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**CITY OF CARSON
SUMMARY OF DISCUSSION DURING PROPOSED CHARTER
COMMITTEE MEETING**

**CONGRESSWOMAN JUANITA MILLENDER-MCDONALD COMMUNITY CENTER
AT CARSON
CARSON DOMINGUEZ ROOM
801 East Carson Street
CARSON, CALIFORNIA 90745**

MONDAY, MAY 14, 2018, 6:00 P.M.

CALL TO ORDER:

Chair Meni called the meeting to order at 6:12 P.M.

ROLL CALL:

Secretary Dr. Sharma Henderson called the roll:

Members Present:

Gilbert Smith – Excused absence	Alex Cainglet	Dr. Sharma Henderson, Secretary
Matthew Marfice	Rashina Young	Karen Avilla, Vice Chair
Ana Meni, Chair	Vera Robles-Dewitt	Michael Stewart
Philipta Hicks, Alternate - absent	Latrice Carter, Alternate	Cedell Bush, Alternate - absent

Staff Present:

Deputy City Attorney Lum Fobi	City Manager Kenneth Farfsing	Assistant to the City Manager Lisa Berglund
City Clerk Donesia Gause- Aldana	Senior Deputy City Clerk Cristal McDonald	Deputy City Clerk Joy Simarago
Council Field Representative Sylvia Rubio		

Chair Meni noted Committee Member Gil Smith excused absence.

NEW BUSINESS

**ITEM NO. (1) REVIEW CONTENTS OF OTHER CITY CHARTERS AND
DISCUSS THE CONTENTS OF A POSSIBLE CITY CHARTER
FOR CARSON**

RECOMMENDATION to the Committee:

1. DISCUSS and PROVIDE direction.

City Manager Farfsing - noted the following documents available for the public.

- 1) City of Carson Meeting of the Committee of the Proposed City Charter Agenda
- 2) City Charter City of Inglewood
- 3) Torrance Municipal Code THE CHARTER
- 4) Draft City of Rancho Palos Verdes City Charter

Deputy City Attorney Fobi - also provided copies of her memorandum dated May 14, 2018 to the Members of the Committee of the Proposed City Charter regarding Benefits and Disadvantages to Becoming a Charter City and accompanying Agenda for her presentation and provided overview of sample charters.

Chair Meni - referred to her memorandum dated 5/14/18 addressed to Committee members regarding Potential City Charter (City of Carson). She provided copies to the Committee members and staff.

Deputy City Attorney Fobi - reviewed the following questions that were presented at the Committee meeting on May 7, 2018. She noted the answers to the questions will be available online and a printout form will be available at the next Committee meeting.

Question 1: On the date that an adopted city charter takes effect, what are the immediate impacts on the city's present elected officials?

Answer: Will depend on the terms of the adopted charter themselves. The City may provide for the manner, the method, the time and the terms for which its public officials are serving or how they should be elected; based on the terms of the charter, the charter may dictate whether and how the present elected officials continue in their service, continue to perform their duties in their respective offices whether their terms will expire or lapse, whether they can start a new term under the terms of the charter. It is an open area for which the City may decide; noted the process of adopting and implementing a charter can be complicated but a good goal is to continue the flow of the City government as implemented.

Question 2: Can a charter require the City Council to act by a super majority vote on issues where presently no super majority is required?

Answer: Yes. The charter may require a super majority vote by the Council on issues that presently require a majority vote of the Council; the provisions of a charter may establish the number of affirmative votes required for the enactment of ordinances approving payment of money, entering contracts, etc. The provisions of a charter can also establish a higher number of votes required, can also require a super majority required for Council action on specific issues. However, general law may require the City act by a super majority of the Council members or possibly by a majority vote of the electorate for certain issues that are matters of statewide concern such as the passage of an urgency ordinance or the city's exercises of its taxing authority. In instances the City would be pre-empted from acting in a matter that is in conflict with that required by state law.

Question 3: Can a charter establish or authorize the City Council to establish standards that are less strict than general law standards for certain issues?

Answer: Yes. The City may apply more lenient standards than those set by general law on matters in respect to municipal affairs subject to constitutional requirements. However, with respect to other matters of statewide concern, the City must apply standards that match or are stricter than those set by general law.

Deputy City Attorney Fobi discussed the following specific issues:

- 1) Form of Government
- 2) Selection of City Clerk/City Treasurer
- 3) Council Compensation
- 4) City Districting

Chair Meni - noted the role and purpose of the Committee and referred to her memorandum dated 5/14/18 addressed to the Committee members regarding Potential City Charter (City of Carson).

Committee Member Avilla – requested Deputy City Attorney Fobi to provide examples of statewide concern versus municipal affairs; also, if charter is adopted at the same time individuals are elected to office, what happens to those elected officials who are elected at that time.

Deputy City Attorney Fobi - stated municipal affairs are considered issues that are purely of a local nature; the state has not determined to have such an affect that it has to be applied to most cities in the state or that it needs to be a standard application across state lines. In making the determination for what is a municipal affair whether something is municipal or statewide generally goes to the courts. Looking at whether the charter provision conflicts with general law, you absolutely cannot operate under both laws at the same time. If you can comply with the charter provision as well as comply with state law, there is no conflict. If there is a charter provision that it's impossible to comply with that as well as comply with the state law then need to look at how does that charter provision conflict and whether that conflict has an affect with a particular policy that the state legislature has determined should be a standard statewide.

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City Manager Farfsing - provided examples such as term limits would be more of a local concern; also noted there are different aspects of non-municipal affairs that are statewide concern.

Upon inquiry, Deputy City Attorney Fobi confirmed that the State does not identify municipal affairs but legislature identifies statewide concerns.

Committee Member Cainglet - inquired about the elected officials who are up for reelection in November and how would they be affected if the City charter is adopted. Deputy City Attorney Fobi stated it would be effective as provided in the charter.

Upon inquiry, City Manager Farfsing addressed purchasing regulations where there is a provision that the City Manager can sign contracts up to \$25,000 and if over \$25,000 must be approved by City Council which is a municipal affair statewide.

Committee Member Stewart - inquired how would the charter affect established contract services with the county for police and fire. Deputy City Attorney Fobi stated the charter can provide or continue to maintain current status or set guidelines City taking over contract services. City Manager Farfsing stated is a municipal affair and changes must go to the voters if county services are included in the charter.

Committee Member Carter - referred to Chair Meni's memorandum regarding reason looking into having Carson as a charter City because the City lost the bid for the NFL stadium to the City of Inglewood because they are a charter city. She inquired if staff can expand on what the City of Inglewood being a charter city made City of Carson lose as opposed to City being general law. Chair Meni elaborated on the reason.

Committee Member Carter - inquired about the following: 1) How will commissions be affected, 2) Will City Council meetings change and compensation of Council Members, 3) Will City Attorney be elected position, 4) Will City Controller position be elected; 5) If appointing City Clerk and City Treasurer, will it be a vote to the citizens; 6) If districts, will there be field offices and field representatives and compensation, and 7) Is Carson able to sustain all the funds that is going to be required of going into a charter city.

City Manager Farfsing – stated that commissions are a municipal affair and can be included in a charter, the day and time for council meetings is also a municipal affair; Council compensation can follow the government code or other options can be included in the charter; generally council compensation increases cannot be voted on by the sitting council and go into effect after the council election; the various positions of City Controller, City Clerk and City Treasurer are of a municipal affair and could be included in the charter; the Council would need to decide on staffing for their office related to council districts, as this is a municipal affair.

Secretary Dr. Henderson - referred to Deputy City Attorney Fobi's memorandum regarding Benefits and Disadvantages to Becoming a Charter City – inquired if charter could be amended without voter approval. Deputy City Attorney Fobi stated same process to the voters for language to be amended. Therefore, she will amend her memorandum to state, "...charter cannot be amended *without* voter approval."

Secretary Dr. Henderson - inquired how is policy established for a municipal affairs issue where charter is silent. Deputy City Attorney Fobi stated City would not default to the State; City would continue to work under general law and follow the Carson Municipal Code based on a specific issue.

City Manager Farfsing - noted the importance to have the distinction between charter and City Code noting example of zoning regulations adopted by City Code and affordable housing laws by the State which cannot be overruled.

Secretary Dr. Henderson - referred to negotiating utility rates and inquired about the compensation of the City Clerk and City Treasurer.

Chair Meni - inquired how utility service would be affected if charter; does City change or remain status quo.

City Manager Farfsing - referred to water service regulated by the Public Utilities Commission; no impact with charter.

Deputy City Attorney Fobi - stated she would come back with information regarding compensation of the City Clerk and City Treasurer.

ORAL COMMUNICATIONS

Mayor Robles – thanked and commended all Committee members for their participation; noted process is to answer questions and what level of interest there is changing and assessing whether interest in proceeding with the charter to be presented to the voters; addressed issue of becoming charter city which is not new; addressed the selection of committee members that there was no test provided to be part of committee therefore all represented.

City Clerk Gause-Aldana - addressed Secretary Dr. Henderson's question that it is the opportunity for the public to decide if City Clerk and City Treasurer be appointed and could include in the charter proposal to be appointed or elected; can determine if will take effect at the adoption of the charter or at the commencement of the next term; provided example of City Torrance; would have to go to the voters to decide.

Rick Pulido – provided handout of his 13 inquiries to the City Clerk.

Cheryl Wilson – inquired why now and what are the benefits; need better communication to inform the public; who are making decisions and who are the watch dogs.

Roye Love – opposed to idea of city charter; referred to Mayor salary which can be increased; referred to composition of Committee who would be in favor.

Janice Schaefer – would like to see Committee member names published in the website, felt City Manager and City Attorney presentation are promoting idea; not easy to amend for the ballot and if go through proposed charter city to be careful how much power is given to the Mayor who is under a lot of scrutiny; inquired when is the next committee meeting; felt not enough time to place on the November ballot.

William Koons – inquired if charter would include the Mayor holding two incompatible jobs; opposed to allow in charter to hold two positions; referred to Deputy City Attorney Fobi who stated Council districts are allowed in charter; does not support salary increase for the Mayor and Council salary increase; inquired what will happen to City employees and unions; noted the disadvantages of a charter city specifically cost involved.

Liz Foisia – noted process on a fast track; referred to Rancho Palos Verdes city charter also taking their proposal in November in which handout has more information and City not enough information; noted Rancho Palos Verdes began this process ten years ago; asked City to think about the their future and not depend on current Mayor and Council to make decision.

There being no further persons wishing to speak, Chair Meni closed Oral Communications.

Chair Meni - announced the next Committee meeting on Monday, May 21, 2018, 6:00 P.M. and Public Hearing on Tuesday, May 29, 2018 at 12:30 P.M., in the Helen Kawagoe Council Chambers, at Carson City Hall; provided timeline; noted the Committee is an ad hoc committee; stressed the importance of everyone to understand the process.

Committee Member Stewart – inquired how contracts would be affected with MOU already established with City employees.

Chair Meni – requested staff to address the process at the next Committee meeting; stated briefly the process will be to meet and confer with bargaining units; noted no charter prepared at this time for review.

City Manager Farfsing – stated he would come back with more information as addressed this evening.

Committee Member Cainglet – inquired if City limited to Mayor and Council form of government; referred to Rancho Palos Verdes Director of Finance and City Treasurer if one position.

Chair Meni – noted Council would decide what to include in the charter.

City Manager Farfsing – stated the Rancho Palos Verdes Director of Finance and City Treasurer are one in the same.

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Secretary Dr. Henderson – noted Council chose to initiate to propose charter; would like to see option available how to propose charter; inquired who makes final decision to the voters; noted the importance for public to understand that Committee does not have final decision; and requested staff to indicate the role of the Committee for public to understand.

Chair Meni – noted Committee is ad hoc and their role; topics are numerous; requested staff to post information on website; and provide information to Committee members.

Secretary Dr. Henderson – requested staff educate the public what committee can or cannot do and present at each meeting.

Committee Member Marfice – inquired what is City trying to achieve, what are the benefits, and more specifics would be helpful.

Committee Member Avilla – clarified listening to speakers to assist in making a recommendation; inquired at what point will all recommendations be provided to Committee members before the Public Hearing; requested to see draft charter; and requested more guidance as a committee.

Deputy City Attorney Fobi – stated she understands Committee's request to see language; will provide outline of general law and specific language before next meeting and will start producing language based on inquiries to date.

City Manager Farfsing – stated he does not anticipate the draft charter will be ready for the City Council by May 29, 2018 since it is a work in progress but staff will begin drafting it.

Committee Member Carter – concerned with timing of fast track if realistic which requires more time; noted that Committee members are not compensated and is volunteering as a resident and willing to hear both sides.

Chair Meni – noted it's the Committee members' civic duty to be part of the Committee.

Committee Member Young - agreed with timeline which is unrealistic; inquired if Committee decided on recommendations and if Council is being informed of the committee meetings; requested to see draft charter; and when will make decision.

Committee Member Avilla exited the meeting at 8:04 P.M.

Committee Member DeWitt - inquired if Committee expected to attend May 29, 2018 Public Hearing.

City Manager Farfsing – stated it would be helpful for Committee members to attend the Public Hearing in case questions by City Council.

Committee Member Stewart – inquired what changes currently established and current form of government rather than a charter.

Secretary Dr. Henderson exited the meeting at 8:06 P.M.

Chair Meni – requested staff to post her memorandum dated 5/14/18 she provided earlier in the meeting; concerned of timelines based on topics presented; requested staff to narrow the scope; noted no true cause and effect other than local preference; and requested objectives in writing.

Committee Member Avilla reentered the meeting at 8:07 P.M.

Chair Meni – inquired if there are checks and balances; requested table of comparison how the current Carson Municipal Code relates to the charter; referred to ordinances and resolutions if they need to be included; whether change is warranted for the benefit of the community as a whole; requested the public be considerate of Committee members in addressing them who may be in favor or not; addressed short timeframe and communication; noted Committee has no budget. Anyone with questions or concerns, contact the City Manager at 310-952-1729.

ADJOURNMENT

Chair Meni adjourned the meeting at 8:11 P.M.