

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

Meeting Date: <u>05/28/13</u>		Item Number: <u>A-7</u>	
CITY COUNCIL AGENDA ITEM: Discussion of Review of and Potential Amendments to the City Charter, the Process for Initiating Charter Review/Amendments, and (If Desired) Related Direction to the City Manager.			
Contact Person/Dept.: Martin R. Cole, Phone Number: 310-253-6000 Assistant City Manager/City Clerk			
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (Email) Meetings and Agendas – City Council (05/21/13)			
Department Approval: Martin R. Cole (05/21/13)		City Attorney Approval: Carol Schwab (by H. Baker) (05/21/13)	
Chief Financial Officer Approval: Jeff Muir (05/21/13)		City Manager: John Nachbar (05/21/13)	

RECOMMENDATION:

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

BACKGROUND:

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

City Charter, Section 1900 (Charter Review Committee), provides the following:

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

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

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

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

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

DISCUSSION:

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

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

Staff Review of the Charter

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

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

Legal Requirements for Charter Amendments

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

Generally speaking, any decision to place an item before the voters must be made **at an absolute minimum**, no later than 88 days prior to the date for the election. And such election (to submit proposed charter amendments to the voters) must be: an established statewide general (none currently established), statewide primary (June 3, 2014), or regularly scheduled municipal election (April 8, 2014). The General Municipal Election in Culver City is scheduled to be held on April 8, 2014. Eighty-eight days prior to that date falls on January 10, 2014. Should the City Council determine it wishes to place any items on the ballot at the earliest possible election date (April 8, 2014), the City Clerk recommends such process be completed no later than October, 2013.

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

FISCAL ANALYSIS:

Discussion of this item at this evening's meeting does not create a fiscal impact. However, should the City Council determine to place before the voters proposed amendments to the City Charter, there would be an unanticipated fiscal impact based upon the number of such amendments. Should the City Council determine to

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

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

ATTACHMENTS:

1. City Charter of 2006

MOTION:

That the City Council:

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