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FINAL REPORT OF THE CULVER CITY CHARTER REVIEW COMMITTEE TO THE CITY COUNCIL

September 15 and 22, 2005

CITY OF CULVER CITY

Charter Review Committee

September 2004 – September 2005

Andrew N Weissman, Chair
Edward M Wolkowitz, Vice Chair

Susan Berg
Thomas C Camarella
Steven Gourley
Robert G Knopf
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CHARTER REVIEW COMMITTEE
CITY OF CULVER CITY
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September 15, 2005

Honorable Mayor Vera and Members of the City Council
City of Culver City
9770 Culver Boulevard
Culver City, CA 90232

Dear Mayor Vera and City Council Members

Last September, the City Council created a ten member Charter Review Committee to undertake the project of reviewing the entire Charter, a task which had not been done for more than 25 years The Committee embraced that task with the principal goal of making Culver City government more responsive, accountable and efficient

At the outset, we do not believe anyone on the Committee fully appreciated the magnitude of the Committee s charge During the course of its deliberations, the Committee compared Culver City s Charter and practices with the charters and best practices of other charter cities and model charters promulgated by various public agencies such as the League of California Cities, while seeking at all times to propose governance structures particularly suited to our city

The Committee was asked to deliberate fully on this important task within the timeframe set forth by the City Council With this report, the Culver City Charter Review Committee presents you with our final report and recommendations

The Committee s review indicated that the City s governance structure, particularly lines of authority, could be greatly modernized and enhanced The Charter itself was also in need of clarification, simplification and reorganization Together, the proposed improvements in these areas would bring the governance of Culver City into the 21st century

The principal recommendation of the Committee is to implement the Council Manager form of government The Council Manager' form of government places a premium on clear lines of authority, accountability, accessibility and efficiency The Committee received testimony from City officials, who in part stated that although the current structure has long served the community, the fragmentation of day to-day decision making could be inefficient Times have changed, as has the structure of local governments Research materials submitted for the Committee s consideration increasingly indicate that the Chief Administrative Officer form of government is nearly unique to Culver City and will be harder to sustain in the future

Once the Council Manager decision was made, the Committee sought consistency in drafting the Charter in order to reinforce the City Manager s authority to carry out the policies set by the City Council We recommend elimination of civil service status for all department head positions It was the Committee s view that civil service protection was important for most other levels of employment within the City It is not, however, necessary for those having achieved the level of a department head

The Committee has also recommended that the positions of Fire Chief, Police Chief, and City Attorney should continue to be appointed by the City Council This is a departure from the standard Council-Manager form of government which the Committee concluded was, nevertheless, appropriate for our community

In this comprehensive review of the Charter, the general philosophical view of the Committee was the Charter should provide the City Council with increased flexibility in setting policy by ordinances, resolutions and other actions The proposed Charter removes dollar limitations in many places, creates contracting provisions and policies by ordinance, authorizes the Council to create and abolish commissions, boards and committees by ordinance, and, removes archaic or ambiguous language (For some highlights of the proposed Charter revisions, a chart is included in this Report)

The Committee did not limit itself to making proposals for Charter changes Because of the need to modernize and improve the language of this Charter, the Committee established a drafting subcommittee consisting of several committee members, city attorney staff, and the Committee s consultant Over numerous meetings, the subcommittee thoroughly edited the Charter, identifying and adjusting inconsistencies

and other problems As a result, the Charter we submit to you has been carefully vetted for Charter language, and is ready in its present form

Through the diverse viewpoints of the Committee, comprehensive review of research materials and deliberation over the complex issues raised in this Charter review process, the Committee reached consensus This report was unanimously adopted by the Committee at its meeting on August 24, 2005 The Committee stands ready to answer any questions you may have and to assist in any way

Very truly yours,

CULVER CITY CHARTER REVIEW COMMITTEE

Andrew N Weissman
Chair

Edward M Wolkowitz
Vice Chair

Charter Review Committee

The ten-member Charter Review Committee was appointed by the City Council on September 27, 2004, to review the governance of the City through an analysis of the entire Charter with the goals of making City government more responsive, efficient and accountable

We, the undersigned members of the Culver City Charter Review Committee, endorse the recommendations included in this report for the better governance of the City of Culver City

Adopted and Executed on August 24, 2005

Andrew N Weissman **Chair**	**Edward M Wolkowitz** **Vice Chair**
Susan Berg	**Thomas C Camarella**
Steven Gourley	**Robert G Knopf**
John Kuechle	**Miriam (Mim) Shapiro**
Michael E Whitaker	**Harriette F Williams**

Charter Review Committee

Standing (Left to Right) Dr Raphael Sonenshein Consultant
Committee Members Bob Knopf Susan Berg Steve Gourley, Mim Shapiro, Harriette Williams, Tom Camarella Mike Whitaker and John Kuechle

Seated (Left to Right) Ed Wolkowitz Vice Chair Andy Weissman, Chair

Committee Members
Gourley Camarella Williams & Shapiro

Committee Members
Knopf Kuechle and Whitaker

	Current Charter	Proposed Charter
1	**A Form of Government**	**A Form of Government**
2		§300 Council Manager form of government
3	§600 Chief Administrative Officer	§700 City Manager who acts as chief executive officer of the City
	§600 City Council appoints & removes all [non elected] department heads	§700 City Manager appoints and removes most department heads
4		§607 Council appoints and removes City Mgr City Atty Fire & Police Chiefs
5		§701 The Council (and individual members) are prohibited from (a) ordering City Mgr to hire or fire someone (b) ordering City Mgr to enter into a municipal contract or buy supplies from a particular person (except as permitted by ordinance or the Charter) or (c) interfering with the performance of the duties of any City employee
6		
7	§501 City Treasurer elected	§700 Treasurer appointed by City Manager
8	§602 Certain duties of City Treasurer specified in Charter	Duties of Treasurer to be established by ordinance
10	§501 City Clerk elected	§700 City Clerk appointed by City Manager
11	§601 Certain duties of City Clerk specified in Charter	Most duties of City Clerk to be established by ordinance
12	Misc duties of Clerk referenced throughout Charter (§507 508 509 512 513 804 1100 1311 1313 1315 1400)	Misc duties of Clerk referenced throughout Charter (§607 608 612 616 618 801 803 1103 1400 1609 1700)
13		§1502 Clerk is named elections official and directed to supervise City elections
14		§1502 City Council (& individual members) are prohibited from interfering with the performance by the City Clerk of the duties as the City elections official
15		
16	**B Civil Service**	**B Civil Service**
17	§900 Whether a particular position is covered by civil service is generally determined by the rules in effect when the Charter was adopted	§1200 Whether a particular position is covered by civil service is generally determined by the rules in effect when the Charter was adopted
18	Some department heads are covered by civil service some are not (those covered include Community Development Director Fire Chief Parks Recreation Director Police Chief and Transportation Director)	§1201 No department heads are covered by civil service
19	Elected City Clerk and City Treasurer are not covered by Civil Service	§1201 City Manager City Clerk and City Treasurer are not covered by civil service
20	§900 1 City Attorney is not covered by civil service	§1201 City Attorney is not covered by civil service
21	§900 A person or position cannot be removed from civil service without a 2/3 vote of the electorate	§1200 A person or position cannot be removed from civil service without a majority vote of the electorate
22		

23	**C Commissions Boards and Committees**	**C Commissions Boards and Committees**
24	§806 Planning Civil Service and Parks Commissions established in Charter which specifies their duties	§1100 Council to establish by ordinance such commissions and boards as it chooses with freedom to assign and restructure their duties from time to time
25		§1100 The commissions established by the Council shall include a commission charged with responsibility of maintaining positive human relations
26	No reference is made to committees	§1105 Council may establish such committees as it chooses
27		§1900 Council to consider the need for Charter Review Committee every 10 years
28		
29	**D Contracting**	**D Contracting**
30	§1304 All public works contracts over $25 000 to be awarded to lowest responsible bidder	§1604 Council to establish by ordinance procedures to insure the integrity of awarding public works contracts while these need not require accepting the lowest responsible bid they generally must require obtaining competitive bids
31	§1304 Council by 4/5 vote may award contract without bidding	§1604 Council by 4/5 vote may award contract without complying with procedures
32		§1604 Contractor cannot sue the City for failure to comply with bidding procedures
33		
34	**E Elections**	**E Elections**
35		§1502 As permitted by the California Elections Code the Council is given authority to hold elections entirely by mail (i e with everyone using absentee ballots)
36	§500 2 Term Limits 2 consecutive term maximum ineligible for 2 years	§601 Term Limits 2 consecutive term maximum ineligible for 2 years
37		
38	**F Ethics and Disclosure**	**F Ethics and Disclosure**
39		§603 Compensation (including benefits) paid to Council members is to be disclosed
40		§1403 City officers and employees are to comply with all laws relating to ethical conduct Council shall adopt such ordinances & resolutions as it deems necessary to promote same
41		§1404 City officers and employees are not to engage in and City facilities are not to be used for improper political activity The City Council shall have the authority to establish rules and regulations to implement this policy
42	§504 Council members forfeit office upon conviction of a crime involving moral turpitude	§605 Council members forfeit office upon conviction of a felony or a crime involving moral turpitude

43		
44	**G Miscellaneous**	**G Miscellaneous**
45	§508 Detailed provisions following state law are made for the giving of notices of special meetings of the Council	§610 All notice provisions for Council Meetings shall be in compliance with State law
46		§610 The Council is to consider whether it should establish additional provisions (consistent with then current technology) for giving cost effective notice
47	§518 No citizen is to be denied the right to present grievances or offer suggestions for betterment of municipal affairs	§611 All persons have the right to address the Council (and Commissions) subject to reasonable rules of decorum and time limits
48	§603 Duties of City Attorney specified	§901 Duties of City Attorney revised
49	§1312 1316 Budget process outlined	§800 805 Budget process revised
50	§1501 Violation of the Charter is a misdemeanor punishable by up to $500 and 6 months in jail	§2100 Violation of the Charter is a misdemeanor (although it may be prosecuted as an infraction) The Council is to establish the penalties (up to the maximum permitted by State law)
51	**H Council Voting Requirements**	**H Council Voting Requirements**
52	No clear statement on effect of abstentions	§612 In general Council acts by majority vote (specifically excluding abstentions)
53	§503 504 Declare Council office vacant fill a vacancy majority	§604 605 Declare Council office vacant fill a vacancy 3 votes
54	§507 Hold a regular meeting with less than 7 days notice 4/5	§608 Hold a regular meeting with less than 7 days notice 3 votes
55	§507 Adjourn meeting to another place or later time 4/5	§608 Adjourn meeting to another place or later time majority
56	§507 Change meeting location if unsafe Mayor or 3 votes	§608 Change meeting location if unsafe Mayor or majority
57	§510 Introduce or enact an ordinance 3 votes	§613 Introduce or enact an ordinance 3 votes
58	§510 Introduce or adopt urgency ordinance 4 votes	§614 Introduce or adopt urgency ordinance 4/5
59	§600 Appoint or remove CAO City Attorney Police & Fire chiefs majority	§607 Appoint or remove City Mgr City Atty Police & Fire Chiefs by a vote of at least 3 of its members Employee contract can specify larger majority
60	§1315 Adopt a budget 3 votes	§803 Adopt a budget 3 votes
61	§1315 Amend a budget 4 votes	§803 Amend a budget 4/5
62	§802 Remove a Commissioner 4 votes	§1100 Remove Commissioner [Charter does not specify a standard so action can be taken by majority vote although a higher standard could be set by ordinance]
63	§1304 Award contract without competitive bid 4 votes	§1604 After public hearing award contract without complying with procedures 4/5
64		
65	**I Transition**	**I Transition**
66	§300 305 All existing rights ordinances contracts employees commissions etc remain in place	§2001 2008 All existing rights ordinances contracts employees commissions etc remain in place

67		§2000 Effective date of new Charter July 1 2006 or when accepted & filed by Secretary of State whichever is later
68		§2009 2010 Elected City Clerk and City Treasurer serve until April 8 2008
69		§2011 After a transition section (in Article XX) has become obsolete (e g the provisions on the Clerk and Treasurer after April 8 2008) the City Attorney may recommend and the Council may choose to remove the provision from the Charter
70		
71	**J Technical**	**J Technical**
72	§503 If there are three concurrent vacancies on the Council there is no specified procedure to appoint replacements or call a special election to elect replacements	§604 If there are three concurrent vacancies on the Council the remaining member or members may appoint replacements or call a special election
73	§503 If a replacement Council member is elected in a general election at which Council members are also elected for full terms there is no specified procedure for determining who serves the full term and who the partial term	§604 If a replacement Council member is elected in a general election at which Council members are also elected for full terms the candidates with the most votes serve full terms the one with the next highest number of votes serves partial term
74	§500 505 If the results of an election are not known within a week the mayor is nevertheless to be elected the Tuesday following the election	§600 606 If the results of an election are not known within a week the start of the terms of the new members and the election of the new mayor is deferred
75	§504 The Charter is not clear when the counting starts to determine if a member has missed 60 days of meetings and thus forfeited his office	§605 This section uses the same method as the Board of Education and specifies 60 consecutive days and begins counting on the day after the last meeting attended by the member
76	§512 Requires the newspaper publication in full of all adopted ordinances	§616 Either the ordinance or a summary thereof is to be published in a newspaper
77		§1800 1801 Other levels of government cannot require Culver City to take specified actions unless they pay the cost thereof
78		
79	**K Gender Neutral Language**	**K. Gender Neutral Language**
80	§901 he shall revert from his former position as if he	§1201 employee shall revert from his or her former position as if he or she
81		
82		
83	**L Language clean up [examples]**	**L Language clean up [examples]**

84	§1305 Under the control and direction of the Chief Administrative Officer there shall be established a centralized purchasing system for all City departments and agencies The Chief Administrative Officer shall recommend and the City Council shall consider and adopt by ordinance rules and regulations governing the contracting for purchasing storing and distribution of all supplies materials and equipment required by any office department or agency of the City government	§1605 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
85	§510 With the sole exception of ordinances which take effect upon adoption hereinafter referred to 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	§613 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
86	§515 Violation of an ordinance of the City is a misdemeanor unless by ordinance it is made an infraction and such violation may be prosecuted in the name of the people of the State of California or may be redressed by civil action The City Council by ordinance may fix the penalty by fine or imprisonment or both for misdemeanors and by fine only for infractions	§620 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
87	§304 All Contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be contained or perfected hereunder	§2007 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
88	§300 The City of Culver City as successor in interest of the municipal corporation of the same name heretofore created and existing shall own possess control and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned possessed or controlled and shall be subject to all the debts obligations liabilities and duties of said existing corporation	§2001 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

89	§302 Nothing in this Charter contained except as specifically provided shall affect or impair the civil service pension and retirement rights or privileges of officers or employees of the City or of any office department or agency thereof existing at the time this Charter takes effect	§2006 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 rules or law relating to the removal duties or control of such employees
90	§200 The territory of the City shall be that contained in the boundaries established as of January 21 1947 and as changed since that date in the manner provided by law	§400 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

The Clean Version of the Proposed Charter, Strike-Out Version of the Proposed Charter and Current Charter follow

CHARTER OF THE CITY OF CULVER CITY

Preamble

Article I Name and Charter Status
Section 100 Name and Charter Status

Article II Definitions
Section 200 Definitions

Article III Form of Government
Section 300 Form of Government

Article IV Boundaries
Section 400 Boundaries

Article V Powers of the City
Section 500 Powers of the City

Article VI City Council
Section 600 Number Election and Term of Office
Section 601 Term Limits
Section 602 Eligibility
Section 603 Compensation
Section 604 Vacancy
Section 605 Forfeiture of Office
Section 606 Mayor and Vice Mayor
Section 607 Powers of the City Council
Section 608 City Council Meetings
Section 609 Special Meetings
Section 610 Notice of Public Meetings
Section 611 Public Participation
Section 612 Council Proceedings
Section 613 Adoption of Ordinances and Resolutions
Section 614 Urgency Ordinances
Section 615 Ordinances Enactments
Section 616 Ordinances Publication
Section 617 Ordinances Amendments
Section 618 Ordinances Codification

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

Article VII City Administration
Section 700 Powers and Duties of City Manager
Section 701 Non Interference by City Council

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

Article IX City Attorney
Section 900 Eligibility
Section 901 Duties

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

Article XI Commissions Boards and Committees
Section 1100 In General
Section 1101 Appropriations
Section 1102 Chairperson and Vice Chairperson
Section 1103 Meetings
Section 1104 Oaths and Affirmations
Section 1105 Committees

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

Section 1203 Prohibitions

Article XIII Retirement System
Section 1300 Public Employees Retirement System

Article XIV General Provisions Relating to Officers and Employees
Section 1400 Official Bonds
Section 1401 Oath of Office
Section 1402 Financial Interest
Section 1403 Ethical Conduct
Section 1404 Improper Political Activity

Article XV Elections
Section 1500 General Municipal Elections
Section 1501 Special Municipal Elections
Section 1502 Elections Official
Section 1503 Procedure for Holding Elections
Section 1504 Initiative Referendum and Recall
Section 1505 Elections by Mail

Article XVI Financial and Fiscal Matters
Section 1600 Fiscal Year
Section 1601 Tax System
Section 1602 Tax Limits
Section 1603 Bonded Debt Limit
Section 1604 Contracts for Public Works
Section 1605 Purchasing of Supplies Materials and Equipment
Section 1606 Reserve Funds
Section 1607 Capital Funds
Section 1608 Claim Required for Actions Against City
Section 1609 Independent Audit Required

Article XVII Franchises
Section 1700 Franchises

Article XVIII Revenue Retention
Section 1800 Reductions Prohibited
Section 1801 Mandates Limited

Article XIX Charter Review Committee
Section 1900 Charter Review Committee

Article XX Succession and Transition
Section 2000 Effective Date of Charter
Section 2001 Rights and Liabilities
Section 2002 Existing Laws Regulations and Policies
Section 2003 Rights of Officers and Employees Preserved
Section 2004 Continuance of City Council and Board of Education
Section 2005 Existing Commissions Boards and Committees
Section 2006 Existing Employees of City
Section 2007 Existing Contracts and Contracting Procedures
Section 2008 Pending Actions and Proceedings
Section 2009 Continuance of City Treasurer
Section 2010 Continuance of City Clerk
Section 2011 Elimination of Transition Provisions

Article XXI Miscellaneous
Section 2100 Violations
Section 2101 Validity

PREAMBLE

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

ARTICLE I NAME AND CHARTER STATUS

SECTION 100 NAME AND CHARTER STATUS

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

ARTICLE II DEFINITIONS

SECTION 200 DEFINITIONS

As used in this Charter

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

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

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

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

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

(f) The term days shall mean calendar days

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

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

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

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

ARTICLE III FORM OF GOVERNMENT

SECTION 300 FORM OF GOVERNMENT

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

ARTICLE IV BOUNDARIES

SECTION 400 BOUNDARIES

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

ARTICLE V POWERS OF THE CITY

SECTION 500 POWERS OF THE CITY

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

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

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

ARTICLE VI CITY COUNCIL

SECTION 600 NUMBER ELECTION AND TERM OF OFFICE

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

SECTION 601 TERM LIMITS

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

SECTION 602 ELIGIBILITY

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

SECTION 603 COMPENSATION

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

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

SECTION 604 VACANCY

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

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

at least 180 days before the next general municipal election A person elected at a special election shall hold office for the remainder of any unexpired term and until a successor is elected and certified

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

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

SECTION 605 FORFEITURE OF OFFICE

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

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

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

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

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

SECTION 606 MAYOR AND VICE MAYOR

At the same meeting and 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 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 At the request of any Council Member or upon the adoption of any ordinance or resolution or upon the adoption of any order for the payment of money the City Clerk shall record the vote taken on the question 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 June 30th 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 and to encourage citizen participation in local government including a commission charged with the responsibility of maintaining 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 MEETINGS

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 Retirements 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

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 the following specific purposes parks recreation refuse disposal city planning libraries advertising and promotion 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

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

CHARTER OF THE CITY OF CULVER CITY

Preamble

Article I Name and Charter Status
Section 100 Name and Charter Status

Article II Definitions
Section 200 Definitions

Article III Form of Government
Section 300 Form of Government

Article IV Boundaries
Section 400 Boundaries

Article V Powers of the City

Section 500 Powers of the City

Article VI City Council

Section 600 Number, Election and Term of Office

Section 601 Term Limits

Section 602 Eligibility

Section 603 Compensation

Section 604 Vacancy

Section 605 Forfeiture of Office

Section 606 Mayor and Vice Mayor

Section 607 Powers of the City Council

Section 608 City Council Meetings

Section 609 Special Meetings

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Section 610 Notice of Public Meetings

Section 611 Public Participation

Section 612 Council Proceedings

Section 613 Adoption of Ordinances and Resolutions

Section 614 Urgency Ordinances

Section 615 Ordinances Enactments

Section 616 Ordinances Publication

Section 617 Ordinances Amendments

Section 618 Ordinances Codification

Section 619 Ordinances When Effective

Section 620 Ordinances Violation and Penalty

Section 621 Publishing of Legal Notices

Article VII City Administration

Section 700 Powers and Duties of City Manager

Section 701 Non Interference by City Council

Article VIII Annual Budget

Section 800 Budget Preparation

Section 801 Submission to City Council

Section 802 Public Hearing

Section 803 Further Consideration and Adoption

Section 804 Appropriations

Section 805 Amendments

Article IX City Attorney

Section 900 Eligibility

Section 901 Duties

Article X Board of Education

Section 1000 Number and Term

Section 1001 Eligibility

Section 1002 Vacancies

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Section 1003 Forfeiture of Office
Section 1004 Organization of the Board of Education
Section 1005 Special Elections

Article XI Commissions, Boards and Committees
Section 1100 In General
Section 1101 Appropriations
Section 1102 Chairperson and Vice Chairperson
Section 1103 Meetings
Section 1104 Oaths and Affirmations
Section 1105 Committees

Article XII Civil Service
Section 1200 Merit Principle
Section 1201 Classification
Section 1202 Appointments from Civil Service Positions
Section 1203 Prohibitions

Article XIII Retirement System
Section 1300 Public Employees Retirement System

Article XIV General Provisions Relating to Officers and Employees
Section 1400 Official Bonds
Section 1401 Oath of Office
Section 1402 Financial Interest
Section 1403 Ethical Conduct
Section 1404 Improper Political Activity

Article XV Elections
Section 1500 General Municipal Elections
Section 1501 Special Municipal Elections
Section 1502 Elections Official
Section 1503 Procedure for Holding Elections
Section 1504 Initiative, Referendum and Recall
Section 1505 Elections by Mail

Article XVI Financial and Fiscal Matters
Section 1600 Fiscal Year
Section 1601 Tax System
Section 1602 Tax Limits
Section 1603 Bonded Debt Limit
Section 1604 Contracts for Public Works

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805 Oaths Affirmations [51]
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Section 1605 Purchasing of Supplies, Materials and Equipment
Section 1606 Reserve Funds
Section 1607 Capital Funds
Section 1608 Claim Required for Actions Against City
Section 1609 Independent Audit Required

Article XVII Franchises
Section 1700 Franchises

Article XVIII Revenue Retention
Section 1800 Reductions Prohibited
Section 1801 Mandates Limited

Article XIX Charter Review Committee
Section 1900 Charter Review Committee

Article XX Succession and Transition
Section 2000 Effective Date of Charter
Section 2001 Rights and Liabilities
Section 2002 Existing Laws, Regulations and Policies
Section 2003 Rights of Officers and Employees Preserved
Section 2004 Continuance of City Council and Board of Education
Section 2005 Existing Commissions, Boards and Committees
Section 2006 Existing Employees of City
Section 2007 Existing Contracts and Contracting Procedures
Section 2008 Pending Actions and Proceedings
Section 2009 Continuance of City Treasurer
Section 2010 Continuance of City Clerk
Section 2011 Elimination of Transition Provisions

Article XXI Miscellaneous
Section 2100 Violations
Section 2101 Validity

PREAMBLE

The People of the City of Culver City, by popular vote, have enacted this Charter to establish a responsive, efficient, effective and accountable government through which all voices in our diverse community can be heard, to ensure fair

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1311 Independent Audit Required ¶
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1312 Annual Budget Preparation ¶
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1313 Budget Submission to City Council ¶
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1314 Budget Public Hearing ¶
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1315 Budget Further Consideration and Adoption ¶
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1316 Budget Appropriations ¶
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1401 Exercising Rights Without Franchise ¶
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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

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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.

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ARTICLE II DEFINITIONS

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SECTION 200 DEFINITIONS

As used in this Charter

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(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

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(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