



City of Culver City

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Staff Report

File #: 18-01421, Version: 1

Item #: A-1

CC:FA:HA:PA:SA - (1) Discussion and Consideration of, Potential Action on, Mayoral Rotation Policy, Including Options to (A) Follow the Policy, Including the Available Exceptions; (B) Adopt a Resolution Setting Aside the Policy; (C) Adopt a Resolution Rescinding the Policy; and/or (D) Direct Staff to Return to City Council with Amendments/Modifications to the Policy; (2) Reconsideration of April 30, 2018 Election of the Position of Vice Mayor; and (3) Confirmation by the Boards of the Financing, Housing and Parking Authorities, and the Successor Agency to the Culver City Redevelopment Agency, that the Vice Mayor shall Serve as Vice Chair of those Bodies Respectively.

Contact Person/Dept: Jeremy Green CMC, City Clerk; Heather Baker, Assistant City Attorney
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Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☐

Public Hearing: ☐

Action Item: ☒

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒ **Date:**
Commission Name:

Public Notification: (E-Mail) Meetings and Agendas - City Council; Peter Jacobs; Ron Bassilian; Bret Osterberg; Heather Wollin; and (c/o Ron Bassilian) Luther Henderson III, Anita Hedlund and Roderick Wollin (06/20/18)

Department Approval: Serena Wright, Administrative Services Director (06/20/18); and Carol Schwab, City Attorney (06/20/18)

RECOMMENDATION

Staff recommends the City Council:

1. Discuss and consider, and potentially take action on, the Mayoral Rotation Policy, including options to:
 - A. Follow the Policy, including the available exceptions;
 - B. Adopt a Resolution setting aside the Policy;
 - C. Adopt a Resolution rescinding the Policy; and/or
 - D. Direct staff to return to City Council with Amendments/Modifications to the Policy; and
2. Elect a City Council Member to the position of the Vice Mayor, superseding the April 30, 2018 vote.

Staff recommends the Boards of the Financing, Housing and Parking Authorities, and the Successor Agency to the Culver City Redevelopment Agency, confirm the Vice Mayor shall serve as Vice Chair of these bodies respectively.

BACKGROUND:

April 30, 2018 City Council Meeting

At the duly noticed City Council meeting on April 30, 2018, the City Council considered Agenda Item A-2, which was described in the meeting agenda as follows:

(1) ADMINISTRATION OF THE OATH OF OFFICE TO THE COUNCIL MEMBERS-ELECT; (2) ELECTION OF MAYOR AND VICE MAYOR; AND (3) CONFIRMATION BY THE FINANCING AUTHORITY/HOUSING AUTHORITY/PARKING AUTHORITY/SUCCESSOR AGENCY TO THE CULVER CITY REDEVELOPMENT AGENCY THAT THE MAYOR AND VICE MAYOR OF THE CITY SHALL SERVE AS CHAIR AND VICE CHAIR OF THESE BODIES, RESPECTIVELY

The staff report for the agenda item described the procedures for Election of Mayor and Vice Mayor, and included a description of the applicable City Charter provisions and City Council Policy Statement regarding the “Mayoral Rotation,” adopted by Resolution No. 2017-R015 (“Mayoral Rotation Policy”). The Mayoral Rotation Policy was also included as an attachment to the staff report.

City Charter Section 606 states the City Council shall elect one of its members as Mayor and one as Vice Mayor and “[b]oth shall serve at the pleasure of the City Council.” The Mayoral Rotation Policy was originally established in 2010 as a guideline to “provide for an orderly election of the Mayor and Vice Mayor each year.” Since the Policy’s adoption, there have been occasions when the City Council has chosen not to utilize the rotational formula for the election of the Mayor and Vice Mayor. The Policy was amended by the City Council on February 27, 2017 (Attachment 1).

Under the Mayoral Rotation Policy, the Vice Mayor position “shall be filled by the most senior member in length of uninterrupted service who has not previously served as Vice Mayor.” The current Mayoral Rotation Policy provides for two exceptions to this rotational formula:

1. Where there are conflicts between the Charter and the Policy, the Charter shall prevail; and
2. Exceptions to the Policy may be made under extenuating circumstances.

This year, Council Member Thomas Small, who was in line to become Mayor under the Policy, was elected unanimously as Mayor. Unless one of the rotational formula exceptions was applied, Council Member Goran Eriksson was in line to be elected to the position of Vice Mayor.

At the April 30th meeting, prior to deliberation by the City Council on the Vice Mayor position, several members of the public spoke in favor of applying the standard rotational formula set forth in the Policy, presumably without use of the exceptions, and expressed their concern the City Council might deviate from the specified rotational formula. Some members of the public specifically supported

electing Council Member Eriksson as Vice Mayor. Other members of the public spoke in favor of electing then-Council Member Sahli-Wells.

During City Council's public deliberation, Council Member Eriksson supported following the rotational formula set forth in the Mayoral Rotation Policy. Other Council Members stated they supported the election of then-Council Member Sahli-Wells to the position of Vice Mayor and specifically discussed their reasons for applying one of the exceptions to the specified rotational formula. This included statements regarding (1) circumstances warranting then-Council Member Sahli-Wells appointment; and (2) possible conflicts between the Policy and the City Charter, which states a City Council majority can select the Vice Mayor. Following a lengthy deliberation, the City Council, by a majority vote, elected Council Member Sahli-Wells to the position of Vice Mayor.

The City Council further directed staff to bring back the Mayoral Rotation Policy at a future meeting for additional discussion and consideration.

Brown Act Complaint

On May 14, 2018, the City received a letter from eight complainants, alleging that violations of the Ralph M. Brown Act (Government Code § 54950 *et seq.*) (Brown Act) occurred at and before the City Council regular meeting held on April 30, 2018, regarding the election of the position of Vice Mayor. It was submitted as a demand to cure and correct the challenged actions under Section 54960.1 of the Brown Act.

After considering the matter in duly noticed closed sessions held on May 29, 2018 (agenda item CS-3), and June 11, 2018 (agenda item CS-2), as authorized under the Brown Act, the City Council made the following report out of the June 11th closed session setting forth its determination:

1. The City Council disagrees with the contentions in the May 14th letter.
2. To ensure there is no question concerning the City Council's April 30th vote on the election of the position of the Vice Mayor, and to continue its commitment to transparency, the City Council directed the City Clerk to:
 - a. Place an item on the agenda for the June 25, 2018 City Council meeting to allow the City Council to reconsider the election of the position of the Vice Mayor; and
 - b. Place the Mayoral Rotation Policy on the agenda for the June 25, 2018 City Council meeting for consideration.
3. The City Council directed the City Attorney to prepare a written response to the complainants on the City Council's behalf, in accordance with such determination. The response letter was sent on June 13, 2018.

DISCUSSION:

Mayoral Rotation Policy

In accordance with City Council direction, the Mayoral Rotation Policy is presented for discussion and direction as deemed appropriate. The City Council has multiple options with regard to the Policy:

1. *Retain the Policy As-Is:* The City Council could retain the Policy as currently written, in which case it would apply the standard rotational formula, unless one of the exceptions is applied. With this option, the City Council could apply the Policy for the purpose of electing the Vice Mayor at the June 25, 2018 meeting only, and also direct staff to return to City Council to discuss potential amendments/modifications to the Policy for future elections of the Mayor and Vice Mayor.
2. *Set Aside the Policy and Apply the Charter:* The City Council could adopt a resolution setting aside the Policy, until such time as the City Council reinstates and/or amends the Policy. Until such reinstatement and/or amendment occurs, the City Council would elect Mayor and Vice Mayor positions under its authority set forth in the City Charter.
3. *Rescind the Policy:* The City Council could adopt a resolution rescinding the Policy altogether, in which case it would rely on its authority under the City Charter to select the Mayor and Vice-Mayor positions each year as it deems appropriate. With this option, the City Council could also direct staff to return to City Council to discuss the creation of a new policy for future elections of the Mayor and Vice Mayor.
4. *Amend the Policy:* The City Council could direct staff to return to the City Council at a future meeting with potential amendments to the Policy.

Staff recommends the City Council discuss the above options and provide direction as deemed appropriate.

Reconsideration of the Election of the Position of Vice Mayor

In accordance with the direction provided by City Council in its June 11th report out of closed session, the City Council should reconsider the election of the position of Vice Mayor.

In reconsidering this matter, the City Council has the following options (depending on the direction/action taken with regard to the Mayoral Rotation Policy, as discussed above, some of the following options may no longer apply):

1. Apply the established rotation formula under the current Mayoral Rotation Policy, without making any exception; or
2. Make an exception to application of the rotation formula in the Policy based on extenuating circumstances as to why the formula should not be applied or that it conflicts with the City

Charter. If the City Council chooses this option, then it should again state on the record the specific reasons the rotation formula should not be applied; or

3. Adopt a resolution setting aside the Policy and rely on the City Council's authority under the City Charter to select the Mayor and Vice-Mayor positions (Attachment 2); or
4. Adopt a resolution rescinding the Mayoral Rotation Policy (Attachment 3) and elect the Vice Mayor, pursuant to the City Council's authority under the City Charter.

The election of the Vice Mayor this evening shall supersede the vote taken on April 30, 2018.

Confirmation of the Vice Mayor as Vice Chair of Authority and Agency Boards

Once the position of the Vice Mayor has been elected, staff recommends the Boards of the Financing, Housing and Parking Authorities, and the Successor Agency to the Culver City Redevelopment Agency, confirm that the Vice Mayor shall serve as Vice Chair of these bodies respectively.

FISCAL ANALYSIS

There is no fiscal impact associated with this staff report.

ATTACHMENTS:

1. Resolution 2017-R015, amending City Council Policy 2010-01 (Mayoral Rotation)
2. Proposed Resolution setting aside the Mayoral Rotation Policy
3. Proposed Resolution rescinding the Mayoral Rotation Policy

RECOMMENDED MOTION(S):

That the City Council:

1. Discuss and consider, and potentially take action on, the Mayoral Rotation Policy, including the following options:
 - A. Retain the current Policy as-is;
 - B. Adopt a resolution setting aside the Policy;
 - C. Adopt a resolution rescinding the Policy;
 - D. If the Policy is retained, consider whether to direct staff to return to City Council with proposed amendments/modifications to the Policy; and
 - E. If the Policy is rescinded, consider whether to direct staff to return to City Council with a proposed new policy regarding the election of Mayor and Vice Mayor; and

2. Elect Council Member _____ to the position of Vice Mayor, superseding the vote taken on April 30, 2018.

That the Boards of the Housing, Financing and Parking Authorities, and the Successor Agency to the Culver City Redevelopment Agency:

Adopt respective motions confirming that the Vice Mayor shall serve as Vice Chair of these bodies, respectively.