1. October 14, 2015 Agenda

Documents:

OCTOBER 14, 2015 AGENDA.PDF

2. Previous Meeting Minutes

Documents:

OCTOBER 14, 2015 MINUTES.PDF

3. Item 2

Documents:

OCTOBER 14, 2015 AGENDA ITEM NO. 2.PDF

4. Item 3

Documents:

OCTOBER 14, 2015 AGENDA ITEM NO. 3.PDF

5. Item 4

Documents:

OCTOBER 14, 2015 AGENDA ITEM NO. 4.PDF

6. Item 5

Documents:

OCTOBER 14, 2015 AGENDA ITEM NO. 5.PDF
AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 14, 2015, 4:00 P.M.
CITY HALL, 501 POLI STREET, VENTURA
SANTA CRUZ CONFERENCE ROOM

ROLL CALL

INFORMATION ITEMS

None.

FORMAL ITEMS

1. Consideration of the Minutes of the September 9, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of September 9, 2015 as submitted by the City Clerk.


RECOMMENDATION

That the Charter Review Committee take action as it deems appropriate.
3. Consideration of Items Previously Discussed and Further Discussion and Consideration

A. City Council Compensation
   Tentative Decision: City Council $1,000 per month, Mayor $1,200 per month
   Revised Decision: City Council $1,200 per month; Mayor $1,500 per month

B. City Council Term and Term-Limits
   Tentative Decision: No change to 4 year term and no term-limits
   Revised Decision: Retain 4 year terms; Prohibit more than three consecutive terms; after three terms, can become eligible again if a four year period has passed since last served; prohibit serving three terms and moving to another district to become eligible again unless a four year period has passed since last service

C. Retention of the School District Within the Charter
   Tentative Decision: Remove school district from Charter

D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
   Tentative Decision: Retain current City Council selection of Mayor and Deputy Mayor; retain two-year term; and retain current non-consecutive term prohibition

E. Gender Neutral Language in the Charter
   Tentative Decision: Modify sections of the Charter that have gender specific language to gender neutral language

F. Durational Residency Requirement as a Condition of Holding Elective Office
   Tentative Decision: Reduce current durational residency requirement to 30 days consistent with California Supreme Court decisions

G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council
   Tentative Decision: Have City Council elected by geographic districts
   Clarification: without reference to the appropriate number of districts.

H. Retaining Residency Requirement for the City Manager in Section 800 of the Charter
   Tentative Decision: Eliminate the legal requirement, but encourage residency

I. Appropriate Title for the Position of Deputy Mayor
   Tentative Decision: Change Title to Mayor Pro-Tem

J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor
   Tentative Decision: Fill Mayor vacancy by having Mayor Pro-Tem move up; Have City Council select a new Mayor Pro-Tem if a
vacancy; If 50% plus 1 day of a Mayor's two year is filled, it counts as a full term, if less than 50% plus one day, it does not count for the no consecutive terms for the Mayor

Clarification: If the Mayor Pro-Tem declines to move up, City Council selects new Mayor to fill vacancy

RECOMMENDATION

That the Charter Review Committee discuss and take action it deems appropriate on the following items:

A. City Council Compensation
B. City Council Term and Term-Limits
C. Retention of the School District Within the Charter
D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
E. Gender Neutral Language in the Charter
F. Durational Residency Requirement as a Condition of Holding Elective Office
G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council
H. Retaining Residency Requirement for the City Manager in Section 800 of the Charter
I. Appropriate Title for the Position of Deputy Mayor
J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor

4. Consideration of Presentation of Committee's Final Report and Recommendations, if any, on Number of Charter Measures

RECOMMENDATION

That the Charter Review Committee discuss and take action as it deems appropriate.

5. Consideration of Committee Calendar and Future Work-Schedule

RECOMMENDATION

That the Charter Review Committee consider the status of its work and determine if the remaining meeting schedule and discussion items are appropriate for the work plan to complete the tasks. It is requested that the Committee provide direction to staff.
PUBLIC COMMUNICATIONS

COMMITTEE MEMBER COMMUNICATIONS

ADJOURNMENT

Administrative Reports relating to this agenda are available in the City Clerk’s Office, 501 Poli Street – Room 204, Ventura, during normal business hours. Materials related to an agenda item submitted after distribution of the agenda packet are available for public review in the City Clerk’s Office.

This agenda was posted on Thursday, October 8, 2015, at 4:00 p.m. in the City Clerk’s Office and on the City Hall Public Notices Board.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at 658-4787 or the California Relay Service. Notification by Monday, October 12, 2015, by 12:00 p.m. will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Copies of this and all Agendas of the Charter Commission are available on the City’s website at:

http://www.cityofventura.net/page/public-meetings

To be added to the interested persons list for future announcements and information regarding the Charter Review Committee. Please email charterreviewcommittee@ci.ventura.ca.us with your contact information and you will be added to the list.
MINUTES

SEPTEMBER 9, 2015

The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:03 p.m.

ROLL CALL

Present: Members Baker, Collart, Evans, Alternate Morris, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

Absent: Members Goldenring and Montgomery.

Chair Orrock presided.

FORMAL ITEMS

1. Consideration of the Minutes of the July 8, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of July 8, 2015 as submitted by the City Clerk.

Member Montgomery arrived at 4:04 p.m.

Vice Chair Jacobs moved to approve the minutes of July 8, 2015. Member Olney seconded. The vote was as follows:
AYES: Members Baker, Evans, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSTAIN: Member Collart.

ABSENT: Member Goldenring.

Chair Orrock declared the motion carried.


**RECOMMENDATION**

That the Charter Review Committee take action as it deems appropriate.

This item was discussed under Agenda Item No. 3.

3. **Consideration of Items Previously Discussed and Further Discussion and Consideration**

A. **City Council Compensation**
   Tentative Decision: City Council $1,000 per month, Mayor $1,200 per month
   Revised Decision: City Council $1,200 per month; Mayor $1,500 per month

B. **City Council Term and Term-Limits**
   Tentative Decision: No change to 4 year term and no term-limits
   Revised Decision: Retain 4 year terms; Prohibit more than three consecutive terms; after three terms, can become eligible again if a four year period has passed since last served; prohibit serving three terms and moving to another district to become eligible again unless a four year period has passed since last service

C. **Retention of the School District Within the Charter**
   Tentative Decision: Remove school district from Charter

D. **Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits**
   Tentative Decision: Retain current City Council selection of Mayor and Deputy Mayor; retain two-year term; and retain current non-consecutive term prohibition

E. **Gender Neutral Language in the Charter**
   Tentative Decision: Modify sections of the Charter that have gender specific language to gender neutral language

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F. Durational Residency Requirement as a Condition of Holding Elective Office
   Tentative Decision: Reduce current durational residency requirement to 30 days consistent with California Supreme Court decisions

G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council
   Tentative Decision: Have City Council elected by geographic districts

H. Retaining Residency Requirement for the City Manager in Section 800 of the Charter
   Tentative Decision: Eliminate the legal requirement, but encourage residency

I. Appropriate Title for the Position of Deputy Mayor
   Tentative Decision: Change Title to Mayor Pro-Tern

J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor
   Tentative Decision: Fill Mayor vacancy by having Mayor Pro-Tern move up; Have City Council select a new Mayor Pro-Tem if a vacancy; If 50% plus 1 day of a Mayor’s two year is filled, it counts as a full term, if less than 50% plus one day, it does not count for the no consecutive terms for the Mayor

RECOMMENDATION

That the Charter Review Committee discuss and take action it deems appropriate on the following items:

A. City Council Compensation
B. City Council Term and Term-Limits
C. Retention of the School District Within the Charter
D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
E. Gender Neutral Language in the Charter
F. Durational Residency Requirement as a Condition of Holding Elective Office
G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council
H Retaining Residency Requirement for the City Manager in Section 800 of the Charter
I. Appropriate Title for the Position of Deputy Mayor
J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor
SPEAKERS

Staff: City Attorney Gregory G. Diaz.

By consensus, the Committee approved the tentative decisions on items 3A, 3C, 3D, 3E, 3F, and 3H as previously approved by the Committee and noted on the agenda.

3B. City Council Term and Term-Limits

By consensus, the Committee approved the tentative decision on item 3B as previously approved by the Committee and noted on the agenda, with Member Olney and Vice Chair Jacobs dissenting.

Member Goldenring arrived at 4:17 p.m.

3G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council

By consensus, the Committee approved the tentative decision on item 3G as previously approved by the Committee and noted on the agenda.

Member Olney moved to eliminate the recommendation of 7 geographical districts to the City Council. Member Prokopow seconded. The vote was as follows:

**AYES:** Members Baker, Evans, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

**NOES:** Members Collart and Goldenring.

**ABSENT:** None.

Chair Orrock declared the motion carried.

Member Collart moved to include the following language in the final report to the City Council: “The City Council’s direction and clarification limited the Charter Review Committee’s scope regarding discussion of the characteristics and details concerning districts.” Vice Chair Jacobs seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

**NOES:** None.

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[www.cityofventura.net](http://www.cityofventura.net)
ABSENT: None.

Chair Orrock declared the motion carried.

3I. Appropriate Title for the Position of Deputy Mayor

By consensus, the Committee approved the tentative decision on item 3I as previously approved by the Committee and noted on the agenda.

Member Evans moved to recommend changing Charter Section 703 – Mayor, as follows: “...the members of the Council may choose another member to act as Mayor pro-tem Acting Mayor, who shall, for the time being, have the powers of the Mayor.” Vice Chair Jacobs seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: None.

Chair Orrock declared the motion carried.

3J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor

Member Stephens moved to approve the Committee’s tentative decision: “Fill the Mayor vacancy by having the Mayor Pro Tem move up; Have City Council select a new Mayor Pro Tem if a vacancy; If 50% plus 1 day of a Mayor’s two year is filled, it counts as a full term; If less than 50% plus one day, it does not count for the no consecutive terms for Mayor;” and added the following language:

If the Mayor Pro Tem declines to serve as Mayor, the procedure would be the same for the City Council to elect a new Mayor and the Mayor Pro Tem will remain as Mayor Pro Tem. Member Baker seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.
ABSENT: None.

Chair Orrock declared the motion carried.

Member Prokopow moved to recommend to the City Council that in order to serve as Mayor or Mayor Pro Tem, a Councilmember must be in office for a minimum of 2 years prior to being appointed to either of those positions. Member Collart seconded. The vote was as follows:

AYES: Member Prokopow.

NOES: Members Baker, Collart, Evans, Goldenring, Montgomery, Olney, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

ABSENT: None.

Chair Orrock declared the motion failed.

Member Goldenring moved to recommend deferring the options of truing up the Mayor’s term to the City Attorney for the City Council’s consideration. Member Baker seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: None.

Chair Orrock declared the motion carried.

4. Consideration of Committee Calendar and Future Work-Schedule

RECOMMENDATION

That the Charter Review Committee consider the status of its work and determine if the remaining meeting schedule and discussion items are appropriate for the work plan to complete the tasks. It is requested that the Committee provide direction to staff.

By consensus, the Committee requested to hold one additional meeting on October 14, 2015, to review the draft report to the City Council.
ADJOURNMENT

Vice Chair Jacobs moved to adjourn the meeting at 4:48 p.m. Member Prokopow seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: None.

Chair Orrock declared the motion carried.

Cynthia M. Rodriguez
City Clerk
DATE: October 6, 2015

TO: Charter Review Committee

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Consideration of the Draft of the Charter Review Committee's Final Report

RECOMMENDATION:

That the Charter Review Committee take action as it deems appropriate.

DISCUSSION:

At the Charter Review Committee's September 9, 2015 meeting, the Committee reviewed the draft of the Final Report. Several clarifications and modifications to the draft report were made by the Committee. Committee members Baker and Collart again took on the drafting of the revisions. A clean copy (Attachment "A") and a redline copy of the updated draft Final Report (Attachment "B") is attached for your review. No changes or modifications were made to the proposed attachments to the draft Final Report. As such, the attachments were not included. If you would like a set, please let me know and we will have them sent to you. Comments received in writing from Committee members Goldenring (Attachment "C") and Squires (Attachment "D") are also included.

It is appropriate for the Committee to discuss, review, and revise the draft Final Report as it deems appropriate. Staff has listed in Agenda Item 3, all of the topics previously covered and included all tentative and revised decisions of the Committee. As such, any issue that has previously been discussed is open for discussion and potential revision at this time.

Attachment “A” – Clean copy of the Draft Final Report
Attachment “B” – Redline copy of the Draft Final Report
Attachment “C” – Comments of Committee Member Goldenring
Attachment “D” – Comments of Committee Member Squires
City of San Buenaventura

City Charter Review Committee

Report to City Council

DRAFT September 18, 2015
EXECUTIVE SUMMARY OF RECOMMENDATIONS

This report represents the outcome of monthly meetings of the Charter Review Committee (CRC) as formed by the San Buenaventura City Council in October 2014. The CRC was formed for the purpose of reviewing the existing city charter and determining if changes were needed to address specific issues raised by the City Council and suggesting improvements for greater voter participation in local governance.

The following are summary recommendations for consideration by the City Council.

1. Compensation should be increased to $1500 per month for the Mayor and $1200 per month for Council Members with an annual regional CPI adjustment.

2. Terms for Council Members should not exceed three terms of four years for a total of 12 years.

3. The Board of Education should be removed from the charter.

4. No change should be made to the election of the Mayor from the Council.

5. Council Members should be individually elected from districts.

6. The City Charter should reflect gender neutrality.

7. The title of Deputy Mayor should be changed to Mayor Pro Tem.

8. Should the Mayor’s position be vacated before the end of a two year term, the Mayor Pro Tem should automatically assume the position. If the remaining term of office is more than 12 months and one (1) day, it shall be considered as a full term for the purposes of succession in the office. If the Deputy Mayor declines to serve, see page 19 #8.

9. The residency requirement for running as a candidate for membership on the City Council should be 30 days.

10. There should be no residency requirement for the position of City Manager.

More discussion of each of these recommendations is provided in the subsequent section of this report, entitled “Committee Discussion and Recommendations.”
With regard to the major issue of whether to move to district elections, it should be noted that the Council's decision to not provide funding in order to retain outside consultant expertise limited the CRC's scope and resources regarding discussion of the characteristics and details concerning district elections. Since the Council declined to provide funding for the Committee to have access to one or more experts, the analysis on districting was not as broad or in-depth as some committee members would have liked.

It was the consensus of the committee that specific language for charter changes is the purview of the City Council and the City Attorney and, therefore, this report does not recommend specific language for charter change.
INTRODUCTION AND BACKGROUND

Following the 2013 election, the City Council initiated discussions concerning voter turn-out and the effect of “off year” city elections. The Council took swift action to place a measure on the 2014 ballot to change the timing of city elections to coincide with even year national/state/county election cycles. Voters approved this charter change.

The Council determined there were additional specific charter updates that should be considered because the document had not been updated since 1986. Therefore, the Council formed a citizen review committee that would undertake in-depth discussion of the community election process and consider specific questions posed by the Council. This committee provides the Council with a broader point of view on charter issues by utilizing the experience and of informed citizens.

Charter Review Committee (CRC)

Formation of the CRC followed the city’s citizen appointment process in which interested members of the public are invited to submit applications to the City Council for consideration. In this case, each member of the City Council also had the opportunity to recruit members for the committee. The names and resumes of the applicants were submitted to the Council, and committee appointments were made at the September 29, 2014 Council meeting. The CRC held its first meeting November 19, 2014 to elect two officers and initiate its scope of work.

CRC Members

Dennis Orrock, Chair  
Lynn Jacobs, Vice Chair  
John Baker  
Cheryl Collart  
Barbara Evans  
Peter A. Goldenring  
Suz Montgomery  
Ross R. Olney  
Andrew Prokopow  
Patrick Squires  
Chris Stephens  
Jerry Morris, Alternate

Staff Support

The City Attorney’s office was primary staff to the CRC, with additional support provided by the City Clerk’s office. Staff provided an initial work plan to guide committee discussion in a timely manner and prepared monthly agenda packets of background information to assist the CRC in having informed discussions and expressing opinions. Staff worked with the committee chair to complete the monthly
agenda and convene each meeting. Pertinent staff reports, graphs and charts provided to the CRC are included in attachments to this report and may be useful to City Council for further review.

Specific City Council Directed Tasks for CRC

Per the direction of City Council, the CRC was initially tasked to discuss the following:

1. City Council Compensation
2. City Council Term Limits
3. Removal of the Board Education from the City Charter
4. Direct Election of the Mayor, term of the Mayor and the relationship of the Deputy Mayor
5. City Council election process, including at large elections and district elections

In April 2015, the CRC sought clarification from the City Council on several issues that arose in the initial months of meetings. Based on City Council action taken April 20, 2015, the CRC report includes the following additional tasks:

6. Gender neutral language
7. Evaluating the term ‘Deputy Mayor’ as contrasted against other recognizable titles
8. Filing of vacancies for Mayor and Deputy Mayor occurring during the term of office
9. Review of Section 503 residency requirement for City Council candidates
10. Review of Section 800 residency requirement for the City Manager

The CRC began work using the work plan developed by staff, taking one topic each month for general discussion, and resulting in various ‘straw votes’. As the monthly discussion and review evolved, the committee determined that a criteria/framework could be useful in developing consensus and ultimately providing a final report.

The Council directed the CRC to focus on policy issues, making known its preference in the discussion as it may relate to any charter changes. While the committee recognized that simple yes/no responses could be useful, it also felt it would be remiss in its efforts if additional commentary was not provided to the Council and the community as background to the recommendations ultimately presented. CRC members have extensive local history and professional expertise, and as such, felt a keen sensitivity to the community and recognize any change to the charter will have significant and long term consequences.

Each topic discussion was guided by a framework that included:

- Current conditions and historical view of what has transpired since 1975
- Necessity or value to changes in the charter
• Cost benefits and anticipated savings or expenses associated with changes
• Community benefits that might be expected by implementing changes
• Comparison of the San Buenaventura city charter to selected peer cities for trends
• Charter consistency and true-up with current legislation including the California Voting Rights Act (CVRA)
• Consensus comments including recommendations for Council consideration
• Comments of concern and minority opinions, including topics for further consideration

Based on the discussion and consensus reached, the CRC would make one of three recommendations with regard to each subject referred to the CRC by the City Council:

• Changes to the charter, with specific language to be prepared by the city attorney
• Retain the charter language as currently stated; no changes recommended
• Consider changes in city policy or practices resulting from the review and recommendations

The City Attorney provided a number of exhibits for the committee meetings relating to comparative data for other cities and studies/analyses that had been done on a number of the topics. He also provided information regarding state laws pertaining to the subjects under discussion.

Pertinent staff research, charts and graphs that factored into the decision-making of the CRC are provided in the report as Attachments 1 through 9.

Attachment 10 to this report is a listing of information provided by the City Attorney and references to the agenda packets for the meetings that were begun in November 2014. This information is available for review in the City Attorney’s office.

Attachment 11 is a set of minutes for each of the CRC meetings from November 19, 2014 through September 9, 2015.
COMMITTEE DISCUSSION AND RECOMMENDATIONS

Deliberation Process

The process of the CRC was to make preliminary findings and recommendations on individual topics as reported in monthly meeting minutes. At the July 2015 meeting, the CRC then revisited each of the preliminary recommendations in the context of all the recommendations to determine if any change should be made. The following are the final recommendations of the Committee along with discussion points related to each.

In some cases, the recommendations will reflect two votes regarding the task subject matter. As noted above, a vote was taken the conclusion of each of the meetings regarding a specific task. The CRC recognized that there could be a change from the initial vote as discussion proceeded on subsequent tasks and lead to final recommendations. If that proved to be the case and there was a second vote on a specific task, both votes are reflected and labeled “initial vote” and “final vote.” All the voting for each task as they were considered or reconsidered by the CRC is shown in the minutes of each meeting and contained in Attachment 10.

It should be noted in viewing each section labeled “Discussion Points” that the various points were put forward during the deliberation process and are not listed in rank order. The points should not be considered as the final position of the CRC or any of its members unless noted by the use of “majority” or “minority”.

1. CITY COUNCIL COMPENSATION

It is recommended that changes be made to city charter Article VI, Section 601 to increase the Mayor’s compensation to $1,500 per month and Council Members’ compensation to $1,200 per month. The compensation is subject to adjustment every year to account for cost of living as measured by the All Urban Consumer Area Los Angeles-Riverside-Orange County Index with 2016 as the base year. The adjustment will take place each January 1 following a calculation included in the fiscal year budget taking effect July 1 of the prior year. No other compensation or benefits should be included.

Current Charter Conditions

City Council compensation is governed by charter.

Members are paid $600 monthly.

Mayor is paid $700 monthly.
Staff Reports Pertinent to Informed Opinions

Peer city compensation report/graph attached; see Attachments 1 and 2.

Discussion Points

a) The meaning of “compensation” is cash only.

b) “Benefits” are defined as non-cash and recognize that the city provides an option for Council Members if the Council Member pays all costs associated with the benefit, i.e. health care or retirement benefit.

c) The subject of compensation must be tied to the form of governance the city adopts, and therefore should be tied to the subject of a directly elected Mayor as discussed in a subsequent section of this report. Essentially the issue discussed was whether or not the Mayor would have executive powers and therefore be considered an employee holding a 40 hour per week job rather than being a part-time policy maker.

d) Per city policy, the city covers the additional and/or specific costs of Council Members to attend conferences and meetings that have been approved by the full Council; Council Members may be reimbursed for expenses based on existing city policies.

e) Council Members may receive additional compensation for participation on some boards and commissions, i.e. Ventura County Transportation Commission. This is not a significant source of income and rotates among the Council Members as assigned to the boards.

f) Current compensation is too small to recruit candidates that do not have another source of income (i.e. retirement, spouse, independent incomes, etc.).

g) The small amount of compensation keeps the position of City Council Member from becoming a ‘full-time’ job equivalent.

h) Compensation helps the Council Member recover personal expenses (i.e. phones, car, computer, dry cleaning, etc.) associated with undertaking the duties of public office. A survey of current Council Members indicated that there are costs attributed to being a member of the Council that are not reimbursed by the City.
i) Automatic increases based on the consumer price index (CPI) would provide for periodic and controlled increases that can be included in the annual budget process rather than require charter changes.

j) Compensation should be regularly adjusted by a CPI factor to avoid having to amend the city charter to accomplish the task.

k) Some increase is warranted because the position of City Council should not ‘cost’ the Council Member to participate.

l) The last increase in Council compensation was 30 years ago.

m) Compensation for city councils across the state is governed and guided by state legislation and disclosure requirements to avoid excesses or abuse.

Conclusion

CRC believes that City Council Members are under compensated.

A majority of the CRC believes the Mayor and City Council positions are not intended to be ‘full-time’ paid professional positions and are not to be reflective of the hours of commitment.

CRC discussion suggests that a regular increase pegged to the regional CPI should be an adopted policy that can be handled through a normal budget process rather than require a charter amendment. The compensation change should take place on January 1 each year with the change being based on the CPI for the preceding June and included in the adopted budget.

The initial monthly compensation for each Council Member was recommended to be $1,000; upon further discussion during the final review process taking into account the non-reimbursed costs of being a Council Member, the compensation was increased to $1,200.

The initial monthly compensation for the Mayor was recommended to be $1,200; upon further discussion during the final review process taking into account the non-reimbursed costs of being a Mayor, the compensation was increased to $1,500.


2. CITY COUNCIL TERM LIMITS

It is recommended that there be a change to city charter Article V, Section 507 to limit terms at 3 terms of 4 years for a maximum of 12 years for any City Council seat in any district. Upon the expiration of a 4 year period, a former Council Member could again be a candidate for office.

Current Charter Conditions

Council Members serve unlimited terms.

Staff Reports Pertinent to Informed Opinion

Ventura City Council terms average 7.9 years from 1975 – 2013. See Attachments 3 and 4.

Discussion Points

a) If there is a change to district elections, a sitting Council Member could develop a voting base that squeezes out other qualified candidates for a long period of time thereby precluding fresh new ideas and needs of the district.

b) Based on the average term, Ventura City Council Members have generally limited their own terms of office.

c) Current Council membership reflects the most individual members serving more than 3 terms than at any prior time.

d) Competition has been part of every election; the average number of candidates has been 12 per election cycle from 1975 - 2013.

e) The City has not experienced any ‘uncontested’ City Council races.

f) Voters have rejected sitting Council Members from 1975 to present.

g) Longer terms have supported regional connections to advance local initiatives and interests.

h) Voters have the ultimate right to retain or remove an elected official every four year term.
i) Trends to limit terms of office have resulted in some adverse effects by removing good candidates that still have a desire to serve; however, a Council Member could run again following a four year absence from office.

j) Lack of term limits has not been detrimental in providing good government. However, there is no data to substantiate different results if term limits were to be imposed.

k) The city has a multitude of boards, committees and commissions that provide an avenue to public leadership and help build a pool of potential candidates for City Council.

l) Community councils could be used to educate the public on the operation of city government as a means of fostering a pool of qualified potential candidates.

Conclusion

The adoption of term limits helps to ensure that a rotation of qualified people occur at least every 12 years.

The recommended change would prohibit more than three consecutive terms; after three terms, an individual can become eligible again if a four year period has passed since last term. This provision will apply whenever a new member of the City Council is elected or when an incumbent is re-elected at which point the new term would count as their first term for term-limit purposes.

The change would prohibit serving three terms and moving to another district to become eligible again unless a four year period has passed since last service.

A Council Member moving outside their elected district during their term would create a vacancy; the vacancy would be filled by a special election or Council appointment.


3. REMOVAL OF THE BOARD OF EDUCATION FROM THE CITY CHARTER

It is recommended that the Board of Education be deleted from the city charter Article XI

Current Charter Condition

Specific reference is made to the Board of Education and Ventura Unified School District.

Staff Reports Pertinent to Informed Opinion

Representatives of the Ventura Unified School Board of Trustees and Staff joined the discussion.

Minutes of the April 14, 2015 Ventura Unified School District Board meeting are Attachment 5.

Discussion Points

a) The school district is not governed by the city.
b) The school district has a separately elected Board of Trustees.
c) Council Members and Board Trustees occasionally hold public meetings for mutual benefit.
d) The City Council has a policy to appoint one member as liaison to the school district.
e) The school district is not contiguous to the city boundaries; it is larger than the city.
f) The charter connects to the two public bodies in a manner that could have detrimental effects in terms of potential litigation.
g) The school board and City Council elections costs were jointly shared prior to 2014; however the amount of shared costs was not consistent because the school district has had uncontested elections and therefore the City had to bear all costs.
h) The Board of Trustees took action similar to the City Council to place a measure on the 2014 public ballot to change the school district charter and voting cycle to even-years; the measure was approved by the voters.
i) The school district Board of Trustees discussed this item at their board meeting of April 14, 2015 and voted to support the removal of the school district from the city charter.

Conclusion

All charter references to the school district (Ventura Unified School District) should be removed.

It should be matter of policy and practice that the city and school district work toward programs and projects that promote joint benefits because most of the constituents are the same.

CRC Vote – March 11, 2015: Ayes: 11, Noes: 0.
4. DIRECT ELECTION OF THE MAYOR

It is recommended that city charter Article VII, Section 703 be retained.

Current Charter Conditions

The Mayor and Deputy Mayor are elected by the City Council Members every two years.

The terms of office are two years.

The Mayor may not succeed the term without at least one additional two-year term having lapsed.

Staff Report Pertinent to Informed Opinion

Survey of peer cities mayoral selection process, including terms and term limits.

See Attachments 6 and 7.

Discussion Points

a) The direct election of the Mayor was intertwined with the discussion of district elections. Directly electing a Mayor at large would provide a voice that would take the interests of the entire city into account if the city were to elect the remainder of the Council by geographic districts.

b) An at large elected Mayor within the district election process would allow a constituent to have more than one representative to approach for particular issues.

c) A minority of the CRC believed a directly elected Mayor could provide better leadership for the Council than a Mayor who is elected from within the Council.

d) A minority of the CRC believes direct election of a Mayor who would only vote in the case of a tie vote among the remaining Council Members elected by geographic districts could provide an opportunity of promoting the best interests of the city.

e) The Mayor has the duty of presiding over the City Council and is the ‘face of the city’ for regular and special Council meetings, as well as special occasions/meetings such as the annual state of the city.
f) The Mayor’s position requires an individual with good communication skills, collegial demeanor and flexible schedule.

g) A majority of the CRC believes City Council Members, including the Mayor should have equal standing in their votes on city issues.

h) City Council Members selecting the Mayor have a sense and feel for who among them can provide the best leadership in a given term.

i) Each two year term provides an opportunity to select a new Mayor based on his/her ability to be the policy leader of the Council.

j) Selection as Deputy Mayor does not insure a Council Member will rise to Mayor in the subsequent term.

k) Mayors cannot commit the city to actions not approved by the full City Council.

l) Direct election of the Mayor may give the incumbent a feeling he/she has greater status rather than ultimately being part of a policy making body.

Conclusion

The majority voted to retain the current charter language allowing the City Council to select the Mayor to ensure the Mayor’s position continues to be part of the policy making body.

The minority vote reflected a possibility for a separately and at large elected Mayor with the consideration that it may be appropriate if district elections were to be instituted in order to preserve a city-wide view on the Council.

CRC Initial – April 8, 2015 (no change in election process): Ayes: 8, Noes: 2, Absent: 1.

CRC conducted a vote on a motion at its July 8 meeting to change to a directly elected Mayor who would vote only in case of a tie vote. The result of that vote was: Ayes: 2, Noes: 8, Absent: 1.

The initial vote on April 8th to retain election of Mayor from the City Council was affirmed.
5. CITY COUNCIL ELECTIONS—AT LARGE OR DISTRICT ELECTIONS

It is recommended that the City move to a district election system for City Council.

Current Charter Conditions

City Council elections are held “at large”.

Staff Report Pertinent to Informed Opinion

Materials provided by staff. See Attachment 8.

Discussion Points

a) The City Council’s direction regarding the retention of consultant expertise limited the CRC’s scope and resources regarding discussion of the characteristics and details concerning district formation and elections. The inability to obtain clarity around empirical data of the pros and cons precluded a detailed analysis of the issue by the committee.

b) In seeking City Council clarification, the committee was directed to focus on policy and not consider the threat of a lawsuit when deciding if the Council should be elected by district or remain at large. Although there was discussion of the possibility of a lawsuit, being told to refrain from such consideration overshadowed the decision.

c) While not being tasked to consider the California Voting Rights Act, separation from possible exposures is not easily achieved.

d) Elections under a district format would likely cost candidates less due to not having to gain votes on a city-wide basis. It would be less time consuming for candidates to meet potential voters.

e) District elections should ensure that issues arising within a particular district are properly represented to the full City Council.

f) Currently under the “at large” form of governance small vocal interests can be interpreted as representing issues that may or may not be in the best interests of geographical area(s) of the city or the general interests of the entire city. Under the current system a small number can
exert oversize pressure and influence on all City Council Members that would likely not exist with geographical districts.

g) District elections can result in City Council Members being able to be more objective in evaluating and voting on issues that are narrowly focused on a specific geographic area.

h) Directly elected City Council Members will be more “local” thereby giving greater knowledge of issues directly impacting the neighborhood in which they live.

i) Historically, at large elections have engaged the city with the current process drawing 9-18 candidates to compete.

j) It is believed that at large candidates have minimally reflected changes in the city’s population and demographics.

k) The California Voting Rights Act (CVRA) and federal statutes may require the city to conduct district elections due to under representation of segments of the community. If this decision is forced upon the city through legal action, the costs are likely to be substantial. The track record for cities that have been taken to court to force district elections has been negative and, sometimes, very costly. No city that has been legally challenged in California has prevailed. If a court decision goes against the city, it must legally pay the entirety of the plaintiff’s legal cost.

l) The ability to defend ‘at large’ voting for the city is unknown; but the cost of legal defense of the at large system would have negative impacts on city budget.

m) There has not been an economic or programmatic analysis to show that any specific district or community of the city has been negatively affected by at large election and the manner in which City Council currently appropriates resources.

n) District elections require strong candidates/leadership in all sections of the city; the city lacks a city-wide neighborhood governance program of officially elected ‘neighborhood Councils/wards’ that would be a ‘feeder’ to district candidates.

o) The city appoints its current boards and commissions in an ‘at large’ manner to garner best candidates with subject expertise. Going to a district election system with appointments to boards and commissions from each district could provide a valuable “feeder” process for future City Council Members from the district.
p) Districts may promote loyalty to a small community over the “greater good” of the city at large. However, there is no firm data to substantiate that city-wide issues would be dealt with any differently than currently addresses by the at large election process.

q) District elections could require city budget commitment to re-balance the district boundaries each 10 years with census and population shifts.

r) Potentially the city may have increased costs to manage and respond to district projects/programs.

s) The cost of district campaigns and public education are unknown.

t) There was a concern from some members of the committee that district elections could strengthen special interest groups in controlling the outcome of elections due to the ability to focus resources.

Conclusion

Independent of the CRVA, a majority of the committee voted for moving to a geographical district form of governance for the city. This decision was based upon the data it had, as well as the comments and discussions that took place.

It is the opinion of the CRC that district elections would promote greater participation in election.

If appointments to boards and commissions were to follow the district concept of representation with City Council Members appointing the members of the boards and commissions, it could act as a feeder for future City Council candidates.

A minority view suggested the legal cost to defend the “at large” voting process should be further researched in relation to the city’s exposure in a plaintiff lawsuit.

The city should consider programs to develop community leadership throughout the city regardless of district or at large voting process.

6. GENDER NEUTRAL LANGUAGE

It is recommended that there be replacement language throughout the city charter that is gender neutral.

Current Charter Conditions

Charter language is not ‘gender neutral’.

Staff Report Pertinent to Informed Opinion

Staff advised this was a City Council request.

Discussion Points

a) The charter should reflect current societal conditions and inclusive language.

b) The recommendations are considered administrative changes.

c) The change will not affect the substance of the charter.

Consensus and Minority Opinion

Staff should make the changes through a ‘red-line’ version of the document using appropriate ‘gender neutral’ language.

7. EVALUATING THE TERM “DEPUTY MAYOR”

It is recommended that the title of Deputy Mayor be changed to Mayor Pro Tempore.

Current Conditions

The charter refers to ‘Deputy Mayor’ as the second City Council officer, selected by the Council Members after the Mayor, with duties to preside in the absence or disability of the Mayor.

Staff Report Pertinent to Informed Opinions

Material provided by staff. See Attachment 9.

Discussion Points

a) The term needs to be updated to compare with other recognizable titles used among City Councils.

b) The term has been confused by other agencies as an employee rather than ‘elected official’.

c) Among various suggested titles and in comparison with peer cities, the term ‘Mayor Pro Tempore’ seems most appropriate.

d) The term Deputy Mayor has served the city well until now and there is no need to change it.

Conclusion

The charter should be updated to remove confusion that could exist due to the fact Deputy Mayor in some other jurisdictions is an appointed employee position.

It is an administrative task to update the charter with the necessary changes.

CRC Final Vote – July 8, 2015: Ayes: 8, Noes: 2, Absent: 1.

It is recommended that the Deputy Mayor (Mayor Pro Tern) automatically fill the vacancy of the Mayor. For the purposes of determining the ability to fill a successive term, 12 months and one (1) day should constitute a term of office. The position of Deputy Mayor should be filled by a vote of the City Council at the same time as the transition to Mayor is accomplished. Should the Deputy Mayor decline to fill the vacancy, the City Council should elect a Mayor to fulfill the unexpired term.

Current Charter Conditions

Article VII, Section 705 is not clear concerning the terms of office when vacancies occur.

Staff Report Pertinent to Informed Opinions

The City Attorney provided options for defining a term of office in the event a Deputy Mayor fulfills the office of a vacated Mayor.

The City Attorney provided options for charter language to allow for ‘true-up’ of terms for all Council Members. It was recognized that this action must take place within the language of the current City Charter.

Discussion Points

a) There should a clear policy of transition from the Mayor to the Deputy Mayor in the event that the Mayor’s office becomes vacant at any point in the 2 year term.

b) A decision must be made as to whether the transition of the Deputy Mayor to Mayor constitutes a term of office for the former in terms of not being able to serve as Mayor after the next election cycle.

c) There should be a defined amount of time served by the transitioning Deputy Mayor to Mayor to constitute a term.

d) The options discussed for a defined term were 1) any time served, 2) 12 months and one (1) day, and 3) any period of time between 12 and 24 months.
e) In light of the 2014 ballot measure to move the date of City Council elections to even years, it will be necessary to adjust and ‘true-up’ the term for all Council Members for the one year transition. As this will only occur for the election of Mayor and Deputy Mayor in November 2015, it must be determined prior to the election of 2016 when even year elections are instituted consistent with the current city charter.

Conclusion

The Deputy Mayor should move automatically to fill a vacation of the Mayor’s position. If the Deputy Mayor declines to fill the vacated Mayor’s position, the Council should vote on a new Mayor.

A Deputy Mayor should be selected by the City Council at the time the Mayor’s position is occupied.

For the purposes of determining the ability to fill a successive term, 12 months and one (1) day should constitute a term of office. The position of Deputy Mayor should be filled by a vote of the City Council at the same time as the transition to Mayor is accomplished.

The process for election of Mayor and Deputy Mayor for a one year “true up” period (between the November 2015 and the November 2016 elections) should be referred to the City Attorney for a recommendation to the City Council.

9. REVIEW OF SECTION 503 RESIDENCY REQUIREMENT FOR CITY COUNCIL CANDIDATES

It is recommended to revise Article V, Section 503 that candidates for elective office with the city be residents for a period continuing for at least 30 days consistent with decisions of the California Supreme Court.

Current Conditions

Candidates must have lived in the city for at least one year preceding the election or appointment.

Staff Report Pertinent to Informed Opinions

See Attachment No. 9.

Discussion Points

a) Residency requirements for elected officials have been changed based on California state law, making charter language invalid.

b) It is desirable to have candidates with longer term residency.

Conclusion

The charter should be updated.

The City Attorney should provide the necessary language for the changes.

CRC Final Vote – July 8, 2015: Ayes:10, Noes:0, Absent:1
10. REVIEW OF SECTION 800 RESIDENCY REQUIREMENT FOR THE CITY MANAGER

It is recommended that the residency requirement Article VII, Section 800 be removed from the city charter in order to be consistent with the California State Constitution.

Current Charter Conditions

Candidates for City Manager employment must become a resident of the city and remain in the city through their incumbency.

Staff Report Pertinent to Informed Opinions

The City Attorney’s research resulted in the determination that the city cannot require residency for the City Manager due to a state voter initiative approved by the voters and now part of state law.

Discussion Points

a) Residency requirements have been changed based on California state law, making charter language invalid.

b) It is preferable for the City Manager to live within the city limits in order to have close proximity to city hall and maintain public contact. The City Council should emphasize this when recruiting for a City Manager.

Conclusion

The charter should be updated.

CRC Final Vote – July 8, 2015: Ayes: 8, Noes: 0, Absent: 3.
ATTACHMENT 10

This is a summary statement of materials provided to the CRC and available from the City Attorney’s Office but not attached in this report:

1. City Charter
2. Brown Act
3. Administrative Report to City Council, September 29, 2014 Re: CRC Appointments
4. Memorandum from Greg Diaz, February 11, 2015 Re: Background Information
5. CRC Agenda Packets:
   a. November 19, 2014
   b. January 14, 2015
   c. February 11, 2015
   d. March 11, 2015
   e. April 8, 2015
   f. May 13, 2015
   g. June 13, 2015
   h. July 9, 2015
   i. No meeting in August
   j. September 9, 2015
   k. October 14, 2015
6. Memorandum from CRC and Greg Diaz, April 20, 2015 Re: City Council Clarification
Attachment 11

Minutes of all the CRC meetings from November 19, 2014 through October 14, 2015 are collated in this attachment for quick reference.
City of San Buenaventura

Ventura City Charter Review Committee

Report to City Council

DRAFT September 9, 18, 2015

Attachment "B"
EXECUTIVE SUMMARY OF RECOMMENDATIONS

This report represents the outcome of monthly meetings of the Charter Review Committee (CRC) as formed by the San Buenaventura City Council in October 2014. The CRC was formed for the purpose of reviewing the existing city charter and determining its timeliness to current trends if changes were needed to address specific issues raised by the City Council and suggesting improvements for greater voter participation in local governance.

The following are summary recommendations for consideration by the City Council.

1. Compensation should be increased to $1500 per month for the Mayor and $1200 per month for Council Members with an annual regional CPI adjustment.

2. Terms for Council Members should not exceed three terms (of four years for a total of 12 years) beginning with approval of a charter change.

3. The Board of Education should be removed from the charter.

4. No change should be made to the election of the Mayor from the Council.

5. Council Members should be individually elected from seven districts.

6. The City Charter should reflect gender neutrality.

7. The title of Deputy Mayor should be changed to Mayor Pro Tem.

8. Should the Mayor's position be vacated before the end of a two year term, the Mayor Pro Tem should automatically assume the position. If the remaining term of office is more than 12 months and one (1) day, it shall be considered as a full term for the purposes of succession in the office. If the Deputy Mayor declines to serve, see page 19 #8.

9. The residency requirement for running as a candidate for membership on the City Council should be 30 days.

10. There should be no residency requirement for the position of City Manager.
More discussion of each of these recommendations is provided in the subsequent section of this report, entitled “Committee Discussion and Recommendations.”

With regard to the major issue of whether to move to district elections, it should be noted that the Council’s decision to not provide funding in order to retain outside consultant expertise limited the CRC’s scope and resources regarding discussion of the characteristics and details concerning district elections. Since the Council declined to provide funding for the Committee to have access to one or more experts, the analysis on districting was not as broad or in-depth as some committee members would have liked.

It was the consensus of the committee that specific language for charter changes is the purview of the City Council itself and the City Attorney and, therefore, this report does not recommend specific language for charter changes.
INTRODUCTION AND BACKGROUND

Following the 2013 election, the City Council initiated discussions concerning voter turn-out and the effect of “off year” city elections. The Council took swift action to place a measure on the 2014 ballot to change the timing of city elections to coincide with even year national/state/county election cycles. Voters approved this charter change with the understanding that it was also cost effective in reducing ‘stand-alone’ election expenses.

The Council determined there were additional specific charter updates that should be considered since the document had not been updated since 1986. Therefore, the Council formed a citizen review committee that would undertake in-depth discussion of the community election process and consider specific questions posed by the Council. This committee provides the City Council with a broader point of view on charter issues by utilizing the experience and of informed citizens.

Charter Review Committee (CRC)

Formation of the CRC followed the city’s citizen appointment process in which interested members of the public are invited to submit applications to the City Council for consideration. In this case, each member of the City Council also had the opportunity to recruit members for the committee. The names and resumes of the applicants were submitted to the Committee appointments were made at the September 29, 2014 Council meeting. The CRC held its first meeting November 19, 2014 to elect two officers and initiate its scope of work.

CRC Members

- Dennis Orrock, Chair
- Lynn Jacobs, Vice Chair
- John Baker
- Cheryl Collart
- Barbara Evans
- Peter A. Goldenring
- Suz Montgomery
- Ross R. Olney
- Andrew Prokopow
- Patrick Squires
- Chris Stephens
- Jerry Morris, Alternate

Staff Support
The City Attorney’s office was primary staff to the CRC, with additional support provided by the City Clerk’s office. Staff provided an initial work plan to guide committee discussion in a timely manner and prepared monthly agenda packets of background information to assist the CRC in making informed discussions and expressing opinions. Staff worked with the committee chair to complete the monthly agenda and convene each meeting. Pertinent staff reports, graphs and charts provided to the CRC are included in attachments to this report and may be useful to City Council for further review.

Specific City Council Directed Tasks for CRC

Per the direction of City Council, the CRC was initially tasked to discuss the following:

1. City Council Compensation
2. City Council Term Limits
3. Removal of the Board Education from the City Charter
4. Direct Election of the Mayor, term of the Mayor and the relationship of the Deputy Mayor
5. City Council election process, including at large elections and district elections

In April 2015, the CRC sought clarification from the City Council on several issues that arose in the initial months of meetings. Based on City Council action taken April 20, 2015, the CRC report includes the following additional tasks:

6. Gender neutral language
7. Evaluating the term ‘Deputy Mayor’ as contrasted against other recognizable titles
8. Filing of vacancies for Mayor and Deputy Mayor occurring during the term of office
9. Review of Section 503 residency requirement for City Council candidates
10. Review of Section 800 residency requirement for the City Manager

The CRC began work using the work plan developed by staff, taking one topic each month for general discussion. The discussions yielded, and resulting in various ‘straw votes’ and opened dialogue. As the monthly discussion and review evolved, the committee determined that a criteria/framework could be useful in developing consensus and ultimately providing a final report.

The Council directed the CRC to focus on policy issues, making known its preference in the discussion as it may relate to any charter changes. While the committee recognized that simple yes/no responses are could be useful, it also felt it would be remiss in its efforts if additional commentary was not provided to the council and the community as background to the recommendations ultimately presented. CRC members have extensive local history and professional expertise, and as such, they felt a keen...
sensitivity to the community and recognize any change to the charter will have significant and long term consequences.

Each topic discussion was guided by a framework that included:

- Current conditions; and historical view of what has transpired since 1975
- Necessity or value to change in the charter
- Cost benefits and anticipated savings or expenses associated with changes
- Community benefits that might be expected by implementing changes
- Comparison of the Ventura San Buenaventura city charter to selected peer cities for trends
- Charter consistency and true-up with current legislation including the California Voting Rights Act (CVRA)
- Consensus comments including recommendations for council consideration
- Comments of concern and minority opinions, including topics for further consideration

Based on the discussion and consensus reached, the CRC would make one of three recommendations with regard to each subject referred to the CRC by the City Council:

- Changes to the charter, with specific language to be prepared by the city attorney
- Retain the charter language as currently stated; no changes recommended
- Consider changes in city policy or practices resulting from the review and recommendations

The City Attorney provided a number of exhibits during the committee meetings relating to comparative data for other cities and analyses that had been done on a number of the topics. He also provided information regarding state laws pertaining to the subjects under discussion.

Pertinent staff research, charts and graphs that factored into the decision-making of the CRC are provided in the report as Attachments 1 through 9.

Attachment 10 to this report is a listing of information provided by the City Attorney and references to the agenda packets for the meetings that were begun in November 2014. This information is available for review in the City Attorney’s office.

Attachment 11 is a set of minutes for each of the CRC meetings from November 19, 2014 through September 9, 2015.
COMMITTEE DISCUSSION AND RECOMMENDATIONS

Deliberation Process

The process of the CRC was to make preliminary findings and recommendations on individual topics as was reported in monthly meeting minutes. At the July 2015 meeting, the CRC then revisited each of the preliminary recommendations in the context of all the recommendations to determine if any change should be made. The following are the final recommendations of the Committee along with discussion points related to each.

In some cases, the recommendations will reflect two votes regarding the task subject matter. As noted above, a vote was taken the conclusion of each of the meetings regarding a specific task, a vote was taken. It was. The CRC recognized that there may could be a change in the initial vote as discussion proceeded on subsequent tasks, and lead to final recommendations. If that proved to be the case and there was a second vote on a specific task, both votes are reflected following the conclusion section related to the task and are labeled “initial vote” and “final vote.” All the voting for each task as they were considered or reconsidered by the CRC is shown in the minutes of each meeting and contained in Attachment 10.

It should be noted in viewing each section labeled “Discussion Points” that the various points were put forward during the deliberation process and are not listed in rank order. The points should not be considered as the final position of the CRC or any of its members unless noted by the use of “majority” or “minority”.

1. CITY COUNCIL COMPENSATION

It is recommended that changes be made to city charter Article VI, Section 601 to increase the Mayor’s compensation to $1,500 per month and Council Members’ compensation to $1,200 per month. The compensation is subject to adjustment every year to account for cost of living as measured by the All Urban Consumer Area Los Angeles-Riverside-Orange County Index with 2016 as the base year. The adjustment will take place in each January 1 following a calculation included in the fiscal year budget taking effect July 1 of the prior year. No other compensation or benefits should be included.

Current Charter Conditions

City Council compensation is governed by charter.

Members are paid $600 monthly.
Mayor is paid $700 monthly.

Staff Reports Pertinent to Informed Opinions

Peer city compensation report/graph attached; see Attachments 1 and 2.

Discussion Points

a) Defined **the** meaning of “compensation” as **is** cash only.

b) Defined **“benefits”** “Benefits” are defined as non-cash and recognize that the city provides an option for **council members** Council Members if the **council member** Council Member pays all costs associated with the benefit, i.e. health care or retirement benefit.

c) The subject of compensation must be tied to the form of governance the city adopts, and therefore should be tied to the subject of a directly elected Mayor as discussed in a subsequent section of this report. Essentially the issue discussed was whether or not the Mayor would have executive powers and therefore be considered an employee holding a 40 hour per week job rather than being a part-time policy maker.

d) Per city policy, the city covers the additional and/or specific costs of **council members** Council Members to attend conferences and meetings that have been approved by the full council; **council members** Council: Council Members may be reimbursed for expenses based on existing city policies.

e) **Council members** Members may receive additional compensation for participation on some boards and commissions, i.e. Ventura County Transportation Commission. This is not a significant source of income and rotates among the **council members** Council Members as assigned to the boards.

f) Current compensation is too small to recruit candidates that do not have another source of income (i.e. retirement, spouse, independent incomes, etc.).

g) The small amount of compensation keeps the position of City Council member Member from becoming a ‘full-time’ job equivalent.
Compensation helps the council member recover personal expenses (i.e. phones, car, computer, dry cleaning, etc.) associated with undertaking the duties of public office. A survey of current council members indicated that there are costs attributed to being a member of the Council that are not reimbursed by the City.

Automatic increases based on the consumer price index (CPI) would provide for periodic and controlled increases that can be included in the annual budget process rather than require charter changes.

Compensation should be regularly adjusted by a CPI factor to avoid having to amend the city charter to accomplish the task.

Some increase is warranted because the position of City Council should not ‘cost’ the council member to participate.

The last increase in compensation was 30 years ago.

Compensation for City Council across the state is governed and guided by state legislation and disclosure requirements to avoid excesses or abuse.

Compensation should be regularly adjusted by a CPI factor to avoid having to amend the city charter to accomplish the task.

Conclusion

CRC determined that City Council members are under compensated.

CRC opinion confirms that a majority of the CRC believes the Mayor and City Council positions are not intended to be paid as a ‘full-time’ paid professional position and are not to be reflective of the hours of commitment.

CRC discussion suggests that a regular increase pegged to the regional CPI should be an adopted policy that can be handled through a normal budget process rather than require a charter amendment. The compensation change should take place on January 1 each year with the change being based on the CPI for the preceding June and included in the adopted budget.

The initial monthly compensation for each council member was recommended to be $1,000; upon further discussion during the final review process taking into account the non-reimbursed costs of being a Council Member, the compensation was increased to $1,200.
The initial monthly compensation for the Mayor was recommended to be $1,200; upon further discussion during the final review process taking into account the non-reimbursed costs of being a Mayor, the compensation was increased to $1,500.


2. CITY COUNCIL TERM LIMITS

It is recommended that there be a change to city charter Article V, Section 507 to limit terms at 3 terms of 4 years for a maximum of 12 years for any City Council seat in any district. Upon the expiration of a 4 year period, a former Council Member could again be a candidate for office.

Current Charter Conditions

Council members serve unlimited terms.

Staff Reports Pertinent to Informed Opinion

Ventura City Council terms average 7.9 years from 1975 – 2013. See Attachments 3 and 4.

Discussion Points

a) If there is a change to district elections, there could be likelihood that a sitting Council Member could develop a voting base that squeezes out other qualified candidates for a long period of time thereby precluding fresh new ideas and needs of the district.

b) Based on the average term, Ventura City Council members have generally limited their own terms of office.

c) Current Council membership reflects the most individual members serving more than 3 terms than at any prior time.
d) Competition has been part of every election; the average number of candidates has been 12 per election cycle from 1975 - 2013.

e) The City has not experienced any ‘uncontested’ City Council races.

f) Voters have rejected sitting Council Members from 1975 to present.

g) Longer terms have supported regional connections to advance local initiatives and interests.

h) Voters have the ultimate right to retain or remove an elected official every four year term.

i) Trends to limit terms of office have resulted in some adverse effects by removing good candidates that still have a desire to serve; however, a Council Member could run again following a four year absence from office.

j) Lack of term limits has not been detrimental in providing good government. However, there is no data to substantiate different results if term limits were to be imposed.

k) The city has a multitude of boards, committees and commissions that provide an avenue to public leadership and help build a pool of potential candidates for City Council.

l) Community councils could be used to educate the public on the operation of city government as a means of fostering a pool of qualified potential candidates.

Conclusion

If there is a change to district elections, it is best The adoption of term limits helps to ensure that a rotation of qualified people occur at least every 12 years.

The recommended change would prohibit more than three consecutive terms; after three terms, an individual can become eligible again if a four year period has passed since last term. This provision will apply whenever a new member of the City Council is elected or when an incumbent is re-elected at which point the new term would count as their first term for term-limit purposes.

The change would prohibit serving three terms and moving to another district to become eligible again unless a four year period has passed since last service.

A Council Member moving outside their elected district during their term would create a vacancy; the vacancy would be filled by a special election or Council appointment.


3. REMOVAL OF THE BOARD OF EDUCATION FROM THE CITY CHARTER

It is recommended that the Board of Education be removed from the city charter Article XI.

Current Charter Condition:

Specific reference is made to the school district, Article XI Board of Education and Ventura Unified School District.

Staff Reports Pertinent to Informed Opinion

Representatives of the Ventura Unified School Board of Trustees and Staff joined the discussion.

Minutes of the April 14, 2015 Ventura Unified School District April 14, 2015 Board meeting are Attachment 5.

Discussion Points

a) The school district is not governed by the city.
b) The school district has a separately elected Board of Trustees.
c) The elected officials of the city and school district Council Members and Board Trustees occasionally hold public meetings for mutual benefit.
d) The City Council has a policy to appoint one member as liaison to the school district.
e) The school district is not contiguous to the city boundaries.
f) The charter connects to the two public bodies in a manner that could have detrimental effects in terms of potential litigation.
g) The school district had shared off-year election costs; board and City Council elections costs were jointly shared prior to 2014; however, the amount of shared costs was not consistent because the school district has a history of uncontested elections and therefore does not consistently share election expenses with the city; the City had to bear all costs.
h) The school board Board of Trustees took action similar to the City Council to place a measure on the 2014 public ballot to change the school district charter and voting cycle to even years; the measure was approved by the voters.
i) The school district Board of Trustees discussed this item at their board meeting of April 14, 2015 and voted to support the removal of the school district from the city charter.

Conclusion
All charter references to the school district (Ventura Unified School District) should be removed.

It should be matter of policy and practice that the city and school district should continue work toward common programs and projects that promote joint benefits because most of the constituents are the same.

CRC Vote – March 11, 2015: Ayes: 11, Noes: 0.

4. DIRECT ELECTION OF THE MAYOR

It is recommended that city charter Article VII, Section 703 be retained.

Current Charter Conditions

The Mayor and Deputy Mayor are elected by the City Council members every two years.

The terms of office are two years.

The Mayor may not succeed the term without at least one additional two-year term having lapsed.

Staff Report Pertinent to Informed Opinion

Survey of peer cities mayoral selection process, including term limits. See Attachments 6 and 7.

Discussion Points

a) A directly elected Mayor would provide better leadership for the Council than a Mayor who is elected from within the Council.
   b) The direct election of the Mayor was intertwined with the discussion of district elections. Directly electing a Mayor at large would provide a voice that would take the interests of the entire city into account if the city were to elect the remainder of the Council by geographic districts.

b) An at large elected Mayor within the district election process would allow a constituent to have more than one representative to approach for particular issues.
c) A minority of the CRC believed a directly elected Mayor could provide better leadership for the Council than a Mayor who is elected from within the Council.

d) A minority of the CRC believes direct election of a Mayor who would only vote in the case of a tie vote among the remaining Council Members elected by geographic districts would provide for a better chance of promoting the best interests of the city.

e) The Mayor has the duty of presiding over the City Council and is the 'face of the city' for regular and special council meetings, as well as special occasions/meetings such as the annual state of the city.

f) The Mayor's position requires an individual with good communication skills and collegial demeanor and flexible schedule.

g) A majority of the CRC believes City Council members, including the Mayor, should have equal standing in their votes on city issues.

h) City Council members selecting the Mayor have a sense and feel for who among them can provide the best leadership in a given term.

i) Each two year term provides an opportunity to select a new Mayor based on his/her ability to be the policy leader of the Council.

j) Selection as Deputy Mayor does not insure a Council Member will rise to Mayor in the subsequent term.

k) Mayors cannot commit the city to actions not approved by the full City Council.

l) Direct election can have the result of giving the incumbent a feeling he/she has greater status rather than ultimately being part of a policy making body of seven.

Conclusion

The majority voted to retain the current charter language allowing the City Council to select the Mayor to ensure the Mayor's position continues to be part of a seven-member policy making body.

The minority vote reflected a possibility for a separately and at large elected Mayor with the consideration that it may be appropriate if district elections were to be instituted in order to preserve a city-wide view on the Council.
CRC Initial – April 8, 2015 (no change in election process): Ayes: 8, Noes: 2, Absent: 1.

CRC conducted a vote on a motion at its July 8 meeting to change to a directly elected Mayor who would vote only in case of a tie vote. The result of that vote was: Ayes: 2, Noes: 8, Absent: 1.

The initial vote on April 8th to retain election of Mayor from the City Council was affirmed.
5. CITY COUNCIL ELECTIONS – AT LARGE OR DISTRICT ELECTIONS

It is recommended that the City move to a district election system for City Council.

Current Charter Conditions

City Council elections are held “at large.”

Staff Report Pertinent to Informed Opinion

Materials provided by staff. See Attachment 8.

Discussion Points

a) The City Council’s direction regarding the retention of consultant expertise limited the CRC’s scope and resources regarding discussion of the characteristics and details concerning district formation and elections. The inability to obtain clarity around empirical data of the pros and cons precluded a detailed analysis of the issue by the committee.

b) In seeking City Council clarification, the committee was directed to focus on policy and not consider the threat of a lawsuit when deciding if the Council should be elected by district or remain at large. Although there was discussion of the possibility of a lawsuit, being told to refrain from such consideration overshadowed the decision.

c) While not being tasked to consider the California Voting Rights Act, separation from possible exposures is not easily achieved.

d) Elections under a district format would likely cost candidates less due to not having to gain votes on a city-wide basis. It would be less time consuming for candidates to meet potential voters.

e) District elections should ensure that issues arising within a particular district are properly represented to the full City Council.

f) Currently under the “at large” form of governance small vocal interests can be interpreted as representing issues that may or may not be in the best interests of geographical area(s) of the
city or the general interests of the entire city. Under the current system a small number can exert oversize pressure and influence on all City Council Members that would likely not exist with geographical districts.

g) District elections can result in City Council Members being able to be more objective in evaluating and voting on issues that are narrowly focused on a specific geographic area.

h) Directly elected City Council Members will be more “local” thereby giving greater knowledge of issues directly impacting the neighborhood in which they live.

i) b) Historically, at large has historically worked for elections have engaged the city with the current process drawing 9-18 candidates to compete.

j) c) It is believed that at large candidates have minimally reflected changes in the city’s population; at minimum the candidates have included men and women; high/low economic standing, and minimum racial diversity... and demographics.

d) Changes in voting rights act (federal and state) may push the city to district elections.

k) e) The California Voting Rights Act (CVRA) law may push cities to districts out of fear of costs to defend at large election processes and federal statutes may require the city to conduct district elections due to under representation of segments of the community. If this decision is forced upon the city through legal action, the costs are likely to be substantial. The track record for cities that have been taken to court to force district elections has been largely negative and, sometimes, very costly. No city that has been legally challenged in California has prevailed. If a court decision goes against the city, it must legally pay the entirety of the plaintiff’s legal cost.

l) f) The ability to defend ‘at large’ voting for the city is unknown; but the cost of legal defense of the at large system would have negative impacts on city budget.

m) g) There has not been an economic or programmatic analysis to show that any specific district or community of the city has been negatively affected by at large election and the manner in which City Council currently appropriates resources.

n) h) District elections require strong candidates/leadership in all sections of the city; the city lacks a city-wide neighborhood governance program of officially elected ‘neighborhood councils/Councils/wards’ that would be a ‘feeder’ to district candidates.

o) i) The city appoints its current boards and commissions in an ‘at large’ manner to garner best candidates with subject expertise; these appointees could be part of ‘at large’ or ‘district’
candidates. Going to a district election system with appointments to boards and commissions from each district could provide a valuable “feeder” process for future City Council Members from the district.

- Districts may promote loyalty to a small community over the “greater good” of the city at large. However, there is no firm data to substantiate that city-wide issues would be dealt with any differently than currently addresses by the at large election process.

- District elections will require city budget commitment to re-balance the district boundaries each 10 years with census and population shifts.

- Potentially the city may have increased costs to manage and respond to district projects/programs.

- Potential district candidates may be limited by resources to finance and manage separate district elections; the cost of district campaigns and public education are unknown.

- In many cities, there was a concern from some members of the committee that district elections have played into strengthening special interest groups in controlling the outcome of elections due to the ability to focus resources.

Conclusion

The presence of the CRVA and its implications for the future of the city’s finances resulted in a decision by the Committee to recommend going to district elections. Independent of the CRVA, a majority of the committee voted for moving to a geographical district form of governance for the city. This decision was based upon the data it had, as well as the comments and discussions that took place.

It is felt the opinion of the CRC that district elections would promote greater participation in election. There is no data, however to validate this feeling.

If appointments to boards and commissions were to follow the district concept of representation with City Council Members appointing the members of the boards and commissions, it could act as a feeder for future City Council candidates.

A minority view expressed suggested the legal cost to defend the “at large” voting process should be further researched in relation to the city’s exposure in a plaintiff lawsuit.
Election finance was not discussed but The city should be part of additional research. Consider programs to develop community leadership throughout the city regardless of district or at large voting process.


6. GENDER NEUTRAL LANGUAGE

It is recommended that there be replacement language throughout the city charter that is gender neutral.

Current Charter Conditions

Charter language is not ’gender neutral’.

Staff Report Pertinent to Informed Opinion

Staff advised this was a City Council request.

Discussion Points

a) The charter should reflect current societal conditions and inclusive language.

b) The recommendations are considered administrative changes.

c) The change will not affect the substance of the charter.

Consensus and Minority Opinion

Staff should make the changes through a ‘red-line’ version of the document using appropriate ‘gender neutral’ language.
7. EVALUATING THE TERM "DEPUTY MAYOR"

It is recommended that the title of Deputy Mayor be changed to Mayor Pro Tem

Current Conditions

The charter refers to 'Deputy Mayor' as the second officer, selected by the City Council after the Mayor, with duties to preside in the absence or disability of the Mayor.

Staff Report Pertinent to Informed Opinions

Material provided by staff. See Attachment 9.

Discussion Points

a) The term needs to be updated to compare with other recognizable titles used among City Councils.

b) The term has been confused by other agencies as an employee rather than 'elected official'.

c) Among various suggested titles and in comparison with peer cities, the term 'Mayor pro tem' seems most appropriate.

d) The term Deputy Mayor has served the city well until now and there is no need to change it.

Conclusion

The charter should be updated to remove confusion that could exist due to the fact Deputy Mayor in some other jurisdictions is an appointed employee position.

It is an administrative task to update the necessary changes.

CRC Final Vote – July 8, 2015: Ayes: 8, Noes: 2, Absent: 1.
9. REVIEW OF SECTION 503 RESIDENCY REQUIREMENT FOR CITY COUNCIL CANDIDATES

It is recommended revisions to Article V, Section 503 that candidates for elective office with the city be residents for a period not to exceed 30 days consistent with decisions of the California Supreme Court.

Current Conditions

Candidates must have lived in the city for at least one year preceding the election or appointment.

Staff Report Pertinent to Informed Opinions

— See Attachment No. 9.

Discussion Points

a) Residency requirements for elected officials have been changed based on California state law, making charter language invalid.

b) It is desirable to have candidates with longer-term residency.

Conclusion

The charter should be updated.

The City Attorney should provide the necessary language for the changes.

CRC Final Vote—July 8, 2015: Ayes:10, Noes:0, Absent:1.

9. REVIEW OF SECTION 800 RESIDENCY REQUIREMENT FOR THE CITY MANAGER

It is recommended removal of the residency requirement Article VII, Section 800 from the city charter in order to be consistent with the California State Constitution.

Current-Charter-Conditions

Candidates for city manager employment must become a resident of the city and remain in the city through their incumbency.
Staff Report Pertinent to Informed Opinions

The City Attorney's research resulted in the determination that the city cannot require residency for the City Manager due to a state voter initiative approved by the voters and now part of state law.

Discussion Points

a) Residency requirements have been changed based on California state law, making charter language invalid.

b) It is preferable for the City Manager to live within the city limits in order to have close proximity to city hall and maintain public contact. The City Council should emphasize this when recruiting for a City Manager.

Conclusion

The charter should be updated.

CRC Final Vote—July 8, 2015: Ayes: 8, Noes: 0, Absent: 3.


It is recommended that the Deputy Mayor (Mayor Pro Tem) automatically fill the vacancy of the Mayor. For the purposes of determining the ability to fill a successive term, 12 months and one (1) day should constitute a term of office. The position of Deputy Mayor should be filled by a vote of the City Council at the same time as the transition to Mayor is accomplished. Should the Deputy Mayor decline to fill the vacancy, the City Council should elect a Mayor to fulfill the unexpired term.

Current Charter Conditions

Article VII, Section 705 is not clear concerning the terms of office when vacancies occur.
Staff Report Pertinent to Informed Opinions

The City Attorney provided options for defining a term of office in the event a Deputy Mayor fulfills the office of a vacated Mayor.

The City Attorney provided options for charter language to allow for ‘true-up’ of terms for all Council Members. It was recognized that this action must take place within the language of the current City Charter.

Discussion Points

   a) There should a clear policy of transition from the Mayor to the Deputy Mayor in the event that the Mayor’s office becomes vacant at any point in the 2 year term.

   b) A decision must be made as to whether the transition of the Deputy Mayor to Mayor constitutes a term of office for the former in terms of not being able to serve as Mayor after the next election cycle.

   c) There should be a defined amount of time served by the transitioning Deputy Mayor to Mayor to constitute a term.

   d) The options discussed for a defined term were 1) any time served, 2) 12 months and one (1) day, and 3) any period of time between 12 and 24 months.

   e) In light of the 2014 ballot measure to move the date of City Council elections to even years, it will be necessary to adjust and ‘true-up’ the term for all Council Members for the one year transition. As this will only occur for the election of Mayor and Deputy Mayor to be conducted following the election in November 2015, it must be determined prior to the election of 2016 when even year elections are instituted consistent with the current City Charter.

Conclusion

The Deputy Mayor should move automatically to fill a vacation of the Mayor’s position. If the Deputy Mayor declines to fill the vacated Mayor’s position, the Council should vote on a new Mayor.
A Deputy Mayor should be selected by the City Council at the time the Mayor's position is occupied.

For the purposes of determining the ability to fill a successive term, 12 months and one (1) day should constitute a term of office. The position of Deputy Mayor should be filled by a vote of the City Council at the same time as the transition to Mayor is accomplished.

The process for election of Mayor and Deputy Mayor for a one year “true up” period (between the November 2015 election and the November 2016 elections) should be referred to the City Attorney for a recommendation to the City Council.

9. REVIEW OF SECTION 503 RESIDENCY REQUIREMENT FOR CITY COUNCIL CANDIDATES

It is recommended to revise Article V, Section 503 that candidates for elective office with the city be residents for a period continuing for at least 30 days consistent with decisions of the California Supreme Court.

Current Conditions

Candidates must have lived in the city for at least one year preceding the election or appointment.

Staff Report Pertinent to Informed Opinions

See Attachment No. 9.

Discussion Points

a) Residency requirements for elected officials have been changed based on California state law, making charter language invalid.

b) It is desirable to have candidates with longer term residency.

Conclusion

The charter should be updated.

The City Attorney should provide the necessary language for the changes.

10. REVIEW OF SECTION 800 RESIDENCY REQUIREMENT FOR THE CITY MANAGER

It is recommended that the residency requirement Article VII, Section 800 be removed from the city charter in order to be consistent with the California State Constitution.

Current Charter Conditions

Candidates for City Manager employment must become a resident of the city and remain in the city through their incumbency.

Staff Report Pertinent to Informed Opinions

The City Attorney's research resulted in the determination that the city cannot require residency for the City Manager due to a state voter initiative approved by the voters and now part of state law.

Discussion Points

a) Residency requirements have been changed based on California state law, making charter language invalid.

b) It is preferable for the City Manager to live within the city limits in order to have close proximity to city hall and maintain public contact. The City Council should emphasize this when recruiting for a City Manager.

Conclusion

The charter should be updated.

CRC Final Vote – July 8, 2015: Ayes: 8, Noes: 0, Absent: 3.
ATTACHMENT 10

This is a summary statement of materials provided to the CRC and available from the City Attorney's Office but not attached in this report:

1. City Charter
2. Brown Act
3. Administrative Report to City Council, September 29, 2014 Re: CRC Appointments
4. Memorandum from Greg Diaz, February 11, 2015 Re: Background Information
5. CRC Agenda Packets:
   a. November 19, 2014
   b. January 14, 2015
   c. February 11, 2015
   d. March 11, 2015
   e. April 8, 2015
   f. May 13, 2015
   g. June 13, 2015
   h. July 9, 2015
   i. No meeting in August
   j. September 9, 2015
   k. October 14, 2015
6. Memorandum from CRC and Greg Diaz, April 20, 2015 Re: City Council Clarification
Attachment 11

Minutes of all the CRC meetings from November 19, 2014 through September 9, October 14, 2015 are collated in this attachment for quick reference.
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September 14, 2015

Via Email gdiaz@cityofventura.net
Gregory G. Diaz, City Attorney
City of Ventura
Post Office Box 99
Ventura, California 93002

Re: Charter Review Committee Draft Report

Dear Greg:

Pursuant to your directive, this letter is written to you for redirection to Cheryl and John who are drafting the final report.

I believe the report should have the following topics or comments, though I am not proffering specific language.

1. In the Executive Summary, I believe there should be a paragraph that indicates and confirms that the Committee sought from the City Council funding in order to retain consultants to provide further information and analysis on the primary issue of whether or not the City should district. While City staff did a yeoman’s job of gathering information, City staff does not have expertise on the pros and cons of districting and the different models of districting that exist in the state. The information City staff did provide was helpful but also indicated that there was a reservoir of expertise within the state on these issues, including empirical data. Since the Council declined to provide funding for the Committee to have access to one or more experts and receive through that expertise empirical data, the analysis on districting was not as broad or deep as Committee members would have liked. Additionally, though not specifically included in the charge by Council, the Committee received information concerning voting rights litigation and learned that not one single public entity has prevailed in a voting rights litigation. The Committee further received and learned that whether by settlement or litigation, because of the attorney fee provisions of the statute, the cost to reluctant public agencies has soared into the millions of dollars. The Committee recognizes that its charge did not include specifically an evaluation of the exposure of the City in this regard, nonetheless it was an important factor for many on the Committee because such a litigation not only would expose the City to significant economic loss but it would also remove from the City and its citizenry an important element of “control” on what districting would look like. Thus, the Committee generally felt that, in addition to all of the other questions concerning districting discussed later in this report, it is critical for this Council to weigh carefully the exposure of the City.
to litigation and the consequences not just economic but the loss of controlling the City’s destiny to a judge or an outside third party and law firm.

2. With respect to Item 1 “Compensation,” I believe the following should be captured in some form: Specifically the Committee discussed around issues of compensation a fundamental question of whether or not from a governance perspective the Council or the Mayor should be “full time.” That underlying structure was considered and a majority of the Committee was disinclined to have an executive mayor who was full time and/or Council members who were compensated consistent with an intent that the positions be approached “as a job” meaning an expectation of 20 hours per week or 40 hours per week. A majority of the Committee felt that Council members already put in those types of hours and that it was a commitment made as part of participating in the City and should not be recast as a “job.” A minority felt otherwise. It was based upon this underlying philosophical discussion around governance that the Committee then voted on the compensation changes which are predicated on the majority Committee members’ view that serving on the Council should not be considered a “job” and therefore, the compensation was not intended to be reflective of hours of commitment.

3. With respect to election of the Mayor, I would suggest the following comments: The issue of direct election of the Mayor was intertwined with districting. Different models of districting were discussed, including, by way of example only, six districts and a mayor at large, or three districts, three at large and a mayor at large or similar. Additionally, within the conversation at the Committee around the issue of direct election of Mayor was the underlying discussion around what a direct election of the Mayor meant. For example, if a mayor was directly elected, for example at large with the balance of the Council being districted, should the Mayor’s position then be vested with certain executive powers and what would those executive powers be. Since a majority of the Committee did not support the concept of a direct elected mayor (even with districting), the Committee did not evaluate or discuss what a directed mayor’s position would look like including issues of executive power and compensation.

4. With respect to districting (Item 5), I would urge the following concepts be included: As indicated in the Executive Summary (above referenced), the issue of districting is not so easily separated from the significant exposures of the City to the California Voting Rights Act. The Committee was declined funding for retention of experts on the issue which would have facilitated the Committee obtaining empirical data and other expertise input beyond that which was provided by staff, to evaluate the pros and cons of districting from more than just a literature review and anecdotal comments.
Concerning districting, a number of comments and views were expressed and it was not merely a matter of the “pros and cons” because other than the yeoman’s job by staff of providing literature, because of the lack of funding of the Committee by Council, the Committee was unable to obtain clarity around the empirical data of pros and cons and, then with that data, be in a position to provide the Council an evaluation of those pros and cons. Therefore, many of the comments in this report described as “discussion” were less data driven than anecdotal “feelings” by Committee members.

In terms of discussion points, I would urge inclusion of additional comments: (a) Districting would facilitate persons running for Council as it would be a smaller geographic area and less time consuming process to meet the voters. Currently Council members run throughout the City but with a smaller district, it would not be so daunting and difficult, nor as expensive to interface with voters. (b) Another discussion point was that while it is hoped that with the change to even numbered year elections voter participation will increase, historically voter turnout has been low and Council members often are elected or those running not elected by a handful of votes. The result is that a small number of people interested in a particular issue can exert oversized influence on the Council members. Public statements at Council meetings have included both direct and indirect threats of “we are organized and we will not vote for you” from groups of 20, 50 or even 100 persons. If Council members perceive that the margin of election is thin throughout the City, such a small vocal group can exert an outsized influence. Districting may have a palliative effect on such “pressure” by a small vocal minority and in so doing, result in Council members being able to more objectively evaluate and vote on matters presented. In other words, districting can serve as a buffer and lead to better decision making. (c) With districting, Council members will be “more local.” They will be living in the neighborhoods from which they are elected. Their neighbors will be their voters. This can increase citizen participation because Council members will be “more accessible” and less distant. It will also hopefully increase citizen participation in governance because of this access and through that increase in participation lead to an increase of qualified participants in City government. (d) While some on the committee were concerned that districting could result in a more “parochial” perspective by a Council member, placing his/her district “first,” it also can have the opposite effect. No district is a “island” and all of the parts of the City are interconnected economically and practically. From that viewpoint, districting could enhance evaluation of decision making because no district can “stand alone” and therefore the conversation would very well include broader citywide concerns focused on how the different parts of the City need to and are working together.

I do not believe that there was any empirical data for a number of the bullet points in the draft report under this section and I think that should be emphasized. For example, “N” was not based on any empirical data and the reference to “in many cities” makes it seem like there is some study or empirical data around this. There was not. This is not unique to this bullet point, but to others.
as well. I think it is important to emphasize that this was a topic of discussion or possible concern from Committee members. As to N, for example, the opposite was also expressed as it was expressed to a number of the bullet points. For example, when the concern of special interests possibly being strengthened, there was also the comment from members on the Committee that the opposite could be an outcome, which is that special interests would not be able to be "citywide" with such small margins for election being the historic norm, and instead a more local districting environment could blunt such special interests because they would not be in blocks of votes within the different districts and therefore it would defuse the impact of special interests.

In terms of conclusions, I believe that the Committee independent of the Voting Rights Act, voted for districting. My memory is there were two votes. One was a vote "independent" of the civil rights Voting Rights Act issue, which passed for districting and then there were certain people voting no who felt that they would vote yes if they weighed the Voting Rights Act and there was another vote which was by a greater margin recommending districts. I believe the report needs to make clear that independent of the Voting Rights Act, a majority of the Committee supported districting based upon the data it had, as well as the comments and discussions that took place. I also do not think your conclusions should be characterized in the negative. For example, your second conclusion about districts promoting greater participation in election is accurate—that is what a majority of the Committee felt irrespective of the Voting Rights issue. That there was "no data however to validate this feeling" is an argument and inappropriate. As written, this notation and many others essentially undercut what was a majority view that the City should district irrespective of the Voting Rights Act and with the Voting Rights Act considered, and even larger majority. Neither is it accurate to say that election finance was not discussed but should be part of additional research. The frustration of the Committee was the lack of funding for any empirical research and expertise, not just on this issue, and election finance was discussed and it was specifically discussed at the Committee that by districting it was anticipated that the cost of running a campaign would be less than the citywide current environment.

I do not believe that the tone of the draft report is consistent with the sense of the Committee which was by majority supportive of districting irrespective of the Voting Rights Act. The Committee did the best it could with the lack of expert consultant(s) and relied upon the different literature that staff was able to provide, as well as several hours of discussion including anecdotal information provided by different Committee members. The tone of the report and the conclusions as written I believe mischaracterize what occurred and make it sound like the Committee did not want to district and only went there kicking and screaming because of the Voting Rights Act. My view is it was quite the opposite and there were long lists of positive comments about districting albeit that all of the comments, pros and con, were often laced with frustration because of the lack of expertise and empirical data input.
I am happy to further discuss these matters and ask for consideration of not just the specific statements in this letter but the tone of the draft report as well.

I want to make sure that, at least from my part and I am sure for all of the Committee, we appreciate your very hard work, your honest and direct input and for the support of staff throughout.

Kindest personal regards,

GOLDENRING & PROSSER
A Professional Law Corporation

By: PETER A. GOLDENRING
Good Afternoon,

The only item/request I have for the final report is the same issue I discussed at our last meeting. I recall receiving the directive from City Council that we should not consider the threat of a lawsuit when deciding if the council should be elected by district. Although there was discussion of the possibility of a lawsuit, being told to keep such consideration out weighed on my decision.

I believe it should be included in the discussion points for item #5.

Thanks.

Patrick Squires, Security Operations Manager
County of Ventura, General Services Agency
805.654.3816
patrick.squires@ventura.org
CITY OF VENTURA

CHARTER REVIEW COMMITTEE

Agenda Item No.: 3
Meeting Date: 10/14/2015

DATE: October 5, 2015
TO: Charter Review Committee
FROM: Gregory G. Diaz, City Attorney
SUBJECT: Consideration of Items Previously Discussed and Further Discussion and Consideration

RECOMMENDATION

That the Charter Review Committee discuss and take action it deems appropriate on the following items:

A. City Council Compensation
B. City Council Term and Term-Limits
C. Retention of the School District Within the Charter
D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
E. Gender Neutral Language in the Charter
F. Durational Residency Requirement as a Condition of Holding Elective Office
G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council
H. Retaining Residency Requirement for the City Manager in Section 800 of the Charter
I. Appropriate Title for the Position of Deputy Mayor
J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor

DISCUSSION:

During the course of the Charter Review Committee’s work, a number of tentative decisions were reached which formed the basis of the drafting of the Final Report. It was the express intent of the Committee to provide for further consideration of all tentative decisions pending a review of the Final Report to ensure that the individual issue decisions make sense when considered as an entire package. The Committee made the following tentative decisions:
A. City Council Compensation
   Tentative Decision: City Council $1,000 per month, Mayor $1,200 per month
   Revised Decision: City Council $1,200 per month; Mayor $1,500 per month

B. City Council Term and Term-Limits
   Tentative Decision: No change to 4 year term and no term-limits
   Revised Decision: Retain 4 year terms; Prohibit more than three consecutive terms; after three terms, can become eligible again if a four year period has passed since last served; prohibit serving three terms and moving to another district to become eligible again unless a four year period has passed since last service

C. Retention of the School District Within the Charter
   Tentative Decision: Remove school district from Charter

D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
   Tentative Decision: Retain current City Council selection of Mayor and Deputy Mayor; retain two-year term; and retain current non-consecutive term prohibition

E. Gender Neutral Language in the Charter
   Tentative Decision: Modify sections of the Charter that have gender specific language to gender neutral language

F. Durational Residency Requirement as a Condition of Holding Elective Office
   Tentative Decision: Reduce current durational residency requirement to 30 days consistent with California Supreme Court decisions

G. City Council Geographic Districts or Retaining At-Large Election for Members of the City Council
   Tentative Decision: Have City Council elected by geographic districts
   Clarification: Without reference to the appropriate number of districts

H. Retaining Residency Requirement for the City Manager in Section 800 of the Charter
   Tentative Decision: Eliminate the legal requirement, but encourage residency
I. Appropriate Title for the Position of Deputy Mayor
   Tentative Decision: Change Title to Mayor Pro-Tem

J. Appropriate Process to Fill a Vacancy in the Office of the Mayor or Deputy Mayor and the Application of the Non-Consecutive Terms to Someone Filling a Vacancy in the Office of the Mayor
   Tentative Decision: Fill Mayor vacancy by having Mayor Pro-Tem move up; Have City Council select a new Mayor Pro-Tem if a vacancy; If 50% plus 1 day of a Mayor’s two year is filled, it counts as a full term, if less than 50% plus one day, it does not count for the no consecutive terms for the Mayor

   Clarification: If the Mayor Pro-Tem declines to move up, City Council selects a new Mayor to fill vacancy.

Staff has included all previous tentative decisions made by the Committee so that the Committee is free to discuss and change any of the decisions without having to have them put on a future agenda under the State’s open meeting law, the Ralph M. Brown Act.
RECOMMENDATION

That the Charter Review Committee discuss and take action as it deems appropriate.

DISCUSSION

With the Charter Review Committee nearing the completion of its work, it is appropriate for the Committee to have a discussion as to how it wishes to present the decisions and recommendations that you have made to the City Council. Generally, there will be an Administrative Report prepared by staff which transmits the Committee's Final Report to the City Council. This will get the agenda item processed into the City Council's agenda system. The Charter Review Committee has at least three options on how to present its Final Report. These options include the following:

1. The Committee Chairman can provide an overview of the report to the City Council as part of an oral presentation or a PowerPoint presentation for the City Council.

2. The Chairman can introduce the some members of the Committee who will share the responsibility for presenting the findings and recommendations to the City Council using both an oral presentation and a PowerPoint.

3. Staff can introduce the selected members of the Committee that will make the substance of the presentation. Both staff and the designated Committee members will it be available to answer questions that the Council may have.
None of the above recommendations are the only way in which to make this presentation, but is one that the Committee should make a collective decision as to how you feel your information can best be presented to the City Council. In looking at available dates in order to make the presentation, the City Clerk and I would recommend that the Committee look at an early January City Council date. This is plenty of time in advance of the deadline to call the election to place measures on the ballot, but would give the Committee and the staff the opportunity to transmit the report to the City Council early so that they would have plenty of time to review the and consider the recommendations prior to the presentation.

**Number of Charter Measures**

One additional area that the Committee may wish to make a recommendation to the City Council on is how many of the items within your charge should be standalone that the voters vote on and how many are combined with other items so that if they placed on the ballot, the City Council has the value of your collective wisdom to consider in determining rather to have one ballot measure or multiple ones.
DATE: October 6, 2015
TO: Charter Review Committee
FROM: Gregory G. Diaz, City Attorney
SUBJECT: Consideration of Committee Calendar and Future Work-Schedule

RECOMMENDATION:

That the Charter Review Committee consider the status of its work and determine if the remaining meeting schedule and discussion items are appropriate for the work plan to complete the tasks. It is requested that the Committee provide direction to staff.

DISCUSSION:

Following the discussion and decisions reached at this meeting, it is appropriate for the Charter Review Committee to determine your progress and the need for further meetings. If determined necessary, the next regular meeting is scheduled for November 4, 2015.