City of Culver City, California

City Council Agenda Item Report

Meeting Date: 09/15/05 and 09/22/05	Item Number: J-1
AGENDA ITEM: Joint Meetings of the City Council and Charter Review Committee for Discussion and Consideration of Proposed Charter Revisions to be Placed on the April 11, 2006, General Municipal Election.	
Contact Persons/Dept.: Heather Iker and Elaine Hirohama/ City Attorney's Office	Phone Number: (310) 253-5660
Fiscal Impact: Yes [X] No []	General Fund: Yes [X] No []
Public Hearing: []	Action Item: [X] Attachments: [X]
Public Notification: Via e-mail on September 7, 2005: Master Notification List; Planning Commission; Civil Service Commission; Parks and Recreation Commission; Cultural Affairs Commission; Presidents of City Bargaining Groups: Fire Management, Fire Safety, Police Management, Police Safety, CCEA, and Management; Dr. Laura McGaughey; CCUSD School Board Members; Crystal Alexander; Christopher Armenta; Deborah Baine; Richard Beaver; Steve Bell; Desmond Burns; Vicky Daly-Redholtz; Lynne Davidson; Art Garcia; Bobbi Gold; David Holtzman; Paul Jacobs; George Laase; Morley Matsuda; Jackie McCain; Chip Netzel; Kenneth Rothschild; Linda Shahinian; Laura Stuart; Frances Talbott-White; Robert Tompkins; and Sharon Zeitlin. Postcard notice via mail to all City residents on August 31, 2005. (17,750) To all City Employees via memo on September 9, 2005	
Department Approval: Carol A. Schwab 08/31/05	CAO Approval: Jerry Fulwood 9/7/05
City Controller Approval: Marlee Chang 9/6/05	

RECOMMENDATIONS:

Staff recommends that the City Council receive and file the final report of the Charter Review Committee ("Committee"). The City Council is further requested to determine whether to place the proposed Charter, in its entirety or in part, on the ballot for the April 11, 2006, general municipal election.

(This staff report is intended to be used for the joint meetings on September 15 and 22, 2005.)

PROCEDURES AND TIMELINE:

1. September 15th meeting:

   a. The Committee presents its report to the Council for discussion, including public comment, and to answer questions.

   b. The City Council receives and files the Committee's Report (Attachment 1).

2. September 22nd meeting:

   a. After further discussion, if necessary, the City Council makes its decision regarding placement of the Charter, in its entirety or in part, on the ballot for the April 11, 2006, election; or

   b. Provide further direction to the Committee and/or staff. Should the City Council request additional information from the Committee or staff, an additional Council meeting will need to be scheduled.

3. April 8, 2006, Election Deadlines: (Attachment 2, Calendar)

   a. According to the tentative election schedule, the suggested last day for the voters to file petitions for a measure is October 21, 2005. This deadline would allow the County to verify the signatures on the petition.

   b. December 5th -- the suggested last day for the City Council to adopt resolutions calling the April 2006 general municipal election.

   c. December 20th – the suggested last day to call election for ballot measures.

BACKGROUND:

Last September, the City Council appointed 10 members to the Charter Review Committee. The review of the entire Charter had not been undertaken since the early 1980's. The Committee was directed to present quarterly updates to the Council. The Committee's reports to the Council were made on February 14 and June 13, 2005. Town Hall meetings were held by the Committee on January 19 and June 22, 2005. The June 22nd meeting was held in the Council Chambers and televised. This meeting was rebroadcast on the City's public access Channel 35 on

July 20 and July 26, 2005. Additionally, the Committee sent approximately 85 letters to various Culver City homeowners associations and service groups notifying them that Committee Members were willing to conduct informational meetings for their organizations. In response, meetings were conducted with the Culver Crest Neighborhood Association, East Culver City Neighborhood Alliance, Raintree Homeowners Association and the Culver City Police Officers Association. This evening, Committee Members are in attendance to present the Committee's final report and recommendations and answer any questions.

During the course of this Charter review process, the Committee encouraged attendance by City officials, employee associations and all members of the public at its meetings. The Committee invited and heard testimony from Jerry Fulwood, Chief Administrative Officer; Crystal Alexander, City Treasurer; Christopher Armenta, City Clerk; Eric Shapiro and Jim Lavery, retired City Controllers; Charles Herbertson, Public Works Director; Don Rogers, retired Parks, Recreation and Community Services Director; John Montanio, Police Chief; and Jeff Eastman, Fire Chief.

In addition, some Committee members participated in a Charter workshop with the Culver City Board of Education.

DISCUSSION:

With the assistance of its consultant, Dr. Raphael Sonenshein, the Committee identified a list of topics and issues to be addressed. These topics and issues were categorized, prioritized and calendared. In order to assist the Committee in its review process, staff researched and compared the charters of fourteen (14) other cities—Burbank, Cerritos, Glendale, Inglewood, Irvine, Long Beach, Los Angeles, Newport Beach, Palm Springs, Pasadena, Pomona, Redondo Beach, Santa Monica and Torrance, and used the National Civic League book, *Model City Charter*, as a resource.

The most significant substantive changes to the Charter recommended by the Committee are:

1. Form of Government:
    a. "Council–Manager" form of government, whereby Council sets policy and City Manager administers the government.
    b. Effective April 8, 2008, the City Manager appoints the City Clerk and City Treasurer.
    c. All Department Heads to be in the unclassified service, including the positions of Community Development Director; Parks,

Recreation and Community Services Director; and Transportation Director, which are currently in the classified service.

d. The City Council will continue to appoint and remove the Fire Chief, Police Chief and City Attorney; and all other Department Heads to be appointed and removed by the City Manager.
e. Designation of the City Clerk as the City's elections official.

2. Other Changes:
    a. Creation of a Preamble reflecting the community's values for its government.
    b. Prohibition against interference with the day-to-day operations by the City Council.
    c. Establish contracting procedures and policies by ordinance.
    d. Elimination of any reference in the Charter to specific commissions, boards and committees in favor of a provision which authorizes the City Council to establish by ordinance such commissions, boards or committees, as it deems necessary, for the effective and efficient governance of the City and to encourage greater citizen participation.
    e. Authorize the Council to conduct some elections wholly by mail (in the manner of absentee ballots).
    f. Require compensation disclosure for Council Members.
    g. Specific language relating to ethical conduct.
    h. Creation of a provision for future Charter Review Committees.
    i. Elimination of the requirement for a 2/3 vote to withdraw any departments or employees from the classified service and replace it with a "majority vote" of the People.

The Committee also spent a significant amount of time reorganizing the Charter and ensuring that the Charter was consistent in its entirety. Archaic language was removed. For example, current Section 1311, "Independent Audit Required" states: "The City Council shall employ at the beginning of each fiscal year an independent qualified public accountant or firm. . . ". The new language proposed in Section 1609, "Independent Audit Required", states: "At the beginning of each fiscal year, the City Council shall employ an independent, certified public accountant or firm. . .".

3. Reorganization and Clean-Up of Charter:
    a. "Definitions" moved to the front of the Charter.
    b. Remove archaic language in the existing Charter: "hereof", "thereof", and "hereinabove".
    c. Use of gender neutral language.

The Committee recommends that if the new Charter is placed on the April 2006 election and passed by the voters, the Charter shall become effective on July 1, 2006, or the date it is accepted and filed with the Secretary of State, whichever date is later. The Committee determined that the current City Treasurer shall continue to serve the remainder of her term until April 8, 2008. The person elected to the office of City Clerk shall serve a two-year term until April 8, 2008. If the elected offices become vacant prior to April 8, 2008, the City Council shall appoint a replacement to serve the remainder of the unexpired terms.

The Committee unanimously agreed to recommend the proposed Charter. One of the most debated topics, which the Committee revisited several times, was whether to retain the classified service for the Fire and Police Chiefs. The proposed Charter would remove all Department Heads from the classified service.

The Committee also extensively debated the topic of City Council term limits. The Committee recommends that the City Council revisit the issue of term limits and consider placing the issue on the ballot for the April 2008 election.

IMPLEMENTATION TASKS:

In the event the revised Charter passes, the following is a summary of some of the tasks which will need to be implemented before July 1, 2006:

1. Revise City organization chart to reflect new “Council-Manager” form of management.
2. Create job specifications for City Manager and eliminate job specifications for Chief Administrative Officer.
3. Establish, by ordinance, contracting procedures and policies for public works contracts.
4. Determine how to implement proposed Charter Section 1100 as it relates to creation and continuance of commissions, boards or committees in the Municipal Code and amend existing provisions, as necessary.
5. Revise the job specifications of certain Department Heads to remove civil service and change appointing authority from Council to City Manager.
6. Negotiate existing Department Head employment contracts, as applicable, to change appointing authority from Council to City Manager.

Some of the long-term policy decisions and tasks are:

1. Amend the Municipal Code, Council Policies and Administrative Policies to conform to the new Charter.

2. Revise job specifications for City Clerk and City Treasurer and structure of each department.

FISCAL IMPACT OF PLACING CHARTER ON THE BALLOT:

A budget amendment may be required in the current fiscal year in the City Clerk's budget due to increased operating expenses for printing the charter ballot measure or measures due to the length of the proposed charter amendments. Also, additional funds may be required for codification of the new charter and printing the charter as a pamphlet.

ATTACHMENTS:

1. Report of the Culver City Charter Review Committee to the City Council
2. April 2006 Election Schedule

MOTIONS:

That the City Council:

1. At the September 15, 2005, meeting, Receive and File the Charter Review Committee's final report; and

2. At the September 22, 2005, meeting, place the entire proposed Charter, or portions of it, on the ballot for the April 11, 2006, general municipal election; or

   Request the Committee and/or staff to return with additional information which should be agendized for a future Council meeting.