



City of Culver City

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Staff Report

File #: 20-675, **Version:** 1

Item #: A-2.

CC - (1) Introduction of an Ordinance Amending Culver City Municipal Code Chapter 3.03 Pertaining to City Commissions, to Add Equity Policy Language, and to Allow Appointment of Non-Registered Voters and Minors Age 16 and Older; (2) Adoption of a Resolution Approving Changes to the City Policy on Commissions, Committees and Boards Pertaining to Eligibility, Equity, Childcare and Training of Appointed Officials; and (3) Direction to the City Manager as Deemed Appropriate.

Meeting Date: January 27, 2020

Contact Person/Dept: Serena Wright-Black/Administrative Services
Lisa Vidra /City Attorney's Office

Phone Number: (310) 253-5640

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Action Item:

Attachments: Yes No

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (01/22/20)

Department Approval: Serena Wright-Black, Assistant City Manager (01/20/20)

RECOMMENDATION

The City Council Ad Hoc Equity Subcommittee ("Subcommittee") recommends the City Council (1) introduce an Ordinance amending Culver City Municipal Code (CCMC) Chapter 3.03 pertaining to City Commissions, to add equity policy language, and to allow appointment of non-registered voters and minors age 16 and older to City Commissions; (2) adopt a resolution approving changes to the City Policy on Commissions, Committees and Boards pertaining to eligibility, equity, childcare and training of appointed officials; and (3) provide any direction to the City Manager as deemed appropriate.

BACKGROUND / DISCUSSION

On October 28, 2019, after considering a recommendation from the Subcommittee, City Council

directed staff to bring back an amended ordinance revising CCMC Chapter 3.03, which would allow non-registered voters and minors over age 16 to be eligible for appointment to City commissions. In addition, equity and inclusiveness language is proposed to be added to Chapter 3.03 to reflect City Council policy that each commission ensure that its programs, policies and activities provide equal access and opportunities to all persons.

Eligibility Requirements

The current language of the CCMC in reference to eligibility requirements reads, in pertinent part, as follows:

“...Commissioners shall be residents of the City who are lawfully registered voters of the City, none of whom shall hold any paid office or employment in the City Government. Applicants for appointment to any Commission seat must have been lawfully registered voters of the City for the thirty (30) days immediately preceding the filing of their application...” (CCMC 3.03.005)

On October 12, 2019, Governor Gavin Newsome signed into legislation Senate Bill 225, allowing all California residents, regardless of citizenship, to be considered for appointment on commissions, boards and committees. Removing the requirement that Commissioners must be registered voters allows City residents to apply for Commission appointments, regardless of their immigration or citizenship status. The Subcommittee is also recommending that residents who are at least 16 years old be eligible to apply for Commission appointments.

The proposed Ordinance reads as follows (underline denotes addition, ~~strikethrough~~ denotes deletion):

§ 3.03.005 CREATION; COMPOSITION; ELIGIBILITY; COMPENSATION.

There shall be a Civil Service Commission, Cultural Affairs Commission, Parks, Recreation, and Community Services Commission, and Planning Commission, each consisting of five (5) members to be appointed by the City Council. Commissioners shall be residents of the City ~~who are lawfully registered voters of the City~~, none of whom shall hold any paid office or employment in the City Government. ~~Applicants for appointment to any Commission seat must have been lawfully registered voters of the City for the thirty (30) days immediately preceding the filing of their application.~~ Minors, age 16 or older, are eligible to apply with parental or legal guardian consent. No person may serve on more than one (1) Commission at the same time. Compensation of Commissioners, if any, may be established by resolution of the City Council.

§ 3.03.040 POLICY.

It shall be the policy of the City Council that each Commission shall ensure that its programs, policies and activities provide equal access and opportunities to all persons.

§ 3.03.200 CULTURAL AFFAIRS COMMISSION.

The Cultural Affairs Commission shall have the following powers and duties:

- A. Act in an advisory capacity to the City Council on matters pertaining to the enrichment of the community through fine arts, visual arts, performing arts, arts education, historic preservation and cultural issues;
- B. Serve as an advocate for equity, diversity and inclusion in for cultural activities and programs within the City;
- C. Implement the City's Public Art Program, and encourage the integration of cultural affairs into the social and economic fabric of the City to improve the quality of life for City residents; and
- D. Perform such other duties, not inconsistent with the City Charter or this Code, as maybe prescribed by ordinance, resolution, City Council policy or other City Council action.

§ 3.03.300 PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION.

The Parks, Recreation, and Community Services Commission shall have the following powers and duties:

- A. Act in an advisory capacity to the City Council and City Manager on matters pertaining to public recreation, parks, recreation/community center facilities, open space and tree programs, where such trees are located in parks and open space, playgrounds, and music and entertainment as may from time to time be performed in the City's parks;
- B. At the direction of the City Council or the City Manager, assist staff assigned to review the requirements of the City for facilities relating to the functions set forth in division A., and to make recommendations related to the adoption and updating of City master plans relating to parks, recreation, and open space;
- ~~C. At the direction of the City Council or the City Manager, recommend programs and plans designed to promote the full acceptance of all citizens in all aspects of community life, without regard to race, religion, gender, sexual orientation, age or national origin.~~
- ~~D~~C. At the direction of the City Council or the City Manager, recommend and support program policies relating to various community service functions of the City, including, but not limited to, programs for youth, teens, seniors, and people with special needs;
- ~~E~~D. At the direction of the City Council or the City Manager, balance program and project recommendations by applying realistic expectations of budgetary and staffing resources, environmental sustainability, neighborhood compatibility, and other relevant factors; and
- ~~F~~E. Perform such other duties, not inconsistent with the City Charter or this Code, as may be prescribed by ordinance, resolution, City Council policy or other City Council action.

CBC Policy Statement

The Council Equity Subcommittee is proposing additional changes that will have an effect on Commissions, Committees and Boards. These additional requirements will be added to the City Council Policy Statement pertaining to City Commissions, Boards and Committees ("CBC Policy"). Those changes include:

- Adding eligibility requirements, that all appointees shall be residents of the city, unless the vacant seat specifically designates otherwise;
- Permitting minors age 16 or order to apply for appointment, with the consent of their parent or guardian;
- Adding language to express that it is the responsibility of each CBC Member to ensure that the programs, policies and activities it oversees provide equal access and opportunities to all persons;
- Offering childcare at all Commission, Committee and Board meetings, as well as City Council meetings. This would require that children be toilet trained and registered at least 24 hours prior to the start of the meeting;
- Requiring all elected and appointed officials to participate in ongoing training related to diversity, equity and inclusion, in addition to the current requirement related to Ethics, Conflict of Interest, and Sexual Harassment training;
- Changing the requirement that each CBC submits a report to City Council from quarterly to biannually.

The Subcommittee recommends the City Council adopt the proposed Resolution amending the CBC Policy, as reflected above.

Commission Feedback

Staff attended the regular meetings of the Civil Service Commission, the Cultural Affairs Commission, the Parks, Recreation and Community Services Commission and the Planning Commission (collectively "Commissions") in November and December 2019 and discussed the proposed CCMC and CBC Policy changes.

Overall, the Commissions were supportive of adding equity language to the CCMC and requiring related training. There was also support for providing childcare at City Council, commission, committee, and board meetings. In addition, most Commissioners were generally in favor of allowing non-registered voters to be considered for appointment on a city commission, committee or board. However, there were questions raised related to how residency of a non-registered voter would be determined, if City Council would require minimum years of residency to qualify and whether a non-citizen could take an oath of office to uphold the U.S. Constitution. There were also comments to the effect that serving on a Commission is a privilege of citizenship.

The majority of each Commission expressed a considerable amount of concern in relation to changing the CCMC to allow minors age 16 and over to be considered for appointment on a city commission, committee or board (CBC). Some of the specific questions and comments raised include:

- Why doesn't City Council consider a non-voting youth seat or youth advisory committee?

- Will a 16-year-old be able to commit to a 4-year term?
- Does a 16-year-old possess the same skills, knowledge and experience as other qualified CBC applicants?
- Is a 16-year old's vote legally binding?

Staff researched those concerns and determined that there are no legal barriers to considering non-registered voters and minors age 16 and over for appointment to a city commission, committee or board.

FISCAL ANALYSIS

Estimated costs associated with offering childcare at all city Council, Commission, Committee and Board meetings is approximately \$9,600* per year. This estimation is based on the actual number of Council and CBC meetings held in 2019. Adding mandatory diversity, equity and inclusion training to be included in the annual CBC orientation meeting is approximately \$2,000.

*Estimation based on the actual number of Council and CBC meetings held in 2019. Calculated on the base hourly rate of two Recreation Leader I's.

ATTACHMENTS

1. 2020-01-27_ATT 1_ Proposed Ordinance Amending Culver City Municipal Code Chapter 3.03
2. 2020-01-27_ATT 2_ Proposed Resolution Amending City Council Policy Statement: City Commissions, Boards and Committees

MOTION

That the City Council:

1. Introduce an Ordinance amending Culver City Municipal Code (CCMC) Chapter 3.03 pertaining to City Commissions, to add equity policy language, and to allow appointment of non-registered voters and minors age 16 and over to City Commissions; and
2. Adopt a Resolution approving proposed changes to the City Policy on Commissions, Committees and Boards pertaining to eligibility, childcare and training of appointed officials; and
3. Provide any other direction to the City Manager as deemed appropriate.