

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 04/07/2008		Item Number: A-2	
AGENDA ITEM: 1) Discussion of the Roles of City Commissions under the New City Charter; 2) Introduce an Ordinance Repealing and Replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) Relating to City Commissions and Agencies; 3) Adopt a Resolution Amending City Council Adopted Policy 2007-01 Entitled “City Commissions,” and Repealing Resolution No. 2007-R029; 4) Introduce an Ordinance Adding Chapter 5.06 to the CCMC Designating the Public Works Director as the Person Responsible for Street and Parkway Trees and Repealing Sections 9.10.025 through 9.10.040 Of Chapter 9.10 of the CCMC; 5) Introduce an Ordinance Amending Section 7.01.230.B.2 of the CCMC Clarifying those Individuals Eligible to Receive Parking Decals Which Exempt their Vehicles from Parking or Standing Provisions; and 6) Adopt a Resolution Amending City Council Policy Statement Number 3003 Entitled “Issuance of City Parking Decals” and Rescinding Resolution No. 95-R005..			
Contact Person/Dept.: Martin R. Cole, Asst. City Manager		Phone Number: (310) 253-6000	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: City Commissioners (04/02/08); Master Notification List (04/02/08)			
Department Approval: Martin R. Cole (04/02/08)		City Attorney Approval: Carol Schwab (by H. Baker) (04/02/08)	
Fiscal Impact Review: Jeff Muir (04/02/08)		City Manager Approval: Jerry B. Fulwood (04/02/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: 1. Discuss the roles of the various City Commissions; 2. Introduce an Ordinance repealing and replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) relating to City Commissions and Agencies; 3. Adopt a Resolution amending City Council Adopted Policy 2007-01 entitled “City Commissions,” and repealing Resolution No. 2007-R029. 4. Introduce an Ordinance adding Chapter 5.06 to the CCMC designating the Public Works Director as the person responsible for street and parkway trees and repealing Sections 9.10.025 through 9.10.040 of Chapter 9.10 of the CCMC;			
A2-1			

City of Culver City, California
City Council Agenda Item Report

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

BACKGROUND:

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

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

SECTION 1100. IN GENERAL.

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

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

As a result of the facilitated meetings, the City Council adopted Resolution No. 2007-R029, City Council Adopted Policy 2007-01, entitled "City Commissions," which provides Commissioners guidelines for Code of Conduct, Interaction with the City

City of Culver City, California
City Council Agenda Item Report

Council and Staff, and other topics (Attachment 2). In addition, the City Council created a City Council Subcommittee regarding Commissions and appointed Vice Mayor Gross and Councilmember Rose to assist staff in preparing a recommendation to the City Council relating to the roles of City Commissions. After reviewing the provisions of the New Charter along with the existing provisions of the CCMC, incorporating ideas from the Facilitated Meetings, and reviewing practices in other cities, staff has prepared this report for the City Council's consideration which reflects the general guidance provided by the Subcommittee.

DISCUSSION:

One of the important general concepts espoused by the Charter Review Committee in recommending the New Charter to the City Council was to streamline the management of the City under the policy direction of the City Council and the operational management of a City Manager. As part of that streamlining, the New Charter provided the specific opportunity embodied in Section 1100 for the City Council to review the structure under which the City's Commissions are created, members appointed, and business transacted. The following paragraphs outline the general issues embodied in the proposed Ordinances and Resolutions, (Attachments 3 through 7).

General Operational Items Applicable to all Commissions

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

(1) Creation and General Role

The New Charter provides that the City Council may create Commissions by Ordinance. Therefore, attached for the City Council's consideration is an Ordinance which clarifies and updates the structure, membership, and duties of each of the City's four Commissions. (Attachment 3). Included in the proposed ordinance are provisions which standardize, where appropriate, various procedures which the Subcommittee and staff believe should be standardized amongst all Commissions for the effective and efficient governance of the City in accordance with the New Charter.

The Subcommittee also recommends that training for Commissioners be subject to the prior approval of the Department Head or the City Manager. The attached

City of Culver City, California
City Council Agenda Item Report

revised City Council Adopted Policy 2007-01 has an appropriate amendment (Attachment 4).

(2) Policy Creation

Under the New Charter (see Section 300), the authority to provide policy direction vests in the City Council. Additionally, Section 700 provides the City Manager with the authority to “direct and supervise the administration of all City Departments.” To implement this structure, the proposed Ordinance includes provisions clearly defining the specific role of Commissions to act in an advisory capacity to the City Council which is the sole body charged with providing policy direction.

(3) Membership

Under the New Charter (see Section 602), candidates for the office of City Council are required to be: (1) residents of the City and (2) qualified electors (registered voters) for the 30 days immediately preceding the filing of nomination papers and during their term of office. It is proposed these requirements related to residency and voter registration be replicated for membership of all four Commissions (currently such a requirement is only applicable to the Civil Service and Planning Commission).

(4) Appointment/Removal and Disciplinary Process

As the elected, policy-making body, the City Council is the highest authority in Culver City. As such and in accordance with the New Charter, the City Council is empowered to establish and abolish Commissions. As creations of the City Council, Commissions are subject to the general oversight of the City Council and Commissions and their members must comply with policies and other actions adopted by the City Council. Furthermore, as representatives of the City Council, Commissions and their members are held to a very high standard of conduct. Therefore, it is proposed that the City Council may appoint Commissioners with a simple majority vote and remove Commissioners with a 4/5ths vote, with or without cause. Commissioners serve at the pleasure of the City Council and, other than the vote requirement noted, may be appointed or removed under that standard.

As a result of comments provided by Commissioners to the City Manager when the City Council Policy was presented to each Commission, staff is also providing examples of misconduct which would subject a Commissioner to disciplinary proceedings. Also, should it become necessary to discipline Commissioners, the amended City Council Adopted Policy 2007-01 provides for various means of discipline available to the City Council (See Attachment 4).

City of Culver City, California
City Council Agenda Item Report

(5) Terms

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

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

- (a) The City Council shall consider appointments to Commissions in May and Commission terms shall begin on July 1 of odd numbered years (except where an unexpected vacancy occurs)
- (b) Commission terms shall be staggered in a fashion similar to that of the City Council (as a hypothetical example, three seats shall hold terms from July 1 2008 to June 30 of 2011 and two seats shall hold terms from July 1 2008 to June 30, 2009).
- (c) Commissions with memberships of more than five persons shall be staggered in a similar fashion as determined by the City Council at the time creation of such a Commission is considered by the City Council.

Under these proposed criteria, 2008 will be the first “transition year” with some or all of the Commissioners appointed in 2008 subject to a term of less than four years (most likely a three year term). Should the City Council adopt these proposals, staff would prepare a listing of Commission seat appointments subject to the transition provisions.

The Subcommittee members had differing opinions on the issue of term limits. Therefore, it is presented as an option for the City Council's consideration.

(6) Attendance at and Frequency of Meetings

City Council Policy 3304 states in pertinent part:

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

Staff recommends the City Council include a provision in the CCMC giving the City Council authority to establish, by resolution, an allowance for members of

City of Culver City, California
City Council Agenda Item Report

Commissions, Boards, and Committees. City Council Policy 3304 would remain in place until such time as the City Council adopts a Resolution amending such policy.

The Subcommittee recommended there be a definition of the term “attendance” for (1) use in determining eligibility for payment of the monthly allowance (if any) and (2) for the City Council’s use when determining re-appointment and/or removal of Commissioners. Staff also recommends adopting a standard definition for the term “meeting.” The proposed Ordinance (see Attachment 3) includes the definition of the following terms:

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

Meeting: A Meeting shall have occurred when a meeting of the body has been conducted or when a meeting has been noticed but the meeting is not conducted due to a lack of quorum. A Meeting shall not have occurred when any scheduled meeting of the body has been officially cancelled and the members of the body have been provided notice of such cancellation at least 24 hours in advance of the scheduled time for the meeting.

With respect to the frequency of Commission meetings, the Subcommittee recommends the Commissions meet on an as needed basis, but no less frequently than once per quarter. Additionally, the Subcommittee also recommends the Commissions not meet if staff determines there are insufficient items agendized to justify a meeting. These issues are addressed in the proposed Ordinance (see Attachment 3) and the amended City Council Adopted Policy 2007-01 (see Attachment 4).

(7) Compliance with City Council Policy

The amended City Council Adopted Policy 2007-01 includes a provision that Commissioners are required to comply with applicable law and duly adopted City Council policies (see Attachment 4).

(8) Mandatory Orientation for New Commission Appointees

To ensure newly appointed Commissioners are best prepared for their important advisory roles, the Subcommittee recommends Commission appointees be required to attend an orientation within 30 days of their appointment. The consequence of not attending this orientation would be forfeiture of the appointment. Applications for Commission positions will be modified to include this requirement so applicants will

City of Culver City, California
City Council Agenda Item Report

be aware of this in advance of applying for and potentially being appointed to a Commission seat. An amendment to City Council Adopted Policy 2007-01 is proposed consistent with this recommendation (see Attachment 4).

(9) Legal Opinions of the City Attorney

Section 901 of the New Charter provides:

“The City Attorney, or his or her designee, shall serve as the chief legal adviser to the City Council, City Manager, and all City departments in all matters pertaining to the business of the City.”

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

(10) Issuance of Parking Decals

City Council Policy 3003, adopted in 1995, established a policy regarding the issuance of parking decals to certain people who operate their private vehicles while engaged in official City business. The parking decals exempt enforcement of parking regulations of the CCMC while on City business in Culver City. The Subcommittee recommends the decals be issued to the City Council, City Manager, City Attorney, Assistant City Manager, Department Heads and other position as authorized by the City Manager. The proposed policy will no longer authorize routine issuance of parking decals to the City Clerk, City Treasurer, Automobile Club, School Board Members and School Board Administrative Staff, Members of Commissions/Boards, L.A. Airport Advisory Committee and the Chamber of Commerce (as currently authorized by City Council Policy 3003).

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

(11) Official City Identification

The Subcommittee recommends the City Council amend City Council Adopted Policy 2007-01 to reiterate and emphasize that official City identification (including badges, ID Cards, business cards, etc.) shall be used for official identification

City of Culver City, California
City Council Agenda Item Report

purposes only. Further, the Subcommittee recommends the City Council consider inappropriate use of Official Identification items as Major Misconduct with significant consequences.

Commission-Specific Items

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

(1) Cultural Affairs Commission

The proposed Ordinance amends the CCMC to clarify general terms and of the Cultural Affairs Commission with the other Commissions in accordance with the New Charter. Other than compliance with the general requirements as recommended by the Subcommittee, the Subcommittee did not recommend any additional specific amendments to the role of the Cultural Affairs Commission.

(2) Planning Commission:

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

(3) Parks and Recreation Commission:

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

City of Culver City, California
City Council Agenda Item Report

located in the City's parks should be the responsibility of the Parks, Recreation and Community Services Department.

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

The City Council is requested to introduce an ordinance which would clarify that the Public Works Director is responsible for the management of the City's street and parkway trees (Attachment 7). The proposed ordinance would create a new Chapter 5.06, under Title 5, Public Works, in the CCMC and repeal the existing provisions currently found in Sections 9.10.025 through 9.10.040 of the CCMC.

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

(4) Civil Service Commission:

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

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

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

"The City Council shall appoint the City Manager who shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter...The City Manager...shall...direct and supervise the administration of all City departments except as otherwise provided by the Charter..."

City of Culver City, California
City Council Agenda Item Report

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

2. “Act in an advisory capacity to the City Council on ***personnel administration (emphasis added)***; and
3. After a public hearing thereon, recommend to the City Council adoption of amendments or repeal of the civil services rules and regulations;
4. Make any investigation which it may consider desirable concerning the ***administration of personnel*** in the municipal service and report its findings to the City Council.” (emphasis added)
5. Provide a procedure for handling the appeals of any employee in the classified service who is suspended, demoted or removed from his employment. Such procedure shall provide for the employee to have the option of a hearing before the Commission, or before a special hearing officer or board composed of person(s) qualified to hear and make findings and recommendations on such matters. No hearing officer or member of such board shall be a resident, employee or officer of the City.”

With respect to items 1 and 3 above, the provisions of the New Charter and the responsibilities provided to the Civil Service Commission by the former Charter are in conflict. Since the New Charter’s provisions are now in force and prevail, the Subcommittee recommends certain amendments to the powers and responsibilities of the Civil Service Commission. The attached ordinance addresses the following issues (see Attachment 3):

- (1) Removes the Commission’s duties with respect to the administration of personnel, that duty being vested in the City Manager by the New Charter under Section 700;
- (2) Clarifies the advisory capacity of the Civil Service Commission to the subject of the Civil Service Rules (understanding the Civil Service Commission is and, under these recommendations, remains the final decision-making body related to Disciplinary Appeal Hearings); and,
- (3) Clarifies the ability of the Commission, when it deems necessary, to recommend that the City Council direct the City Manager to conduct an investigation concerning the proper implementation Civil Service Rules; and,

City of Culver City, California
City Council Agenda Item Report

- (4) Stays the enforcement/applicability of any duties conferred upon the Civil Service Commission by the CCMC, Civil Service Rules or other City policy or regulation that is inconsistent with the New Charter.

Consistent with the above, should the City Council adopt the recommendations presented, over the next few months, staff will be bringing to the City Council (and through the Civil Service Commission, where necessary) revisions to the Civil Service Rules and City Policies/regulations.

(4) Board of Zoning Adjustments:

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

Miscellaneous Revisions

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

Future Applicability to the City's Boards and Committees

The Subcommittee recommends that once the City Council has provided its policy direction with respect to these recommended changes, staff be provided direction to prepare a similar report that would apply these policy directives to the City's Committees and Boards. If so directed by the City Council, it is expected this report would return to the City Council on April 21, 2008.

FISCAL ANALYSIS:

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

In addition to the direct/indirect fiscal impacts, adoption of these recommendations is expected to allow the City to provide information to the City Council, Commissioners, Staff, and the general public more quickly and in a more consistent and user-friendly format. Further, adoption of these recommendations will eliminate potential conflicts

City of Culver City, California
City Council Agenda Item Report

between current operations and provisions of the New Charter (which provisions prevail) and any associated duplication of efforts, thereby saving staff and financial resources.

ATTACHMENTS:

- (1) The City Charter of 2006 (New Charter)
- (2) Proposed Ordinance regarding Chapter 3.03 relating to Commissions and Agencies
- (3) Proposed Resolution amending City Council Adopted Policy 2007-01
- (4) Proposed Resolution amending City Council Policy Statement Number 3003 relating to the issuance of parking decals
- (5) Proposed Ordinance amending Section 7.01.230.B.2
- (6) Proposed Ordinance adding Chapter 5.06 and repealing certain provisions in Chapter 9.10 relating to street and parkway trees

MOTION:

That the City Council:

- (1) Discuss the recommendations of the Council Subcommittee relating to the roles of Commissions;

AND,

(2A) Determine to apply the term limits provisions applicable to the City Council to the Commissions;

OR

(2B) Determine to remove the current term limits provisions in the Municipal Code as they relate to Commission

AND

(3) Introduce an Ordinance repealing and replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) relating to City Commissions and Agencies;

(4) Adopt a Resolution amending City Council Adopted Policy 2007-01 entitled "City Commissions," and repealing Resolution No. 2007-R029;

City of Culver City, California
City Council Agenda Item Report

(5) Introduce an Ordinance adding Chapter 5.06 to the CCMC designating the Public Works Director as the person responsible for street and parkway trees and repealing Sections 9.10.025 through 9.10.040 of Chapter 9.10 of the CCMC;

(6) Introduce an Ordinance amending Section 7.01.230.B.2 of the CCMC clarifying those individuals eligible to receive parking decals which exempt their vehicles from parking or standing provisions; and

(7) Adopt a Resolution amending City Council Policy Statement Number 3003 entitled "Issuance of City Parking Decals" and rescinding Resolution No. 95-R005.