



Legislation Text

File #: 2018-378, Version: 1

Report to Mayor and City Council

Tuesday, May 29, 2018
Special Orders of the Day

SUBJECT:

FIRST PUBLIC HEARING OF THE PROPOSED ADOPTION OF A CITY CHARTER AND UPDATE AND RECOMMENDATIONS FROM THE COMMITTEE OF THE PROPOSED CITY CHARTER (CITY COUNCIL)

I. SUMMARY

On May 1, 2018, the City Council decided to explore the possibility of submitting a proposed city charter to the voters for adoption in the November 6, 2018 general election. The City Council also created a committee of Carson community members and to identify topics and make recommendations for inclusion in the proposed city charter. At the time this report was drafted, the committee had held three meetings. Part of the process of developing a city charter involves holding two noticed public hearings on the proposed city charter. Tonight is the first noticed public hearing and fulfills the requirements of California Government code §34458(b) for a first public hearing to consider a city charter.

The City Clerk has drafted a timeline citing the action needs to occur in order to place this matter on the November 6, 2018 ballot (Exhibit No. 1).

II. RECOMMENDATION

TAKE the following actions:

1. HOLD the Noticed Public Hearing, AND
2. DETERMINE the amount of funding to be added to the budget for audio visual and promotion and publicity, THEN
3. WAIVE further reading and adopt Resolution No. 18-065, "A RESOLUTION OF THE CARSON CITY COUNCIL AMENDING THE FISCAL YEAR 2017/18 BUDGET IN THE GENERAL FUND"

III. ALTERNATIVES

None.

IV. BACKGROUND

Composition of the Committee of the Proposed City Charter:

During the Council meeting held on May 15, 2018, the Mayor changed the composition of the Committee. Originally the Committee was composed of nine appointed members and three alternate members. The three alternate positions were changed to regular member positions, thereby adding Latrice Carter, Philipta Hicks, and Lambert Adouki to the appointed Committee membership. The Committee is now comprised of twelve regular members and no alternate members.

Update - Committee of the Proposed City Charter:

The Committee of the Proposed City Charter (Committee) has held three meetings this month; May 7, May 14 and May 21. See attached agendas, summary notes and memos (Exhibit Nos. 2-8). During these meetings, a number of key provisions for a possible city charter have been discussed by the Committee in preparation for making recommendations to the Council. At the time this report was drafted, the Committee had voted on three recommendations to send to the Council:

- 1) The proposed city charter should establish a “Council/Manager” form of government, in which the City Council determines the City’s policies and the City Manager administers the City. The City is currently operating under the “Council/Manager” form of government.
- 2) The proposed city charter should not grant the Office of the Mayor any additional powers beyond that currently held by the Office of the Mayor, mainly as the presiding member of the City Council and the ministerial duty of signing written contracts entered into by the City. The Office of the Mayor shall not have the veto power.
- 3) The powers and duties of the City Manager in administering the day-to-day affairs of the City shall not change from that currently in operation.

Staff has created a dedicated link on the City website with all of the documents shared during Committee meetings listed for the public to view. It is available at:

<http://ci.carson.ca.us/CityManager/Charter.aspx>

Background:

Adopting a city charter allows for a greater degree of local control over matters of purely local concern. The adoption of a charter and charter amendments may be proposed by the City Council or by citizen initiative, but adoption and ratification requires a vote of the

people. A charter city has the authority to regulate and oversee all areas that are considered matters of local concern, subject only to the charter itself and the state and federal Constitutions. Charter cities are still subject to state general law in areas that are matters of statewide concern. This process of developing a city charter for the City of Carson involves establishment of a Charter Committee, drafting of a City Charter, and the holding a minimum of two public hearings on the proposed city charter.

The City of Carson has, since its incorporation, operated as a general law city in accordance with state law. The voters of this community could vote to adopt a charter, which would be the law of the City with the force and effect of state law, sometimes considered a city's constitution. An adopted city charter would have the legal effect of transferring the power to adopt legislation and regulatory and oversight authority in those areas of unique local concern, which are referred to as "municipal affairs," while still recognizing state law supremacy over matters that require state-wide uniformity or that affect cities state-wide. (Cal. Const. Art. XI, §5.)

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 or provided for in a charter. General law cities must follow all generic state statutes. A city charter provides independence from the state that is not available to general law cities. Furthermore, the people are in control of the charter and can amend as necessary to curb any inefficiencies or potential abuses of power.

The City may undertake a public charter drafting process by electing a charter committee, or by some other public process determined by the City Council. (Gov. Code §§ 34450-34458.) The Council has decided to appoint members to a charter committee to consider and make recommendations for the topics to be addressed in the proposed city charter, before its presentation to the voters for consideration and possible approval.

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 a special or general election, and that election date must be at least **eighty-eight (88) days** after the Council votes to submit a proposed charter to the voters. 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.)

V. FISCAL IMPACT

Refer to Exhibit No. 9. The Committee has received requests for additional community outreach to the residents. Staff recommends one or both of the following:

- A. Delivering an informative flyer citywide via The Walking Man at a cost of \$3000.00; and/or
- B. Design and mail a Special Edition Carson Report at the cost of \$8500.00.

Funds for these items were not included in the FY 2017/18 budget; therefore if the Council chooses to proceed with one or both of these outreach options, the budget will need to be increased by one of the amounts listed above. Funds should be appropriated from the fund balance to account no. 01-50-540-003-6008.

- C. In addition, funds for audio visual needed to conduct the Committee meetings were not included in the FY 2017/18 budget. The Committee has scheduled a total of seven meetings in this FY therefore the budget will need to be increased by \$5000.00. Funds should be appropriated from the fund balance to account no. 01-50-010-001-6004.

VI. EXHIBITS

1. General Municipal Election Timeline. (pgs. 5-6)
2. Agenda, May 7, 2018. (pg. 7)
3. Summary Notes, May 7, 2018. (pgs. 8-12)
4. Agenda, May 14, 2018. (pg.13)
5. Summary Notes, May 14, 2018. (pgs. 14-21)
6. Agenda, May 21, 2018. (pg. 22)
7. Memo, dated May 14 and 21, 2018 from Aleshire & Wynder. (pgs. 23-28)
8. Memo, dated May 14 and 21, 2018 from Chair Meni to Committee members. (pgs. 29-32)
9. Resolution 18-065. (pgs. 33)
10. Draft Portions of a Proposed City Charter Using Recommendations from the Charter Committee thus far. - *This document will be hand delivered by the City Attorney the evening of the Public Hearing.*

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