the City Council determined that, effective
June 30, 2011, certain positions and organizations should no longer receive parking decals
as authorized by Section 7.01.230.B.2 of the Culver City Municipal Code.

NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 7.01.230.B.2 of the Culver City Municipal Code is
hereby amended to read as follows (strike-through indicates a deletion; underline indicates
an addition):

B. The provisions of this Chapter regulating the parking or standing or
vehicles shall not apply to:

2. Any vehicle of a duly elected and acting member of the
City Council, the City Clerk, the City Treasurer, the City Attorney, the City
Manager, a Department Head, or any other position as authorized by the City
Manager, or the Assistant Administrative Officer. Nor shall the provisions of
the Chapter apply to the vehicle of any duly appointed and acting member of

any City commission or to any duly elected acting member of the Board of Education of the Culver City Unified School District which is parked by such official while such person is actually engaged in official business and while parked in a metered space or posted zone; provided, however, that no vehicle shall be exempt hereunder unless there is a current permit decal issued in a form and manner designated by the City Manager conspicuously displayed upon the left-hand side of the rear bumper of said vehicle, a current permit decal issued in a form and manner designated by the City Manager.

SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this ____ day of _____, 2010.

CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE City Clerk

CAROL A. SCHWAB, City Attorney

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1 **SECTION 1.** Chapter 3.03 of the Culver City Municipal Code is hereby
2 repealed and replaced to read as follows:

3 **CHAPTER 3.03: COMMISSIONS AND AGENCIES**

4 ***General Provisions***

5 § 3.03.005 Creation; composition; eligibility; compensation

6 § 3.03.010 Terms of members

7 § 3.03.015 Term limits

8 § 3.03.020 Removal; Forfeiture of membership

9 § 3.03.025 Meetings; meeting place; quorum; minutes

10 § 3.03.030 Compliance with applicable laws

11 § 3.03.035 City Council Retains Jurisdiction

12 ***Civil Service Commission***

13 § 3.03.100 Powers and duties

14 ***Cultural Affairs Commission***

15 § 3.03.200 Powers and duties

16 ***Parks and Recreation Commission***

17 § 3.03.300 Powers and duties

18 ***Planning Commission***

19 § 3.03.400 Powers and duties

20 § 3.03.405 Board of Zoning Adjustment

21 ***Redevelopment Agency***

22 § 3.03.500 Necessity declared; authority

23 § 3.03.505 Agency designated; powers and duties

24 § 3.03.510 Term limits

25 ///

26 ///

27 ///

28 ///

1 **GENERAL PROVISIONS**

2
3 **§ 3.03.005 CREATION; COMPOSITION; ELIGIBILITY; COMPENSATION.**

4 There shall be a Civil Service Commission, Cultural Affairs
5 Commission, Parks, Recreation, and Community Services Commission, and
6 Planning Commission, each consisting of five members to be appointed by
7 the City Council. Commissioners shall be residents of the City who are
8 lawfully registered voters of the City, none of whom shall hold any paid office
9 or employment in the City Government. Applicants for appointment to any
10 Commission seat must have been lawfully registered voters of the City for the
11 30 days immediately preceding the filing of their application. No person may
12 serve on more than one Commission at the same time. Compensation of
13 Commissioners, if any, may be established by resolution of the City Council.

14 **§ 3.03.010 TERMS OF MEMBERS.**

15 Members of the Commissions shall generally serve for a term of four
16 years and until their respective successors are appointed and qualified. The
17 terms of at least one and not more than two members shall expire on July 1st
18 of each succeeding odd-numbered year, and any appointment to fill an
19 unexpired term shall be for such unexpired period only. The City Council
20 may determine to appoint persons to the Commissions for terms less than
21 four years for purposes of creating staggered terms or for any other reason
22 determined by the City Council.

23 **§ 3.03.015 TERM LIMITS.**

24 A. No person shall serve more than two consecutive full terms as
25 Commissioner on any one Commission. If a person serves a partial term in
26 excess of two years, it shall be considered a full term for the purpose of this
27 provision.
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1 B. Nothing in this provision shall act as a bar to service as a
2 Commissioner on the same Commission after at least two years have
3 elapsed from the last full term as Commissioner.

4 C. A Commissioner who has served two consecutive full terms as
5 a Commissioner on one Commission may serve on a different Commission
6 without waiting the required two-year period provided for in this Section.

7 **§ 3.03.020 REMOVAL; FORFEITURE OF MEMBERSHIP.**

8 A. Commissioners serve at the pleasure of the City Council and
9 may be removed at any time by a majority vote of the Council.

10 B. The grounds for forfeiture of the seat of a Commissioner are the
11 following:

12 1. The Commissioner is convicted of a felony or a crime
13 involving moral turpitude; or

14 2. The Commissioner ceases to be a resident and lawfully
15 registered voter of the City.

16 Upon request of the affected Commissioner whose seat has been
17 forfeited, the City Council shall hold a public hearing during which the City
18 Council shall consider declaring the seat vacant. The conclusion of the City
19 Council shall be at the City Council's sole discretion and shall be final. In the
20 absence of such a request and notwithstanding the provisions of Section
21 3.03.005 hereof, after the occurrence of any of the foregoing events, the seat
22 of the Commissioner may be declared vacant by the City Council by a vote of
23 at least three of its members

24 **§ 3.03.025 MEETINGS; MEETING PLACE; QUORUM; MINUTES.**

25 A. **Meetings.** Each Commission shall meet on an as-needed
26 basis as determined in the sole discretion of the City Manager or duly
27 authorized designee. Meetings shall at all times be open to the public and
28 shall be held in the Council Chambers except when such Chambers are

1 required for any meeting of the City Council or when the Commission
2 determines that a meeting should be held in a different location due to the
3 subject matter being considered, in which case another room or public place
4 within the City limits may be used.

5 B. **Change of Meeting Place.** Notice of change in meeting place
6 shall be posted on the front door of the Council Chambers.

7 C. **Quorum.** A majority of the members of the Commission shall
8 constitute a quorum.

9 D. **Minutes.** Commission minutes shall be kept in accordance with
10 City Council policy.

11 **§ 3.03.030 COMPLIANCE WITH APPLICABLE LAWS.**

12 Commissioners shall comply with all applicable laws and City Council
13 policies.

14 **§ 3.03.035 CITY COUNCIL RETAINS JURISDICTION**

15 Unless prohibited by applicable federal or state law or the City Charter,
16 notwithstanding any other provisions of this Code, or where final decision
17 making authority has been delegated by the City Council to another person or
18 body, the City Council retains jurisdiction on all items which may otherwise be
19 considered by the various Commissions. Either the City Council or the City
20 Manager, in their sole discretion, may determine to have any item heard
21 directly by the City Council.

22
23 **CIVIL SERVICE COMMISSION**

24
25 **§ 3.03.100 POWERS AND DUTIES.**

26 The Civil Service Commission shall have the following powers and
27 duties:
28

1 A. Act in an advisory capacity to the City Council on matters
2 pertaining to the Civil Service System;

3 B. Hear appeals or grievances of any officer or employee
4 under the Civil Service System who is suspended, demoted or
5 removed and report in writing its findings and conclusions;

6 C. Examine witnesses under oath and compel their
7 attendance or the production of evidence before it by subpoenas
8 issued in the name of the City and attested by the City Clerk; and

9 D. Recommend new or amended Civil Service Rules
10 consistent with the City Charter and Civil Service System, holding
11 public hearings thereon before presentation to City Council for
12 approval.

13 E. Periodically, at the discretion of the City Council, make a
14 study of salaries being paid by other public and private agencies, in
15 order to ascertain whether the salaries being paid City employees for
16 similar work are comparable, fair and reasonable and make
17 recommendations with respect thereto to the City Council;

18 F. Perform such other duties with respect to the Civil
19 Service System, not inconsistent with the City Charter or this Code, as
20 may be prescribed by ordinance, resolution, City Council policy or
21 other City Council action.

22 **CULTURAL AFFAIRS COMMISSION**

23 **§ 3.03.200 POWERS AND DUTIES.**

24 The Cultural Affairs Commission shall have the following powers and
25 duties:
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1 A. Act in an advisory capacity to the City Council on matters
2 pertaining to the enrichment of the community through fine arts, visual
3 arts, performing arts, arts education, historic preservation and cultural
4 issues;

5 B. Serve as an advocate for cultural activities and programs
6 within the City;

7 C. Implement the City's Public Art Program, and encourage
8 the integration of cultural affairs into the social and economic fabric of
9 the City to improve the quality of life for City residents; and

10 D. Perform such other duties, not inconsistent with the City
11 Charter or this Code, as may be prescribed by ordinance, resolution,
12 City Council policy or other City Council action.

13
14 **PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION**

15
16 **§ 3.03.300 POWERS AND DUTIES.**

17 The Parks, Recreation, and Community Services Commission shall
18 have the following powers and duties:

19 A. Act in an advisory capacity to the City Council and City
20 Manager on matters pertaining to public recreation, parks,
21 recreation/community center facilities, open space and tree programs,
22 where such trees are located in parks and open space, playgrounds,
23 and music and entertainment as may from time to time be performed
24 in the City's parks;

25 B. At the direction of the City Council or the City Manager,
26 assist staff assigned to review the requirements of the City for facilities
27 relating to the functions set forth in Subsection A, and to make
28

1 recommendations related to the adoption and updating of City master
2 plans relating to parks, recreation, and open space;

3
4 C. At the direction of the City Council or the City Manager,
5 recommend programs and plans designed to promote the full
6 acceptance of all citizens in all aspects of community life, without
7 regard to race, religion, gender, sexual orientation, age, or national
8 origin;

9 D. At the direction of the City Council or the City Manager,
10 recommend and support program policies relating to various
11 community service functions of the City, including, but not limited to,
12 programs for youth, teens, seniors, and people with special needs;

13 E. At the direction of the City Council or the City Manager,
14 balance program and project recommendations by applying realistic
15 expectations of budgetary and staffing resources, environmental
16 sustainability, neighborhood compatibility, and other relevant factors.;
17 and

18 F. Perform such other duties, not inconsistent with the City
19 Charter or this Code, as may be prescribed by ordinance, resolution,
20 City Council policy or other City Council action.

21 22 **PLANNING COMMISSION**

23 24 **§ 3.03.400 POWERS AND DUTIES.**

25 The Planning Commission shall have the following powers and duties:

26 A. After a public hearing thereon, recommend to the City
27 Council the adoption, amendment or repeal of the General Plan, or
28 any part thereof, for the physical development of the City;

1 B. Exercise such control over zoning, land subdivisions and
2 building as is granted to it by the City Council and by the laws of the
3 State of California;

4 C. Make recommendations concerning proposed public
5 works and for the clearance and rebuilding of blighted or substandard
6 areas within the City and public improvement in general;

7 D. Upon the direction of the City Council, issue Orders to
8 Show Cause why use permits, exceptions or variances granted should
9 not be revoked for violation and to hold necessary hearings,
10 transmitting findings and recommendations to City Council. A person
11 aggrieved by the action of the Commission may appeal to the City
12 Council by filing a notice of appeal in accordance with the appeal
13 procedures and within the time limits set forth in Chapter 17.640 of this
14 Code; and

15 E. Perform such other duties, not inconsistent with the City
16 Charter or this Code, as may be prescribed by ordinance, resolution,
17 City Council Policy or other City Council action.

18 **§ 3.03.405 BOARD OF ZONING ADJUSTMENT.**

19 A. The Planning Commission shall appoint two (2) of its members
20 to act as a Board of Zoning Adjustment. The duties of said Board shall
21 include the following:

22 1. To hear appeals involving error in any order,
23 requirement, or determination by any City official in the administration
24 of Title 17 of this Code (the "Zoning Code").

25 2. To perform such other duties as may be prescribed by
26 ordinance, resolution or City Council policy.

27 B. In the event any applicant, City official or interested person is
28 aggrieved by a determination of the Board of Zoning Adjustment, an appeal

1 therefrom may be taken, in writing, to the Planning Commission as a whole,
2 in accordance with the appeal procedures and within the time limits set forth
3 in Chapter 17.640 of the Zoning Code. The Board may refer such matters to
4 the Planning Commission, as a whole, as it deems advisable.

5 6 **REDEVELOPMENT AGENCY**

7 8 **§ 3.03.500 NECESSITY DECLARED; AUTHORITY.**

9 It is hereby found and declared, pursuant to Section 33101 of the
10 Community Redevelopment Law, that there is a need for the redevelopment
11 agency created by Section 33100 of said Law to function in the City of Culver
12 City and said agency is hereby authorized to transact business and exercise
13 its powers under the Community Redevelopment Law.

14 **§ 3.03.505 AGENCY DESIGNATED; POWERS AND DUTIES.**

15 The City Council of the City of Culver City, California hereby declares
16 itself to be the redevelopment agency to be known as Culver City
17 Redevelopment Agency and that all rights, powers, duties, privileges and
18 immunities vested by the Community Redevelopment Law in such agency
19 shall be, and are, vested in this body.

20 **§ 3.03.510 TERM LIMITS.**

21 A. No person shall serve more than two consecutive full terms on
22 the Redevelopment Agency. If a person serves a partial term in excess of
23 two years, it shall be considered a full term for the purpose of this provision.

24 B. Nothing in this provision shall act as a bar to service on the
25 Redevelopment Agency after at least two years have elapsed from the last
26 full term.

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SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

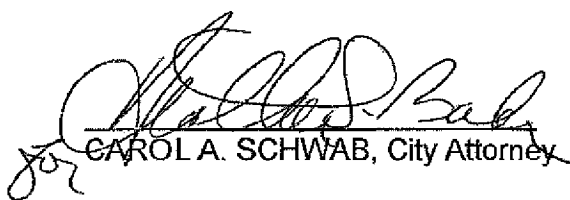
APPROVED AND ADOPTED this ____ day of _____, 2011.

MICHEÁL O'LEARY, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE City Clerk



CAROL A. SCHWAB, City Attorney

A11-00254

1 RESOLUTION NO. 2011-R_____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF CULVER CITY, CALIFORNIA, AMENDING CITY
5 COUNCIL POLICY 3304 ENTITLED "ALLOWANCE TO
6 MEMBERS OF COMMISSIONS AND THE LANDLORD-
7 TENANT MEDIATION BOARD FOR ATTENDANCE AT
8 MEETINGS" AND RESCINDING FORMER CITY COUNCIL
9 POLICY 3304.

10 WHEREAS, a new Charter was adopted by Culver City voters on April 11,
11 2006, which Charter became effective on July 1, 2006; and,

12 WHEREAS, as part of the Phase 2 implementation of the new City Charter,
13 the City Council reviewed the roles and duties of City Commissions and Boards, including
14 existing provisions of the Culver City Municipal Code and City Council policies; and

15 WHEREAS, after reviewing City Council Policy 3304 relating to
16 Commissioner allowances, the City Council determined that, effective July 1, 2011, the
17 allowance established by City Council Policy 3304 shall be paid to members of
18 Commissions without regard to the number of meetings held each month.

19 NOW, THEREFORE, the City Council of the City of Culver City, California,
20 DOES HEREBY RESOLVE as follows:

21 1. The City Council hereby amends City Council Policy 3304, entitled
22 "Allowance to Members of Commissions and the Landlord-Tenant Mediation Board for
23 Attendance at Meetings," which amended Policy is attached hereto as Exhibit "A" to this
24 Resolution.

25 2. Amended City Council Policy 3304 shall be effective on July 1, 2011
26 and shall supersede and replace all former City Council policies numbered 3304.
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1 3. The City Manager is hereby authorized to format this amended City
2 Council Policy 3304 in a format consistent with other City Council adopted policies and
3 shall include the final version of this adopted policy with other adopted policies.

4 4. The City Manager shall distribute this amended City Council Policy
5 3304 to interested parties, which include, but are not limited to, the City's Commissions
6 and City Staff.

7 APPROVED and ADOPTED this _____ day of _____ 2011.
8

9
10 _____
11 MICHEÁL O'LEARY, MAYOR
12 City of Culver City, California

13 ATTEST:

14 APPROVED AS TO FORM:

15 _____
16 MARTIN R. COLE, City Clerk

17 _____
18 CAROL A. SCHWAB, City Attorney

19 A11-00259
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**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

General Subject: Administration
Specific Subject: Allowance to Members of
Commissions and the Landlord-
Tenant Mediation Board for
Attendance at Meetings

Policy Number 3304
Date Issued 1/23/95
Effective Date 1/24/95
Resolution No. 95-R005
Date Amended 06/13/11
Effective Date 07/01/11
Resolution No. 2011-R_____

PURPOSE:

To establish an allowance for Commission and Board members for expenses incurred in connection with their services and attendance at meetings.

STATEMENT OF POLICY:

All members of the Civil Service Commission, Cultural Affairs Commission, Parks, Recreation and Community Services Commission, Planning Commission and any other Commission hereafter created or established, and members of the Landlord-Tenant Mediation Board shall be entitled to a monthly allowance of fifty dollars (\$50.00).

PROCEDURES:

The Chief Financial Officer shall pay such allowance upon the filing of a requisition by the Secretary to the respective Commission or Board, certifying that the member is entitled to such allowance pursuant to the terms of this policy.

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1 the operations of the City's Commissions and the standard of conduct for Commission
2 appointees; and

3 WHEREAS, over the past three years, the City Council, through an appointed
4 Subcommittee, has continued its review of the City's Commissions in light of the new
5 Charter, the City's existing ordinances, resolutions and policies, including Policy 2007-01
6 and comments received from Commissioners when the City Manager presented City
7 Council Policy 2007-01 to the Commissions at duly noticed and public meetings of the
8 Commissions and when the City Council Subcommittee met on multiple occasions with the
9 Commission appointed subcommittees; and,
10

11 WHEREAS, after completing such review, the City Council has determined
12 that amendments to Policy 2007-01 are necessary for the effective and efficient
13 governance of the City.

14 NOW, THEREFORE, the City Council of the City of Culver City, California,
15 DOES HEREBY RESOLVE as follows:
16

17 1. The City Council hereby amends City Council Policy 2007-01, entitled
18 "City Commissions," which amended Policy is attached hereto as Exhibit "A".

19 2. Amended City Council Policy 2007-01 shall be effective immediately
20 upon its adoption.

21 3. The City Manager is hereby authorized to format this amended City
22 Council Policy 2007-01 in a format consistent with other City Council adopted policies and
23 shall include the final version of this adopted policy with other adopted policies.
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1 4. The City Manager shall distribute this amended City Council Policy
2 2007-01 to interested parties, which include, but are not limited to, the City's Commissions
3 and City Staff.

4 APPROVED and ADOPTED this _____ day of _____ 2011.

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7 _____
MICHEÁL O'LEARY, MAYOR
8 City of Culver City, California

9 ATTEST:

APPROVED AS TO FORM:

10
11 _____
12 MARTIN R. COLE, City Clerk

11 _____
12 CAROL A. SCHWAB, City Attorney

13 A11-00255

City Council Policy 2007-01
Adopted by Resolution No. 2007-R029 on May 29, 2007
Amended by Resolution No. 2011-R_____ on June 27, 2011
Subject Matter: City Commissions

PURPOSE

The purpose of this policy is to provide general guidelines on topics related to the City's Commissions. At the time of this policy's adoption by the City Council, the following four Commissions existed:

- Parks and Recreation Commission
- Planning Commission
- Civil Service Commission
- Cultural Affairs Commission

This Policy shall apply to all Commissions, both existing at the time of the adoption of this Policy and subsequent thereto and shall be consistent with the City Charter and other applicable laws.

BACKGROUND

This policy is a result of discussions at the facilitated meetings held in February, 2007 during which the City Council met with members of the City's Commissions and Executive Management and over two years of meetings held between a City Council Subcommittee, Commission appointed subcommittees, staff, and consultants. This policy addresses various issues raised during these meetings by City Council Members, City Commissioners, and Executive Management.

GENERAL ROLE OF THE CITY'S COMMISSIONS

The City of Culver City prides itself on the participatory nature of its local government. The City's Commissions play an important role in the efficient governance of the City, and provides interested community members with the opportunity to serve their fellow citizens.

As advisory bodies to the City Council, the Commissions' advice on topics within their purview, combined with factual research performed by City Staff, provide the City Council with a more complete picture of many issues. In the role of advisors to the City Council, Commissions administer policies adopted by the City Council. From time to time, Commissions may be asked to interpret and enforce City Council adopted policy. However, unless expressly provided the authority to do so by the City Council, Commissions shall not make policy.

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COMMISSIONER CODE OF CONDUCT

As representatives of the City Council and the City, it is important that Commissioners set an example of conduct appropriate for their key roles. Therefore, Commissioners are required to adhere to the following:

Preparation for Meetings

It is necessary for Commissioners to be prepared to discuss the items on the Agenda. Therefore, Commissioners should, whenever possible, be provided with agenda packets at least three business days prior to the meeting date. Questions should be posed to staff prior to the meeting to allow staff the time necessary to prepare and provide responses.

Punctuality/Attire

As part of making the City's government as open and accessible to the public as possible, the City Council has directed that meetings of all Commissions shall generally be televised. This, coupled with the public nature of the Commission meetings, makes it important for Commissioners to begin meetings on time. Further, when attending official City events, including monthly Commission meetings, Commissioners shall be appropriately attired. Business casual shall be the generally acceptable mode of attire.

Conduct at Meetings

In compliance with the State's Open Meetings Law, commonly known as "The Brown Act," Commissions can only take action on items that appear on the Agenda. Commissioners wishing to have an item agendaized for discussion must obtain a majority of Commissioners' support to place an item on a future agenda. Commissioners who believe they may have a concern related to Brown Act compliance shall consult with the City Attorney.

While considering items at Commission meetings, disagreements may arise, which is a natural part of the process in a participatory government. However, it is important that Commissioners conduct meetings with proper decorum and respect.

To facilitate proper decorum, Roberts Rules of Order shall be the parliamentary standard when conducting meetings.

Fair and Unbiased Consideration of Issues

Pursuant to the letter and spirit of the Brown Act and appropriate ethical standards, Commissioners shall approach items before the Commission in a fair and unbiased manner. Consistent with this requirement, Commissioners shall conduct themselves in an appropriate manner at all times, including prior to and during meetings and while in contact with the press and members of the public.

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Role of the Chair

The Chair is the presiding officer of the Commission meeting. In that role, the Chair is responsible for maintaining order and decorum. The Chair calls the meetings to order, recognizes speakers, and manages the agenda. It is also the Chair's responsibility to ensure the person who has the floor is given the attention of other Commissioners and the public and is allowed to speak without undue or inappropriate interruption, and that Commissioners, those addressing the Commission, and members of the Public are treated with due respect.

During certain proceedings, such as an official Public Hearing, legal procedures are in place to ensure all persons are able to address a Commission during consideration of an Agenda Item. The Chair is responsible for guiding the Commission's discussion in accordance with the procedures either contained in the staff report or reported by staff.

Use of Official City Identification

Official City identification (including ID Cards, business cards, etc.) shall be used for official identification purposes only. Further and consistent with the spirit of the Attorney General's Opinion, official identification shall be a nametag like pin for the City Council, the Commissioners, and all non-sworn staff. Inappropriate use of Official Identification items shall be classified as Major Misconduct with significant consequences.

Commissioner Misconduct

As appointees of the City Council, Commissioners serve at the pleasure of the City Council. Violations of this Code of Conduct shall be handled in the following manners:

- (1) Minor Misconduct: Issues will be reported to the Department Head of the department that provides staff support to the Commission. The Department Head shall then attempt to resolve the issue with the City Manager and Commissioner.
- (2) Major Misconduct: Issues of this level will involve the City Manager's Office and may lead to a recommendation to the City Council to remove the Commissioner from his or her seat.

The City Manager shall report Commissioner misconduct to the City Council.

Following are examples of misconduct which may subject Commissioners to disciplinary action(s):

- (1) Minor misconduct: Lack of preparation for a meeting; late arrival at meetings; discourteous behavior in relations with fellow Commissioners, staff, and/or members of the public.

- (2) Major misconduct: repeated instances of minor misconduct; misuse of official City identification; violation of City Council Policies (including, but not limited to, the City Council Policies addressing violence in the workplace; acceptance of gifts or gratuities; drug free workplace and drugs and alcohol in the workplace; discrimination and harassment in the workplace; and smoking in the workplace; and other policies as may be adopted by the City Council from time to time).

While the above items are presented as examples, the determination of what (if any) discipline to impose, up to and including removal from a Commission, shall be at the sole discretion of the City Council.

Discipline of Commissioners by the City Council

Should the City Council determine, in its sole discretion, that a Commissioner may have allegedly acted in a manner inconsistent with law or this Policy, the City Council may determine to impose any or all of the following:

- (1) Provide direction to the City Manager to meet with the Commissioner(s) to informally investigate alleged misconduct and provide counseling to the Commissioner(s) to indicate behavior consistent with law and this Policy.
- (2) Provide direction to the City Manager to investigate Commissioner misconduct and report findings to the City Council.
- (3) Require the Commissioner to appear before the City Council to hear charges of misconduct
- (4) Determine, in the City Council's sole discretion and with or without cause, to remove a Commissioner from his/her seat. Such removal shall only be effective upon a majority vote of the City Council.

Commissioner Attendance and Forfeiture of Commission Seat

Annually, in May, the City Manager shall provide the City Council with a summary of attendance by Commissioners at Commission meetings.

Any Commissioner who is absent from three (3) consecutive meetings of the Commission or a total of five (5) meetings in any six (6) month period shall thereby automatically forfeit his membership on said Commission, provided, however, that there shall be no such forfeiture in the event of any of the following:

- A. When a Commissioner is unable to attend due to illness or physical incapacity.
- B. When a Commissioner is unable to attend because of business or vacation.

C. When the City Council has determined before forfeiture that an absence is justified.

For purposes of this Policy, attendance at a meeting shall be established when a Commissioner is present for a minimum of 50% of the duration of the meeting. Duration of the meeting shall be the total time period elapsed from the convening of the meeting until the adjournment of the meeting, including any recesses.

COMMISSION INTERACTION WITH THE CITY COUNCIL

One common theme discussed at the facilitated meetings was the importance of having regular interaction between the City Council and Commissioners. Therefore, the following may be scheduled:

- Annual Joint Meeting of all Commissions with the City Council.

COMMISSION INTERACTION WITH THE CITY STAFF

As part of maintaining proper decorum and respect, Commissioners shall interact with staff with proper politeness and courtesy. Whenever possible, issues and concerns of Commission Members and/or City Staff shall be addressed to the Department Head of the department that provides staff support to the Commission. Should resolution not be reached after consultation with the Department Head, Commission Members may consult with the City Manager's Office.

Commissions, as bodies, and individual Commissioners may make routine informational requests to City Staff that do not require significant research or other allocation of staff resources. Neither Commissions nor individual Commissioners shall provide direction to City Staff (other than to place items on future Agendas). Agenda item requests which require the dedication of significant time resources shall not be undertaken without the approval of the Department Head and/or the City Manager. Major policy items may also be presented to the City Council for consideration and direction prior to allocation of staff resources by the City Manager.

COMMISSIONER ORIENTATION/TRAINING

Commissioner Training/Orientation is important to prepare new commissioners for the key role they play. Ongoing training for Commissioners is also important to keep Commissioners abreast of the latest developments in their field(s).

New Commissioner Orientation

To ensure newly appointed Commissioners are best prepared for their important advisory roles, Commission appointees are required to attend an orientation within 90 days of their appointment. Failure to attend such orientation shall result

in forfeiture of the appointment. The orientation program will provide new Commissioners with information in the following basic areas:

- General City Operations
- The State Open Meetings Law (The Brown Act)
- General Parliamentary Procedure (Robert's Rules) and Etiquette
- Ethics (AB 1234) – Including proper use of Commissioner Title and Official City Identification.
- Electronic Voting System

Existing Commissioner Training and Ongoing Training

The City Council shall consider funding that would provide ongoing training to Commissioners during each fiscal year. Commissioners are encouraged to recommend applicable training for inclusion in future year budgets. This training should include training specific to the area of responsibility of the Commission. One source of important and credible training is the League of California Cities. Requests to participate in training opportunities shall be subject to the prior approval of the Department Head or the City Manager.

MEETINGS OF COMMISSIONS

Frequency of Meetings

Commissions shall meet on an as needed basis. For the purpose of increasing efficiency and conserving staff and financial resources, the City Manager shall have the authority to make the final determination as to whether there is sufficient business to be conducted during any given month to warrant a Commission meeting being convened. This determination shall be based upon input from the appropriate Department Head and the Commission Chair.

Meeting Minutes

Meeting minutes are an important summary of the actions taken by the Commission on items that appear on the Commission Agenda (Action Minutes). They are not meant to capture each word (Verbatim Minutes). To facilitate more rapid production and transmittal of the minutes, Staff shall prepare and Commissions shall approve Action Minutes similar to those produced for the City Council meetings. Where there is a dissenting opinion, a one sentence description of the nature of the opinion may be included. Commissioners or members of the public interested in additional information may seek a copy of the audio/video recording of the meeting from the City staff.

With the adoption of this standardized form of minutes, it shall be the goal of each Commission to consider approval of their minutes at the next regularly scheduled meeting of their Commission.

Compensation

In accordance with Culver City Municipal Code Section 3.03.005, compensation of Commissioners, if any, may be established by resolution of the City Council.

1 RESOLUTION NO. 2011-R_____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF CULVER CITY, CALIFORNIA, AMENDING CITY
5 COUNCIL POLICY 3003 ENTITLED "ISSUANCE OF CITY
6 PARKING DECALS" AND RESCINDING FORMER CITY
7 COUNCIL POLICY 3003.

8 WHEREAS, a new Charter was adopted by Culver City voters on April 11,
9 2006, which Charter became effective on July 1, 2006; and,

10 WHEREAS, as part of the Phase 2 implementation of the new City Charter,
11 the City Council reviewed the roles and duties of City Commissions and Boards, including
12 existing provisions of the Culver City Municipal Code and City Council policies; and

13 WHEREAS, after reviewing City Council Policy Statement Number 3003
14 relating to the issuance of City parking decals, the City Council determined that, effective
15 July 1, 2011, certain positions and organizations should no longer receive parking decals
16 as authorized by Section 7.01.230.B.2 of the Culver City Municipal Code.

17 NOW, THEREFORE, the City Council of the City of Culver City, California,
18 DOES HEREBY RESOLVE as follows:

19 1. The City Council hereby amends City Council Policy 3003, entitled
20 "Issuance of City Parking Decals," which amended Policy is attached hereto as Exhibit "A"
21 to this Resolution.

22 2. Amended City Council Policy 3003 shall be effective on July 1, 2011
23 and shall supersede and replace all former City Council policies numbered 3003.
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3. The City Manager is hereby authorized to format this amended City Council Policy 3003 in a format consistent with other City Council adopted policies and shall include the final version of this adopted policy with other adopted policies.

4. The City Manager shall distribute this amended City Council Policy 3003 to interested parties, which include, but are not limited to, the City's Commissions and City Staff.

APPROVED and ADOPTED this _____ day of _____ 2011.

MICHEÁL O'LEARY, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

A11-00271

**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

General Subject: Administration
Specific Subject: Issuance of City Parking
Decals

Policy Number: **3003**
Date Issued: 01/23/95
Effective Date: 01/24/95
Resolution No.: 95-R005
Date Amended: 06/13/2011
Effective Date: 07/01/2011
Resolution No.: 2011-R__

PURPOSE:

To establish policy regarding the issuance of City parking decals (permits) to authorized persons.

STATEMENT OF POLICY:

Pursuant to Municipal Code Section 7.01.230, certain people who operate their private vehicles on official City business are exempt from the enforcement of certain parking regulations of the Code. The City may issue parking decals (permits) which allow for parking in time-limit zones or metered areas. Currently such permits are authorized for:

- City Council
- City Commissioners
- City Manager
- City Attorney
- City Department Heads
- Culver City Unified School District Board Members
- Other persons as authorized by the City Manager

Permittees must be operating the vehicle in the conduct of City business, and the valid permit must be conspicuously displayed on the left rear bumper of the vehicle.

Citations issued to such vehicles may be voided by the Chief of Police when proof of City business at the time and place of the citation is presented.

PROCEDURES:

Numbered parking decals will be issued through the Office of the City Manager or other City Department or Office designated by the City Manager. Persons with multiple vehicles may be issued more than one permit. When the vehicle is no longer being used, or when the incumbent is no longer eligible under this policy, permits shall be removed from the vehicle and surrendered to the City by the permittee.

Additions/deletions from the list of authorized persons shall be determined by the City Manager.

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1 ~~member of the City Council, the City Clerk, the City Treasurer, the City~~
2 ~~Attorney, the City Manager, or the Assistant Administrative Officer. Nor shall~~
3 ~~the provisions of the Chapter apply to the vehicle of any duly appointed and~~
4 ~~acting member of any City commission or to any duly elected acting member~~
5 ~~of the Board of Education of the Culver City Unified School District which is~~
6 ~~parked by such official while actually engaged in official business and while~~
7 ~~parked in a metered space or posted zone; provided, however, that no~~
8 ~~vehicle shall be exempt hereunder unless there is a conspicuously displayed~~
9 ~~upon the left hand side of the rear bumper of said vehicle, a current permit~~
10 ~~decal issued in a form and manner designated by the City Manager.~~

11
12 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
13 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
14 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
15 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
16 Culver City News and shall post this Ordinance or a summary thereof in at least three
17 places within the City.

18
19 **SECTION 3.** The City Council hereby declares that, if any provision, section,
20 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
21 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
22 reason of any preemptive legislation, then the City Council would have independently

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1 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
2 or words of this ordinance and as such they shall remain in full force and effect.

3
4 APPROVED AND ADOPTED this _____ day of _____, 2011.

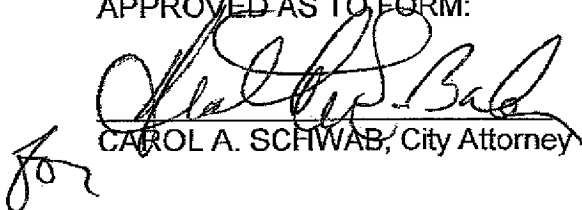
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8 ATTEST:

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10 _____
MARTIN R. COLE City Clerk

11 A11-00257
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MICHEÁL O'LEARY, Mayor
City of Culver City, California

APPROVED AS TO FORM:


CAROL A. SCHWAB, City Attorney

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1 3. The City Manager is hereby authorized to format this amended City
2 Council Policy 3303 in a format consistent with other City Council adopted policies and
3 shall include the final version of this adopted policy with other adopted policies.

4 4. The City Manager shall distribute this amended City Council Policy
5 3303 to interested parties, which include, but are not limited to, the City's Commissions
6 and City Staff.

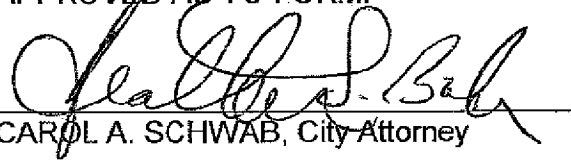
7 APPROVED and ADOPTED this _____ day of _____ 2011.
8

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10 _____
11 MICHEÁL O'LEARY, MAYOR
12 City of Culver City, California

13 ATTEST:

APPROVED AS TO FORM:

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15 _____
16 MARTIN R. COLE, City Clerk

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18 
19 CAROL A. SCHWAB, City Attorney
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21 for

22 A11-00260
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**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

General Subject: Administration
Specific Subject: I.D. Cards, Name Tags and Business
Cards for the City Council
and the Appointed Members of
Commissions and the Landlord-Tenant
Mediation Board

Policy Number 3303
Date Issued 1/23/95
Effective Date 1/24/95
Resolution No. **95-R005**
Date Amended 06/13/11
Effective Date 07/01/11
Resolution No. 2011-R_____

PURPOSE:

To define the conditions under which members of the City Council and appointed members of Commissions and the Landlord-Tenant Mediation Board (collectively, "City Officials") are furnished identification cards, nametags and business cards (collectively, "City Identification"), and the use thereof.

STATEMENT OF POLICY:

The City Manager shall furnish each City Official a City identification card which states the name of the office held, term of office, and other pertinent data identifying the individual. Nametags and business cards shall also be provided to each City Official, upon request.

All City Identification shall only be used in the conduct of City business. If a nametag is lost and replacement requested, the City Official may be required to pay for the replacement.

Upon vacating office, City Officials shall return all City Identification to the City Manager.

ORDINANCE NO. 2011-__

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTION 9.10.040 OF THE
CULVER CITY MUNICIPAL CODE RELATING TO THE
REMOVAL OF STREET OR PARKWAY TREES.

WHEREAS, the City Council desires to designate the Public Works Director,
or his or her designee, as the person responsible for pruning, maintaining and removing
street and parkway trees; and

WHEREAS, the existing provisions in Culver City Municipal Code Section
9.10.040 gives certain authority to the Parks, Recreation and Community Services
Commission for granting a permit for the removal of street and parkway trees; and

WHEREAS, amendments to the Culver City Municipal Code are necessary to
designate the Public Works Director with the authority for the granting of such permits with
the right to an appeal resting with the Parks, Recreation and Community Services
Commission.

NOW, THEREFORE, the City of Culver City, California, DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. Section 9.10.040 of the Culver City Municipal Code is hereby
amended to read as follows (strike-through text indicates a deletion; underlined text
indicates an addition):

**§ 9.10.040 REMOVAL OF STREET OR PARKWAY TREES; PERMIT
REQUIREMENTS.**

Notwithstanding §§ 9.10.030 and 9.10.035 above:

A. A person may remove a tree within a public right-of-way
if a permit is first obtained from the Public Works Director, or his or her
designee ~~Parks, Recreation and Community Services Commission.~~

1 B. A written application request for a permit from the ~~Parks,~~
2 ~~Recreation and Community Services Commission~~ shall be submitted
3 to the ~~Municipal Services~~ Public Works Director, ~~in writing~~. The
4 request application shall state the name and address of the applicant,
5 the location of the tree, and reasons for the request, and any other
6 information required by the Public Works Director, and shall be
7 accompanied by a fee, as established by City Council resolution.

8 C. The ~~Parks, Recreation and Community Services~~
9 ~~Commission, at its next available meeting~~ Public Works Director, after
10 the completed request application is filed, shall ~~conduct a hearing~~
11 review the application and supporting documentation to determine
12 whether to issue the permit for removal of street or parkway trees. In
13 determining whether a tree may be removed/replaced, the
14 ~~Commission~~ Public Works Director shall consider, amongst other
15 things, the following:

16 1. The applicant bears the burden of proof to prove
17 the reasons for removal of a tree by a preponderance of evidence;

18 2. Whether the tree or trees pose a potential for
19 safety problems despite a sound maintenance program;

20 3. Whether the roots from adjacent parkway trees
21 are interfering with sewers or utility lines servicing the abutting property
22 to the extent that the property owner requires frequent repairs of
23 sewers or utility lines (Damage to sewers alone, however, does not
24 constitute major damage);

25 4. Whether the tree is dead, dying or incurably
26 diseased;

1 5. Whether the tree is diseased and weakened by
2 age, storm, fire or other injuries so as to pose a danger to persons,
3 properties, improvements and other trees;

4 6. Whether the tree(s) is of an undesirable species;

5 7. Whether the tree poses a hardship to the adjacent
6 property owner such as, but not limited to, damage to the foundation of
7 house or garage, or in the case of a handicapped person, special
8 circumstances which cause the location of the tree, or evenness of
9 pavement to become a hindrance for vehicle or handicapped access;

10 8. Whether removal is necessary for construction of
11 a street improvement project or other public improvement/repair work;

12 9. The applicant must show by demonstrable
13 evidence that the alleged damage to private property is at least Five
14 Thousand Dollars (\$5,000.00) and is caused by the tree for which
15 removal is sought (examples would be but not limited to engineering or
16 architectural reports, photographs, estimates of repair); and

17 10. The ~~Commission~~ Public Works Director must, in
18 its ~~his or her~~ decision, declare whether costs of alternatives to removal
19 of the tree are reasonable and the basis for their evaluation of
20 alternatives.

21 D. The ~~Commission's~~ Public Works Director's decision shall
22 become final within five (5) ~~working~~ City business days unless an
23 appeal has been filed by the applicant or a City official with the City
24 Clerk for a hearing before the ~~City Council~~ Parks, Recreation and
25 Community Services Commission. Such appeal shall be submitted in
26 writing, shall state the reasons for the appeal and shall be
27 accompanied by a fee, as established by City Council resolution.
28

1 E. The City Council Parks, Recreation and Community
2 Services Commission shall affirm the Parks, Recreation and
3 Community Services Commission's Public Works Director's decision,
4 unless the appellant shows the decision is not supported by
5 substantial evidence.

6 F. Any permit granted, whether by the Public Works
7 Director or the Parks, Recreation and Community Services
8 Commission or the City Council, shall may include any or all of the
9 following conditions:

- 10 1. The cost of removal shall be paid by the applicant;
- 11 2. The cost of replacement shall be paid by the
12 applicant;
- 13 3. A determination as to the size and location of the
14 replacement tree; and
- 15 4. Such other conditions as the Public Works
16 Director or Commission or Council deems appropriate.

17 G. In the case of an appeal of the decision of the Public
18 Works Director, the decision of the Parks, Recreation and Community
19 Services Commission shall be final.

20 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
21 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
22 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
23 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
24 Culver City News and shall post this Ordinance or a summary thereof in at least three
25 places within the City.

26 **SECTION 3.** The City Council hereby declares that, if any provision, section,
27 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
28

1 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
2 reason of any preemptive legislation, then the City Council would have independently
3 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
4 or words of this ordinance and as such they shall remain in full force and effect.

5

6 APPROVED AND ADOPTED this ____ day of _____, 2011.

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12 ATTEST:

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15 _____
MARTIN R. COLE, City Clerk

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A11-00261

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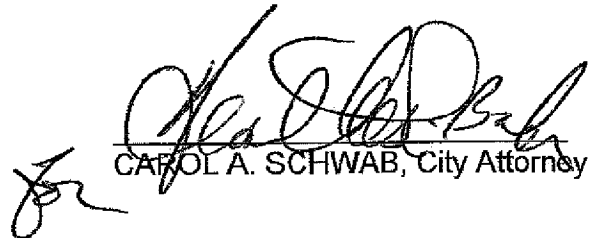
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MICHEÁL O'LEARY, Mayor
City of Culver City, California

APPROVED AS TO FORM:


CAROL A. SCHWAB, City Attorney

CIVIL SERVICE COMMISSIONER COMMENTS

Staff received the following comments from individual Civil Service Commissioner at its June meeting after discussing the draft staff report for this City Council agenda item relating to Commission roles.¹

Commissioner Zeitlin:

- Recommended that Page 4 of the Staff Report indicate the Commission vote was not unanimous or that the specific vote be reflected (3-2 with Commissioners Zeitlin and Gallagher dissenting) regarding two of the proposed changes.
- Restated her objections to two of the proposed changes (which are summarized from her comments at an earlier meeting):
 - Objects to the recommendation to amend existing CCMC § 3.03.020.A to change “personnel administration” to “Civil Service System;” and,
 - Objects to the recommendation to delete existing CCMC § 3.03.020.D relating to the investigative role of the Commission.
 - The basis for Commissioner Zeitlin’s objections to these changes are summarized as follows: Narrowing the scope of the Civil Service Commission greatly diminishes the oversight/review ability of the Commission to identify trends and receive various personnel related information. It was also expressed that greater transparency, not less, was needed in government.
STAFF NOTE: See Pages 12-13 of the Staff Report for further details relating to these proposed changes. These were the two items to which Commissioner Gallagher also dissented. Commissioners Zeitlin and Gallagher concurred as to the remaining proposed changes.
- Relating to the discussion of the frequency of Commission meetings (as set forth in City Council Policy 2007-001) on Page 6 of the Staff Report, Commissioner Zeitlin believes it is important that the Commission convene its regular meeting each month for the following reasons (summarized below):
 - There are items concerning personnel policies that should be discussed on a regular basis;
 - The Commission should approve its meeting minutes each month for the purpose of ensuring the City Council receives approved minutes (draft minutes are not sufficient); and,
 - To allow the public an opportunity to address the Commission.

Commissioner Ochoa:

- Mentioned the subject of commissioner misconduct, as set forth in City Council Policy 2007-001, indicating that some of the examples of minor misconduct are a little vague and not sure how they would be implemented.
- Mentioned the change for removal of a Commissioner from a 4/5ths vote requirement to a simple majority and indicated he may have further comments on this subject.

Commissioner Whitaker:

- Relating to the discussion of the frequency of Commission meetings, Commissioner Whitaker indicated the Commission need not meet each month if there are no issues that need to be addressed.
- Further indicated the Commission, rather than the City Manager or staff, should decide whether a meeting should be cancelled.

STAFF NOTE: See Page 8 of the Staff Report for further details relating to the cancellation of meetings. City Council Policy 2007-001 has been further revised to clarify that the City Manager may only cancel a meeting after receiving input from the Department Head and the Commission chair, which is consistent with the staff report discussion.

¹ During the June 1st meeting, the Commission was advised that additional individual Commissioner comments could be submitted directly to staff prior to the June 27th City Council meeting. As of the issuance of this report, no additional comments were received.