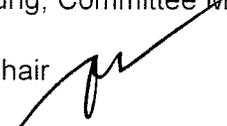


**City of Carson -
Committee of the Proposed City Charter**

Memo

To: Karen Avilla, Vice Chair
Dr. Sharma Henderson, Secretary
Alex Cainglet, Committee Member
Vera Robles Dewitt, Committee Member
Matthew Marfice, Committee Member
Gil Smith, Committee Member
Michael Stewart, Committee Member
Rashina Young, Committee Member

From: Ana Meni, Chair 

cc: Donesia Gause-Aldana, City Clerk
Ken Farfing, City Manager
Sunny Soltani, City Attorney
Lum Fobi, Assistant City Attorney

Date: 05/14/18

Re: Potential City Charter (City of Carson)

Since the committee was not provided much direction from the City Council regarding the potential charter or presented with a proposed charter to review, I thought it would be best that I provide, from my personal observations, issues and concerns that we should take into consideration.

REASON

At the 05/01/18 City Council meeting (item #29), the City Council created a 9-member committee (ad-hoc) to identify topics to be included in the charter and to draft the proposed charter. The two main reasons that were given by the City Council as the basis for changing from a general law city to a charter city:

1. City of Carson lost the NFL stadium to City of Inglewood.
2. Local preference to vendors.

COMMITTEE'S OBJECTIVES

1. Identify topics to be included in the charter and to draft the proposed city charter.
2. Provide a recommendation to the Carson City Council; to select one (1) of the following:
 - a. Make no change, stay as is – general law city.
 - b. Make no change, stay as is for the time being – general law city.
 - i. Continue to explore the City's option of becoming a charter city.
 - c. Change the City of Carson from a general law city to a charter city.

- i. City Council to place a ballot measure for the next State election, Tuesday, 11/08/18.

ROLE

As we delve into charter city options, we must keep in consideration the different roles the City of Carson serves as:

1. Governing entity
2. Employer

As the governing entity, how does switching to a charter affect our current services including contracts for our police and fire services? Would the City be required to set-up services for utilities or remain status quo?

As an employer, has the City taken the necessary steps under the Meyer-Milias-Brown Act (MMBA) to meet and confer with the represented bargaining units over this proposed charter? Would there be any disruption to the workforce, wages, etc. from switching to a charter?

CHECK AND BALANCE

In reviewing the options of a charter, we must also be cognizant of providing for a system of check and balance. What should we include to prevent corruption from occurring at the hands of our officials – elected and appointed? How do we make sure that there is a balance of powers awarded to the Mayor and City Council in a charter? What steps do we need to take in order to prevent situations like what happened in the Cities of Adelanto, Bell, Stockton, and Vernon from occurring here within the City of Carson?

CARSON MUNICIPAL CODE (CMC)

If the charter were to be created, would the current Carson Municipal Code still be in effect? Would the CMC become the charter? What happens if we forget to include provisions in the charter? Would we be governed, by default under State statues? How is that determined? Would the City have to wait until the next State election (every two years) to make modifications to the charter?

ELECTED POSITIONS & ELECTIONS

The City currently has seven (7) elected positions (1-Mayor, 4-City Council Members, 1-City Clerk, and 1-City Treasurer). If the City were to create a charter, would that allow for the City to do away with the term limits that was already voted on by the residents?

Enclosures: City Council Staff Report Regarding Charter – 05/01/18, Item #29.
City Council Public Hearing Notice – 05/29/18.



File #: 2018-285, Version: 1

Report to Mayor and City Council

Tuesday, May 01, 2018

Discussion

SUBJECT:

**INTRODUCTION OF CONSIDERATION FOR POTENTIAL CITY CHARTER;
FORMATION OF A CHARTER COMMITTEE AND APPOINTMENT OF COMMUNITY
MEMBERS TO CHARTER COMMITTEE FOR THE PURPOSE OF IDENTIFYING THE
CONTENTS OF AND DRAFTING A POSSIBLE CITY CHARTER; PROCESS FOR
ADOPTION OF A CITY CHARTER (CITY COUNCIL)**

I. SUMMARY

The City Council has determined that it would like to explore the possibility of a city charter for adoption by the voters in the November 6, 2018 general election. A charter city allows for a greater degree of local control and charter amendments require a vote of the people. A charter is also subject to citizen initiative measures, which can also lead to special interest proposals to amend the charter. A City Charter would give the City the power to adopt legislation or regulatory authority or oversight in areas deemed to be purely municipal affairs. The process of developing a city charter will involve the establishing of a Charter Committee, drafting of a City Charter, and the holding of two public hearings on the proposed city charter.

II. RECOMMENDATION

TAKE the following action:

1. RECEIVE and FILE this report.
2. FORM a Charter Committee made up of appointed Carson community members to identify topics to be included in the charter and to draft the proposed city charter.
3. INSTRUCT staff to notice the required public hearings pursuant to government code section 34458.

III. ALTERNATIVES

1. ALLOW voters to elect members of a charter commission to identify charter contents and to draft the city charter.
2. TAKE such other action as the City Council deems appropriate.

IV. BACKGROUND

The City of Carson has, since its incorporation, operated as a general law city as specified by state law. The voters of this community could, if they so chose, adopt a charter, sometimes considered a city constitution. A charter would have the legal effect of transferring the power to adopt legislation or regulatory authority and oversight in those areas of unique local concern, which are referred to as “municipal affairs.” (Cal. Const. Art. XI, §5.) However, even charter cities remain subject to laws of “statewide concern” on matters that require state-wide uniformity or that affect cities state-wide.

As a charter city, Carson would have greater authority and autonomy, in some instances, to adopt its own rules relating to such matters as the conduct of elections, councilmember compensation, city council procedures and protocols, the process of public contracting, the payment of prevailing wages, taxation issues, and zoning regulations, among many other topics that could be included in a charter. General law cities must follow all state statutes. A Charter provides independence from the state that is not available to general law cities, and thus may constrain the power of the state over actions like “borrowing” local funds to balance its budget shortfalls or the City’s disincorporation. Furthermore, the people are in control of the charter and can draft a charter and/or amend as necessary to curb any potential abuses of power.

The City may undertake a public charter drafting process by electing a charter committee, by the City Council’s appointment of a charter committee, or through some other public process. (Gov. Code § 34458.) Such a committee has the responsibility of considering what topics should be addressed in the charter, and then such committee would be tasked with actually drafting a charter for presentation to the voters for consideration and possible approval. (Cal. Const. Art. XI § 3.)

Prior to submitting the proposed city charter to the voters, the City Council is required to hold at least two public hearings on the matters of the proposal of a city charter and the content of the proposed charter. A charter can only be adopted, amended, or repealed by the voters of the City of Carson at any special or general election, as long as that election date is at least **eighty-eight (88)** days after the proposal for adopting the charter is filed with the city clerk. If the charter is approved by the voters, its deemed ratified. The ratified charter becomes effective upon approval and filing by the Secretary of State. (Gov. Code §§ 34458-34459.) The process of developing a draft city charter is a substantial undertaking which should commence immediately.

V. FISCAL IMPACT

Unknown at this time. Should the City Council decide to proceed with the process of developing a City Charter, staff will return with estimated election costs.

VI. EXHIBITS

None.

Prepared by: City Attorney's Office



CITY OF CARSON

OFFICE OF THE CITY CLERK

NOTICE OF FIRST PUBLIC HEARING

PROPOSED ADOPTION OF A CITY CHARTER

NOTICE IS HEREBY GIVEN that on May 29, 2018 at 12:30 p.m. or as soon thereafter as it may convene, a public hearing will be held before the Carson City Council, at the Helen Kawagoe Council Chambers of Carson City Hall, located at 701 E. Carson Street, Carson, California 90745. At the public hearing, the City Council and Charter Committee will consider and receive comments from the community for a proposal to adopt a City Charter.

This hearing fulfills the requirements of California Government Code §34458(b) for a first public hearing to consider the adoption of a city charter. If the City Council and Committee approve further consideration of this city charter, a second noticed public hearing will be held as required by law.

Members of the public are encouraged to attend the public hearing or to submit written comments. Any written comments should be submitted to the City Clerk's Office no later than the time of the public hearing. Public comments also can be made at the public hearing at the time and place first set forth below.

DATE AND TIME: Tuesday, May 29, 2018, 12:30 P.M.

PLACE: Helen Kawagoe Council Chambers, 2nd Floor
Carson City Hall
701 E. Carson Street
Carson, California 90745

DATED: April 30, 2018

Donesia Gause-Aldana, MMC, City Clerk
City of Carson, California