1. Charter Review Committee Report To City Council

   Documents:

   NOVEMBER 19, 2015 CHARTER REVIEW COMMITTEE REPORT TO CITY COUNCIL.PDF

2. Attachments 1 - 10

   Documents:

   NOVEMBER 19, 2015 ATTACHMENTS 1 - 10.PDF

3. Attachment 11

   Documents:

   NOVEMBER 19, 2015 ATTACHMENT 11.PDF
City of San Buenaventura

City Charter Review Committee

Report to City Council

October 21, 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 21 #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 discussions 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 October 14, 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 subsequent meetings. 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 11.

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 could 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.

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 occurs 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 addressed 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 City elections.

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 Tem

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 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 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 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.

Article VII, Section 703’s selection of the Mayor and Deputy Mayor no longer aligns with even year City Council elections.

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 be 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.

With the Charter amendment moving the date of the City Council elections to even years, it is important that transitional language be added to any Charter amendments that trues up the selection of the Mayor and Deputy Mayor with even year City Council elections. Selection of the Mayor and Deputy Mayor for a one year “true up” period (between the November 2015 and the November 2016 elections) should be done. The process for doing so 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 1 TO COMMITTEE FINAL REPORT
<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Salary</th>
<th>Medical/Dental/Vision</th>
<th>Life Insurance</th>
<th>Retirement</th>
<th>Deferred Compensation</th>
<th>Employee Assistance Program (EAP)</th>
<th>Other</th>
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</thead>
<tbody>
<tr>
<td>Camarillo</td>
<td>66,752</td>
<td>$1,329.00/month</td>
<td>Plus compensation for additional meetings. CD Commission: $75/mtg. (max 2); Sanitary District: $170.65/mtg. (max: 6).</td>
<td>Medical - family coverage up to $1,402.00/month. Dental/vision - family coverage up to $124.00/month.</td>
<td>Life, accidental death and dismemberment (AD&amp;D) insurance - $50,000.00 coverage. Dependent life - $2,000.00 coverage per dependent.</td>
<td>Retirement - 1) Classic Members: City pays into PERS (2% @ 55) and 7% into 401a Plan; 2) New Members: Councilmember pays 50% of normal cost into PERS (2% @ 62) and City pays 7% into 401a Plan; or 3) Defined Annuity: 7% City contribution and 1/2% Councilmember contribution.</td>
<td>Deferred comp is optional.</td>
<td>Family coverage for 6 sessions per incident per year.</td>
</tr>
<tr>
<td>Fillmore</td>
<td>15,339</td>
<td>$1,329.00/month</td>
<td>Plus compensation for additional meetings. Animal Regulation Commission: $50.00/mtg. (quarterly); VCTC: $100.00/mtg. (monthly); VRSD: $186.00/mtg. (twice a month).</td>
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<td>-</td>
<td>-</td>
<td>Travel reimbursement is $2,000.00/year. No fringe benefits.</td>
</tr>
</tbody>
</table>
### Ventura County Cities Compensation and Benefits

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Salary</th>
<th>Medical/ Dental/ Vision</th>
<th>Life Insurance</th>
<th>Retirement - CalPERS. If not eligible, then receive a contribution to city's alternate retirement system plan and shall not include the CalPERS employer contribution.</th>
<th>Deferred Compensation (EAP)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moorpark</td>
<td>35,172</td>
<td>$600.00</td>
<td>Medical insurance. Councilmembers are not eligible for cash-back payment in lieu of health insurance.</td>
<td>Life insurance</td>
<td>If first elected on or after Nov. 1, 2012, City will pay medical, dental and vision insurance for Council only. Dependents may participate at expense of member.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ojai</td>
<td>7,594</td>
<td>$475.00/month</td>
<td>Medical, dental, and vision insurance for Councilmembers and eligible dependents. 80% of the cost.</td>
<td>$30,000.00 policy</td>
<td>Eligibility to join PERS after 5 consecutive years and receive pension upon retirement. If first elected on or after Nov. 1, 2012: when retire, after 5 yrs. + consecutive, will receive Public Employees' Medical and Hospital Care Act (PEMHCA) min. contribution for $112.00 (2012), adjusted annually.</td>
<td>-</td>
<td>City will match contributions into Deferred Comp 457 Plan, up to 3% of monthly salary (max $14.25/month).</td>
</tr>
</tbody>
</table>

- Cell phone - monthly reimbursement of monthly cell phone contract amount up to $70.00. Reimbursement up to $125.00 every two years for a new cell phone.
- Laptop - provided upon request.
## Ventura County Cities
### Compensation and Benefits

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Salary</th>
<th>Medical/ Dental/ Vision</th>
<th>Life Insurance</th>
<th>Retirement</th>
<th>Deferred Compensation</th>
<th>Employee Assistance Program (EAP)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxnard</td>
<td>203,645</td>
<td>$1701.01/month</td>
<td>$525.00/month cafeteria</td>
<td>$66.80/month for dental premiums.</td>
<td>Basic life executive insurance.</td>
<td>PERS and PARS.</td>
<td></td>
<td>Cell phone and ipad upon request. Monthly expense allowance: $400.00 for Mayor/$300.00 for Councilmembers.</td>
</tr>
<tr>
<td>Port Hueneme</td>
<td>22,399</td>
<td>$751.38/month</td>
<td>Health insurance for Councilmember and their spouse/1 dependent, up to $1,141.70/month</td>
<td>Retirement - 1) Hired prior to 1/1/13: Enrollment in PERS 2.7% @ 55 - City pays contribution 8% of salary (approx. $64/mo.) 2) Hired after 1/1/13, with a break of more than six months: Enrollment in PERS 2% @ 62 - City pays contribution 4% of salary (approx. $32/mo.) City pays social security and Councilmembers of 7.65%. City pays social security and Councilmembers of 7.65%.</td>
<td>ICMA-457 - City matches contribution up to $100.00/pay period.</td>
<td></td>
<td>Expense and travel reimbursements.</td>
<td></td>
</tr>
</tbody>
</table>
## Ventura County Cities Compensation and Benefits

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Salary</th>
<th>Medical/Dental/Vision</th>
<th>Life Insurance</th>
<th>Retirement</th>
<th>Deferred Compensation (EAP)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Paula</td>
<td>30,448</td>
<td>$300.00/month</td>
<td>$978.11/month</td>
<td></td>
<td></td>
<td></td>
<td>$2,000.00/fiscal year for cell/travel/training/meeting expenses.</td>
</tr>
<tr>
<td>Simi Valley</td>
<td>126,305</td>
<td>1,202.76/month</td>
<td>Medical - max City contribution of $1,500.00. (8 HMO plans and 3 PPO), SimiFlex without medical - $593.98. Dental and Vision Insurance - City pays a portion. Annual executive physical ($300.00).</td>
<td>Life Insurance - $151,000.00 and AD&amp;D-EE. City pays $24.92. $5,000.00 for dependent; City pays $.36.</td>
<td>CalPERS Minimum Employer Contribution - $119.00. Retirement - 1) Hired prior to 1/1/13: ER pays 16.990% and ER pays 7.000% of Employee Contribution = 23.990%; or 2) Hired on or after 1/1/13: not eligible for PERS. Social Security - City pays 6.2% and EE pays 4.2%. Medicare - City pays 1.45% and EE pays 1.45%. Deferred Compensation - 1) City matched 401k of $75.83/month; or 2) Contribution 401k of $65.00/month. Annual maximum of $17,500.00.</td>
<td></td>
<td>Disability - STD $0.51 per $100.00. LTD $0.40 per $100.00 up to $14,250.00 per month. Worker's Compensation - 5.92%. Mileage reimbursement: $400.00; tuition reimbursement: $1,500.00; retirement Health Savings Plan: $200.00/month.</td>
</tr>
</tbody>
</table>
# Ventura County Cities
## Compensation and Benefits

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Salary</th>
<th>Medical/Dental/Vision</th>
<th>Life Insurance</th>
<th>Retirement</th>
<th>Deferred Compensation</th>
<th>Employee Assistance Program (EAP)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thousand Oaks</td>
<td>129,039</td>
<td>$1,750.00/month</td>
<td>Medical insurance - City pays minimum mandated under PEHCMA for members and dependents; 2014 minimum employer contribution is $119.00/month (8 HMO and 3 PPO). They also have Retiree Medical benefits and Survivor Continuance benefits.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dental insurance - City pays full cost for members and eligible dependents.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Vision Care - City pays full cost for members and eligible dependents.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Physical Exams - City reimburses for Councilmembers in amount of $300/year.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Retirement - May opt in or out of CalPERS. 1) PERS: Councilmember pays for employee's contribution of 7% for PERS; or 2) PARS: Councilmember will contribute 3.5% bi-weekly.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>City pays full cost for members and dependents.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Travel expenses incurred for City activities are reimbursed. Travel accident policy. Tuition reimbursement. PC loan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Ventura County Cities Compensation and Benefits

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Salary</th>
<th>Medical/Dental/Vision</th>
<th>Life Insurance</th>
<th>Retirement</th>
<th>Deferred Compensation</th>
<th>Employee Assistance Program (EAP)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ventura</td>
<td>108,961</td>
<td>Mayor: $700.00/month Council: $600.00/month Plus stipend for board meetings: Animal Regulation Commission: $50/mtg. (quarterly); Gold Coast Transit: $100/mtg. (monthly); LAFCO: $50/mtg.; SCAG: $120/mtg. (monthly); VCTC: $100/mtg. (monthly); VRSD: $186/mtg. (twice a month)</td>
<td>Each member of City Council is eligible to participate in the City's group health, dental, and vision insurance plans at member's own expense.</td>
<td>Eligible to participate in either CalPERS or Social Security with member paying the full contribution and City paying required employer contribution.</td>
<td>Eligible. The City will not provide matching contribution.</td>
<td>Travel expenses of $200.00 per year/$300.00 per year for Mayor.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Charter Cities Population and Council Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Carlsbad</strong></td>
</tr>
<tr>
<td>Mayor</td>
</tr>
<tr>
<td>City Council</td>
</tr>
<tr>
<td>SANDBAG Executive Board</td>
</tr>
<tr>
<td>SANDBAG Board of Directors</td>
</tr>
<tr>
<td>Borders Committee</td>
</tr>
<tr>
<td>North County Transit District</td>
</tr>
<tr>
<td>SANDBAG Shoreline Preservation Committee</td>
</tr>
<tr>
<td>San Diego County Water Authority Board of Directors</td>
</tr>
<tr>
<td>Encina Wastewater Authority Policy and Finance/Capital Improvement Committee/Real Estate Committee</td>
</tr>
<tr>
<td>North Coastal</td>
</tr>
<tr>
<td>Wastewater Board of Directors</td>
</tr>
<tr>
<td>Development Commission</td>
</tr>
<tr>
<td>Water Board</td>
</tr>
</tbody>
</table>

| **Berkeley** | 117,372 |
| Mayor | $2,850.00/month |
| Council: $1,800.00/month |
| Adjusted upward by cost of living |
| Joint Powers Authority Lead Abatement | $100.00 per meeting (estimated annual: $3,600) |
| Alameda County Waste Management Authority | $150.00 per meeting (estimated annual: $3,150) |
| Alameda County Transportation Commission | $225.00 per meeting (estimated annual: $4,500) |

| **Santa Clara** | 121,229 |
| Mayor | $1,387.99/monthly |
| City Council Member | $832.78/monthly |
| Sports and Open Space Authority, Housing Authority, Stadium Authority | $30.00 per meeting (estimated annual: $0-$1,000) |
| Santa Clara Valley Transportation Authority/Board of Directors Small Cities Group | $50.00 per meeting (estimated annual: $0-$1,000) |
| Bay Area Water Supply & Conservation Agency | $100.00 per meeting (estimated annual: $0-$1,000) |

| **Visalia** | 129,582 |
| Mayor and Vice Mayor | $890.25/monthly |
| Councilmember | $890.25/monthly |
| Councilmember | $768.00/monthly |
| Councilmember | $858.00/monthly |
| No other special pay |

| **Pasadena** | 140,879 |
| Mayor | $2,112.83/monthly |
| Councilmembers | $1,408.59/monthly |
| No other special pay |

| **Modesto** | 206,785 |
| Mayor | $3,600.00/monthly |
| Councilmembers | $2,000.00/monthly |
| No other special pay |


EXHIBIT "4"
## Charter Cities Population and Council Compensation

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Mayor and Councilmembers Compensation</th>
<th>Other Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merced</td>
<td>81,130</td>
<td>Mayor and Councilmembers $20.00/monthly</td>
<td>Mayor $50.00/monthly</td>
</tr>
<tr>
<td>Newport Beach</td>
<td>86,874</td>
<td>Mayor Supp Allowance $527.92/monthly</td>
<td>Southern California Association of Governments $120.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Councilmembers $1,260.70/monthly</td>
<td>Orange County Vector Control District Board of Directors $100.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Orange County Sanitation District $212.50 per meeting (estimated annual: $3,001+)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>San Joaquin Transportation Corridor Joint Powers Agency Board of Directors $120.00 per meeting (estimated annual: $2,001-$3,000)</td>
</tr>
<tr>
<td>Santa Barbara</td>
<td>90,385</td>
<td>Mayor: $4,141.67/monthly</td>
<td>Santa Barbara County Association of Governments $100.00 per meeting (estimated annual: $2,001-$3,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council: $3,313.33/monthly</td>
<td>Cachuma Operations and Maintenance Board $128.00 per meeting (estimated annual $1,001-$2,000)</td>
</tr>
<tr>
<td>Santa Monica</td>
<td>92,185</td>
<td>Mayor: $1,389.66/monthly</td>
<td>No other special pay</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council: $1,158.04/monthly</td>
<td></td>
</tr>
<tr>
<td>Santa Maria</td>
<td>101,103</td>
<td>Mayor and Councilmembers $1,050.00/monthly</td>
<td>Santa Barbara County Association of Governments $100.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mayor: $250.00/monthly</td>
<td>North County Sub-regional Planning Committee $100.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td>Ventura</td>
<td>108,961</td>
<td>Mayor and Councilmembers $600.00/monthly</td>
<td>Animal Regulation Commission $50.00 per meeting (estimated annual: $0-$1,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mayor: $100.00/monthly</td>
<td>Gold Coast Transit $100.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Local Agency Formation Commission $50.00 per meeting (estimated annual: $0-$1,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southern California Association of Governments $120.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ventura County Transportation Commission $100.00 per meeting (estimated annual: $1,001-$2,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ventura Regional Sanitation District $188.00 per meeting (estimated annual: $2,001-$3,000)</td>
</tr>
</tbody>
</table>
ATTACHMENT 3 TO COMMITTEE FINAL REPORT
## City Council Terms
### From 1976 to 2015

**Election = every 2 years**

**Terms = 4 year**

<table>
<thead>
<tr>
<th>Year</th>
<th>Term start</th>
<th>Term end</th>
<th>Harriet Kosmo</th>
<th>John McWherter</th>
<th>Joseph Garrett</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>Jan-76</td>
<td>Jan-79</td>
<td></td>
<td></td>
<td>Joseph Garrett</td>
</tr>
<tr>
<td>1979</td>
<td>Jan-80</td>
<td>Jan-83</td>
<td>Harriet Kosmo</td>
<td>John McWherter</td>
<td>R. Dennis Orrock</td>
</tr>
<tr>
<td>1983</td>
<td>Jan-84</td>
<td>Jan-87</td>
<td>Russ Burns</td>
<td>John McWherter</td>
<td>R. Dennis Orrock</td>
</tr>
<tr>
<td>1987</td>
<td>Dec-87</td>
<td>Dec-91</td>
<td>Richard Francis</td>
<td>John McWherter</td>
<td>Donald Villenueve</td>
</tr>
<tr>
<td>1991</td>
<td>Dec-91</td>
<td>Dec-95</td>
<td>Gregory Carson</td>
<td>Jack Tingstrom</td>
<td>Tom Buford</td>
</tr>
<tr>
<td>1995</td>
<td>Dec-95</td>
<td>Dec-99</td>
<td>Ray Di Giuilio</td>
<td>Jack Tingstrom</td>
<td>James Friedman</td>
</tr>
<tr>
<td>1999</td>
<td>Dec-99</td>
<td>Dec-03</td>
<td>Ray Di Giuilio</td>
<td>Carl Morehouse</td>
<td>James Friedman</td>
</tr>
<tr>
<td>2003</td>
<td>Dec-03</td>
<td>Dec-07</td>
<td>Bill Fulton</td>
<td>Carl Morehouse</td>
<td>Christy Weir</td>
</tr>
<tr>
<td>2007</td>
<td>Dec-07</td>
<td>Dec-11</td>
<td>Bill Fulton</td>
<td>Carl Morehouse</td>
<td>Christy Weir</td>
</tr>
<tr>
<td>2011</td>
<td>Dec-11</td>
<td>Dec-15</td>
<td>Cheryl Heitmann</td>
<td>Carl Morehouse</td>
<td>Christy Weir</td>
</tr>
</tbody>
</table>

**LEGEND**

<table>
<thead>
<tr>
<th>No. of Terms</th>
<th>No. of CC mmbrs</th>
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</thead>
<tbody>
<tr>
<td>One</td>
<td>19</td>
</tr>
<tr>
<td>Two</td>
<td>11</td>
</tr>
<tr>
<td>Three</td>
<td>1</td>
</tr>
<tr>
<td>Four</td>
<td>4</td>
</tr>
<tr>
<td>Ten</td>
<td>1</td>
</tr>
</tbody>
</table>

*Note: Harrington: 1.5*

---

<table>
<thead>
<tr>
<th>Year</th>
<th>Term start</th>
<th>Term end</th>
<th>Ron Harrington</th>
<th>(Bozung resigned)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>12-6-76</td>
<td></td>
<td>Ron Harrington</td>
<td>Patricia Ellison</td>
</tr>
<tr>
<td>1977</td>
<td>Jan-78</td>
<td>Jan-82</td>
<td>John Chaudier</td>
<td>James Monahan</td>
</tr>
<tr>
<td>1981</td>
<td>Jan-82</td>
<td>Jan-86</td>
<td>John Sullard</td>
<td>Pati Longo</td>
</tr>
<tr>
<td>1985</td>
<td>Jan-86</td>
<td>Dec-89</td>
<td>John Sullard</td>
<td>Nan Drake</td>
</tr>
<tr>
<td>1989</td>
<td>Dec-89</td>
<td>Dec-93</td>
<td>Todd Collart</td>
<td>Gary Tuttle</td>
</tr>
<tr>
<td>1993</td>
<td>Dec-93</td>
<td>Dec-97</td>
<td>Stephen Bennett</td>
<td>James Monahan</td>
</tr>
<tr>
<td>1997</td>
<td>Dec-97</td>
<td>Dec-01</td>
<td>Sandy Smith</td>
<td>Donna De Paola</td>
</tr>
<tr>
<td>2001</td>
<td>Dec-01</td>
<td>Dec-05</td>
<td>Sandy Smith</td>
<td>Neal Andrews</td>
</tr>
<tr>
<td>2005</td>
<td>Dec-05</td>
<td>Dec-09</td>
<td>Ed Summers</td>
<td>James Monahan</td>
</tr>
<tr>
<td>2009</td>
<td>Dec-09</td>
<td>Dec-13</td>
<td>Mike Tracy</td>
<td>Neal Andrews</td>
</tr>
<tr>
<td>2013</td>
<td>Dec-13</td>
<td>Dec-17</td>
<td>Mike Tracy</td>
<td>Erik Nasarenko</td>
</tr>
</tbody>
</table>

F:\A-Users\Greg\Charter Review Committee\2.11.2015 3rd Mtg - CC Term Limits\Copy of CC Term Limits Information 1976-2015.xlsx
8/14/2015
CITY COUNCIL ELECTION RESULTS 1975 THRU 2013

Resolution No. 75-162 - November 4, 1975 Election Results (14 Candidates)
City Council Candidates:
Elected:
Harriett Kosmo, John Mcwherter, and Joseph Garrett

Resolution No. 77-203 - November 8, 1977 Election Results (17 Candidates)
City Council Candidates:
Elected:
Pat Ellison, Ron Harrington, John A Chaudier, and James L. Monahan.

Resolution No. 79-163 - November 6, 1979 Election Results (11 Candidates)
City Council Candidates:
Elected:
Harriet Kosmo Henson, John A. Mcwherter, and R. Dennis Orrock.

Resolution No. 81-157 - November 3, 1981 Election Results (9 Candidates)
City Council Candidates:
Elected:
Jim Monahan, Pati Longo, John M. Sullard, and John Albert Chaudier.

Resolution No. 83-171 November 8, 1983 Election Results (7 Candidates)
City Council Candidates:
Andrew Prokopow, R. Dennis Orrock, Russ Burns, Howard R. Davis, Nan Drake, Elliott Waxman, and John A. McWherter.
Resolutions 1975 THRU 2013

Resolution No. 83-171 November 8, 1983 Election Results (Cont'd)

Elected:
John A. McWherter, R. Dennis Orrock, and Russ Burns.

Resolution No. 85-134 November 5, 1985 Election Results (14 Candidates)

City Council Candidates:

Elected:
John Sullard, James L. Monahan, William "Bill" Crew, and Nan Drake.

Resolution No. 87-139 November 3, 1987 Election Results (14 Candidates/Incumbent Russ Burns not re-elected)

City Council Candidates:

Elected:
Donald A. Villeneuve, Richard Francis, and John A. McWherter.

Resolution No. 89-126 November 7, 1989 Election Results (16 Candidates/Incumbent Nan Drake not re-elected)

City Council Candidates:
Cathy Bean, Thomas Catterson, Todd Collart, Nan Drake, Julie Helm-Van Maanen, Andrew Hicks, Frederick Hoff, Rolf Kraus, Marvin Kwit, Bill Locey, James Monahan, Gary Nasalroad, Andrew Prokopow, Berta Steele, Gary Tuttle, and Carroll D. Williams.

Elected:
Todd Collart, Gary Tuttle, Cathy Bean, and James Monahan.

Resolution No. 91-109 November 5, 1991 Election Results (17 Candidates/Incumbent Don Villeneuve not re-elected)

City Council Candidates:
Greg Carson, Jack Tingstrom, Tom Buford, Don Villeneuve, Jamie Stewart-Bentley, S.R. Wyatt, Donald R. "Don" Boyd, Bob Van Der Valk, Andrew M. Hicks, Keith Burns, Marcum Patrick, Kenneth Vernie Jordan, Carroll Dean Williams, John T. Sudak, Alan Berk, Louis J. Cunningham, and Brian Lee Rencher.

Elected:
Tom Buford, Greg Carson, and Jack Tingstrom.
Resolution No. 93-118 November 2, 1993 Election Results (14 Candidates / Incumbent Todd Collart not re-elected)

City Council Candidates:

Elected:
Rosa Lee Measures, Steve Bennett, Jim Monahan, and Gary Tuttle.

Resolution No. 95-101 November 7, 1995 Election Results (12 Candidates)

City Council Candidates:
Steve L. Hartmann, Craig Huntington, Carroll Dean Williams, Keith Burns, "Buster" Charles E. Davis, Ray Di Giulio, Donna De Paola-Peterson, John S. Jones, Christopher T. Staubach, Brian Lee Rencher, Jack Tingstrom, and Jim Friedman.

Elected:
Ray Di Giulio, Jack Tingstrom, and Jim Friedman.

Resolution No. 97-107 November 4, 1997 Election Results (10 Candidates)

City Council Candidates:
Brian Brennan, Donna De Paola, Doug Halter, Jim Monahan, Carl Morehouse, Mike Osborn, Brian Rencher, Sandy Smith, Paul W. Thompson, and Carroll Dean Williams.

Elected:
Brian Brennan, Donna De Paola, Jim Monahan, and Sandy Smith.

Resolution No. 99-66 November 2, 1999 Election Results (12 Candidates)

City Council Candidates:

Elected:
Jim Friedman, Ray Di Guilio, and Carl Morehouse.
Resolution No. 2001-94 November 6, 2001 Election Results (12 Candidates / Incumbent Donna De Paola not re-elected)
City Council Candidates:
Donna De Paola, Diane Underhill, Mike Osborn, Jim Monahan, Brian Brennan, Carroll Dean Williams, Jon Patton, David L. Norrdin, Sandy E. Smith, Neal Andrews, Howard "Rick" Rickard, and Brian Lee Rencher.
Elected:
Jim Monahan, Brian Brennan, Sandy Smith, and Neal Andrews.

Resolution No. 2003-079 November 4, 2003 Election Results (7 Candidates)
City Council Candidates:
Elected:
Carl Morehouse, Bill Fulton, and Christy Weir.

Resolution No. 2005-096 November 8, 2005 Election Results (10 Candidates)
City Council Candidates:
Elected:

Resolution No. 2007-070 November 6, 2007 Election Results (9 Candidates)
City Council Candidates:
Lou Cunningham, Bill Fulton, Mike Gibson, Doug Halter, Jerry D. Martin, Carl Morehouse, Brian Lee Rencher, Christy Weir, and Carroll Dean Williams.
Elected:
Christy Weir, Carl Morehouse, and Bill Fulton.
Resolution No. 2009-068 November 3, 2009 Election Results (15 Candidates / Incumbent Ed Summers not re-elected)

City Council Candidates:

Elected:
Mike Tracy, Neal Andrews, Jim Monahan, and Brian Brennan.

Resolution No. 2011-058 November 8, 2011 Election Results (11 Candidates)

City Council Candidates:

Elected:
Cheryl Heitmann, Carl E. Morehouse, and Christy A. Weir.

Resolution No. 2013-045 November 5, 2013 Election Results (9 Candidates)

City Council Candidates:
Erik Nasarenko, Mike Tracy, Neal Andrews, Jim Monahan, Richard Francis, Lorrie Brown, Brian Lee Rencher, Paul D. Meehan, and David Kristian Swaffar.

Elected:
Neal Andrews, Jim Monahan, Erik Nasarenko, and Mike Tracy.
ATTACHMENT 4 TO COMMITTEE FINAL REPORT
TERM LIMITS FOR CITY COUNCIL

Charter Review Committee
February 11, 2015

TERM LIMITS

• CLEAR LEGAL AUTHORITY TO ESTABLISH
  —For Charter Cities, it is a “municipal affair” subject to the Charter (Cowdrey v. City of Redondo Beach, 15 Cal.App.4th 1212 (1993))
  —For General Law cities, it is subject to Government Code Section 36502
### Survey Charter Cities

<table>
<thead>
<tr>
<th>Charter City</th>
<th>City Council Term-Limit?</th>
<th>What is the Limit?</th>
<th>Life-Time Limit?</th>
<th>City Council Term Length?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
<tr>
<td>Carlsbad</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
<tr>
<td>Merced</td>
<td>Yes</td>
<td>2 Terms</td>
<td>Yes</td>
<td>4 Years</td>
</tr>
<tr>
<td>Modesto</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No</td>
<td>4 Years</td>
</tr>
<tr>
<td>Newport Beach</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No</td>
<td>4 Years</td>
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<table>
<thead>
<tr>
<th>Charter City</th>
<th>City Council Term-Limit?</th>
<th>What is the Limit?</th>
<th>Life-Time Limit?</th>
<th>City Council Term Length?</th>
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<td>Pasadena</td>
<td>No</td>
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<td>4 Years</td>
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<td>Santa Barbara</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No</td>
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<td>Santa Clara</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No</td>
<td>4 Years</td>
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<tr>
<td>Santa Maria</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
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<tr>
<td>Santa Monica</td>
<td>No</td>
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<td>4 Years</td>
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</table>
Survey Charter Cities

<table>
<thead>
<tr>
<th>Charter City</th>
<th>City Council Term-Limit?</th>
<th>What is the Limit?</th>
<th>Life-Time Limit?</th>
<th>City Council Term Length?</th>
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</thead>
<tbody>
<tr>
<td>Ventura</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
<tr>
<td>Visalia</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
</tbody>
</table>

TERM LIMITS

- Ventura County Cities
  - Correction: Only Thousand Oaks has term limits
    - Does not apply to those in office at time established
    - Is a "waiting period" term-limit
    - Applies after three, four-year terms in office
  - Then can run again, after four years (Thousand Oaks Municipal Code Section 1-14.02)
TERM LIMITS

• Ventura County
  – Measure T – Limits County Supervisors to 12 consecutive years in office
  – Approved by the voters as an initiative in November of 2008
  – Waiting Period Term Limit
    • Four year Waiting Period before eligible to serve again

CITY OF VENTURA EXPERIENCE
1975-2015

# CC Terms
1 Term (19)
2 Terms (11)
3 Terms (1)
4 Terms (4)
10 Terms (1)

Length of Service
1 Term 52.80%
2 Terms 30.60%
3 Terms 2.80%
4 Terms 11.70%
10 Terms 2.80%

Average Length of Service is 7.8 Years
City Council Terms
1975-2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Term start</th>
<th>Term end</th>
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<tbody>
<tr>
<td>1975</td>
<td>Jan-76</td>
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<tr>
<td>1979</td>
<td>Jan-80</td>
<td>Jan-83</td>
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<td>1983</td>
<td>Jan-84</td>
<td>Jan-87</td>
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<td>1987</td>
<td>Dec-87</td>
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<td>1991</td>
<td>Dec-91</td>
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<tr>
<td>1995</td>
<td>Dec-95</td>
<td>Dec-99</td>
</tr>
<tr>
<td>2003</td>
<td>Dec-03</td>
<td>Dec-07</td>
</tr>
<tr>
<td>2007</td>
<td>Dec-07</td>
<td>Dec-11</td>
</tr>
<tr>
<td>2011</td>
<td>Dec-11</td>
<td>Dec-15</td>
</tr>
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</table>

Election = every 2 years
Terms = 4 years

<table>
<thead>
<tr>
<th>Year</th>
<th>Term start</th>
<th>Term end</th>
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<tbody>
<tr>
<td>1976</td>
<td>Nov 76</td>
<td>12-6-76</td>
</tr>
<tr>
<td>1977</td>
<td>Jan-78</td>
<td>Jan-82</td>
</tr>
<tr>
<td>1981</td>
<td>Jan-82</td>
<td>Jan-86</td>
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<tr>
<td>1985</td>
<td>Jan-86</td>
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<td>1989</td>
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<td>Dec-13</td>
</tr>
<tr>
<td>2013</td>
<td>Dec-13</td>
<td>Dec-17</td>
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</table>

Election Year Term start Term end
1975 Jan-76 Jan-79
1979 Jan-80 Jan-83
1983 Jan-84 Jan-87
1987 Dec-87 Dec-91
1991 Dec-91 Dec-95
1995 Dec-95 Dec-99
1999 Dec-99 Dec-03
2003 Dec-03 Dec-07
2007 Dec-07 Dec-11
2011 Dec-11 Dec-15

Legend

<table>
<thead>
<tr>
<th>Year</th>
<th>Council Member</th>
<th>No. of Terms</th>
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<tbody>
<tr>
<td>1976</td>
<td>Bartell Lewis</td>
<td>2</td>
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<tr>
<td>1977</td>
<td>Ron Harrington (Resigned)</td>
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</tr>
<tr>
<td></td>
<td>John McWhorter</td>
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<tr>
<td></td>
<td>John McWhorter</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Richard Frank</td>
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<tr>
<td>1978</td>
<td>James Monahan</td>
<td>10</td>
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<tr>
<td>1979</td>
<td>Ron Harrington</td>
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<tr>
<td>1981</td>
<td>John McWhorter</td>
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<tr>
<td>1982</td>
<td>Bill Sullivan</td>
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<tr>
<td>1986</td>
<td>Russ Burns</td>
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<tr>
<td>1988</td>
<td>William Crew</td>
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<tr>
<td>1989</td>
<td>Nan Drake</td>
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<tr>
<td>1991</td>
<td>Richard Frank</td>
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<tr>
<td>1997</td>
<td>Todd Collart</td>
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<tr>
<td>1991</td>
<td>Bill Sullivan</td>
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</tr>
<tr>
<td>1995</td>
<td>Tom Buford</td>
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<tr>
<td>1997</td>
<td>Jack Tiggeson</td>
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<td>1999</td>
<td>Stephen Bennett</td>
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<tr>
<td>2001</td>
<td>Craig Carson</td>
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<td>2001</td>
<td>Carlos Mouhous</td>
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<tr>
<td>2003</td>
<td>Sandy Smith</td>
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<tr>
<td>2003</td>
<td>Brian Burnman</td>
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<td>2003</td>
<td>Donna De Fatta</td>
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<td>2003</td>
<td>Carl Mouhous</td>
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<tr>
<td>2005</td>
<td>Neal Andrews</td>
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<tr>
<td>2005</td>
<td>Bill Sullivan</td>
<td>1</td>
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<tr>
<td>2005</td>
<td>Ed Summers</td>
<td>1</td>
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<tr>
<td>2005</td>
<td>Mike Trzyk</td>
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<tr>
<td>2005</td>
<td>Cheryl Heitmann</td>
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<tr>
<td>2005</td>
<td>Erik Nasaranko</td>
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</tbody>
</table>

*Note: No new candidates in 2007
Harrington 3 Terms 2 Term
Some Arguments Pro

• Promotes new ideas and new ways of doing things
• Brings new people and new “blood” into the decision-making process
• Broadens participation in the City Council experience by increasing the number of people who can serve as a City Councilmember over time
• Helps retain identity with the community rather than the institution of the city

Some Arguments Con

• Anti-democratic—if the voters are happy with an incumbent, why should the incumbent be prohibited from continuing to serve
• Leads to inexperienced City Councils that lack the ability to effectively challenge the institution
• Leads to short-term decision-making that neglects the long-term interests because those deciding the issue will be out of office before the real consequences of the decisions hit (Freshmen and Lame Ducks)
• Demands more time for training on basics (and repeating the basics again) rather than building on lessons learned
If Support, Some Direction Needed

1. What is the proper length of a term for a City Council Member? Is it two years, four years, six years, etc.?
2. How many terms should be allowed? 1, 2, 3 or more before limits apply?
3. Is the limit on the number of terms a lifetime ban or a waiting period?
4. If it is a waiting period, what should the waiting period be? 1 day, 1 year, 1 term, something else?
5. Filling a vacancy, when does the term limit apply?
   a. Should the standard be 50% plus one day = full term?
   b. Should one day in office count as a full term?
   c. Something else?
6. Do term limits apply to "election" or "holding office"?

Questions
Discussion
ATTACHMENT 5 TO COMMITTEE FINAL REPORT
DATE: June 30, 2015

TO: Charter Review Committee

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Further Consideration of Retaining or Eliminating the Provisions of the City Charter that Pertain the School District

RECOMMENDATION:

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

DISCUSSION:

At the Charter Review Committee’s March 11, 2015 meeting, representatives of the Ventura Unified School District were in attendance during the Committee’s discussion of whether or not to retain the provisions in the City’s Charter that relate to the School District. The School District indicated that they had not yet had the opportunity to discuss the issue at the Board level but would do so in the future. With that in mind, the Charter Review Committee held their discussion and have determined to recommend the removal of the provisions of the Charter pertaining to the School District, subject to hearing further input from the School District.

At the Ventura Unified School District Board of Trustees meeting on March 24, 2015, district staff presented an item to the Board of Trustees indicating that the Charter Review Committee had made the request of the District. The minutes of this meeting indicate that the item would be brought back for consideration by the Board of Trustees at its April 14, 2015 meeting. At the Board of Trustees April 14th, 2015 meeting, the Board of Trustees approved directing staff to send a letter to the Ventura Charter Review Committee indicating the District’s support for the removal of the provisions pertaining to the School District from the City Charter. A copy of the minutes of the Board of Trustees meeting of April 14, 2015 is attached as Attachment “1” hereto.
Consequently, while the City has not received a letter from the School District on this issue as of yet, a review of their minutes indicate that they are supportive of the Charter Review Committee's recommendation.

Attachments

Attachment “1” – Relevant Portion of the Ventura Unified School District Board of Trustees Minutes of April 14, 2015
Minutes of the Meeting of April 14, 2015
Ventura Unified School District

SUPERINTENDENT/BOARD

Discussion Regarding Superintendent's Search Process
Dr. Golden provided update on extensive search conducted by the Board of Education for new superintendent, six qualified applicants were interviewed. With information collected by all stakeholders and consideration to survey outcome, one applicant rose to the top. Therefore, the Board selected Dr. Michael Babb and his official hire contingent upon contract approval. Dr. Babb is the current superintendent of Mesa Union School District.

ACTION AGENDA

De Anza Academy of Technology and the Arts (DATA) Chris Prewitt Trailhead Sign
It was moved by Mrs. Haffner, seconded by Mrs. Lomax and carried unanimously to approve the DeAnza Academy of Technology and the Arts; Chris Prewitt Trailhead Sign.

K-12 Single School Plans for Student Achievement (SPSA) for the 2014-15 School Year
It was moved by Mr. Walker, seconded by Ms. Fitzgerald and carried unanimously to approve the K-12 Single School Plans for Student Achievement for the 2014-15 School Year as presented at the March 24, 2015 meeting.

Administrative Recommendation to Waive Board Policy 6146.1
It was moved by Ms. Fitzgerald, seconded by Mrs. Lomax and carried unanimously to approve the waiver request and issuance of High School Diploma for students #s: 450027927, 450035507, 450028744, 450029283, 450029168, 501802613, 450029592, 450029363, and 450027018.

Approval to Remove from the City Charter Provisions Pertaining to the District per Recommendation by the Ventura Charter Review Committee
At its March 24, 2015 Board of Education meeting discussion was held regarding several articles in the City Charter that pertain to the Ventura Unified School District. The Board determined that it has no objections to the Ventura Charter Review Committee's recommendation to remove the District from the Charter provisions pertaining to the City Charter.

It was moved by Mrs. Lomax, seconded by Mrs. Haffner and carried unanimously to give staff permission to send a letter to the Ventura Charter Review Committee regarding removal of Charter provisions pertaining to the District from the City Charter.

Permission to Solicit Bids for Various Food and Nutrition Services Items
It was moved by Mrs. Haffner, seconded by Ms. Fitzgerald and carried unanimously to approve permission to bid and solicit requests for proposals for a variety of products such as bread, dairy, grocery, produce and dry goods.

CONSENT CALENDAR

It was moved by Mr. Walker, seconded by Mrs. Lomax and carried unanimously to approve consent items number 1 – 15 as presented.

1. Overnight and Out of the Tri-County Fieldtrips
Foothill Technology High School requested permission to send students from their Speech team to travel overnight and out of the tri-county to the California State Speech Tournament to be held at Vista Murrieta High School in Murrietta, Riverside County, CA. The trip will take place on April 16 – 20, 2015. Board approved request to send three students and two chaperones to this fieldtrip. Transportation provided by a commercial vehicle.
ATTACHMENT 6 TO COMMITTEE FINAL REPORT
TO: Charter Review Committee
FROM: Gregory G. Diaz, City Attorney
SUBJECT: Consideration and Discussion of the Issue of Whether or Not to Recommend a Directly Elected Mayor or Retain a City Council Selected Mayor; the Term and Term-Limit (if any)

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

DISCUSSION
The issue for discussion and potential decision at this meeting is whether or not the City of San Buenaventura should retain its current method of selecting its Mayor, i.e., the City Council selects the Mayor from among its members and the mayor serves a two year term as Mayor, or should the City switch to a directly elected Mayor where the voters of the City determine who is the Mayor? As background, the San Buenaventura City Charter, Section 702, provides as follows:

"The Council shall elect from among its members, officers of the City who shall have the titles of Mayor and Deputy Mayor, each of whom shall serve a two-year term. In no event may a Councilmember elected Mayor for a two-year term, succeed himself as Mayor without at least one additional two-year term having lapsed.

The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law and shall act as the official head of the City on public and ceremonial occasions. He shall have the power to administer oaths and affirmations, but shall have no power of veto. He shall have authority to preserve order at all Council meetings and to
remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council. The Deputy Mayor shall act as Mayor in the absence or disability of the Mayor.

When the Mayor and the Deputy Mayor are absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, who shall, for the time being, have the powers of the Mayor.”

General Law Cities – Mayoral Selection; Powers and Duties

City Council Selection

In general law cities, the mayor can be selected in one of two ways. The first is by selection by the city council from among one of its members.1 The position of mayor pro tempore is also selected in the same manner and generally at the same time.

Powers and Duties of Mayor Selected by the City Council

Mayors of general law cities that are selected by their city councils serve as the presiding officer for all city council meetings2 but retain their rights and privileges as a member of the city council and specifically can make or second any motion and vote on any issue before the city council.3 The mayor of a general law city selected by their city council also shall sign all of the following:

- All warrants drawn on the city’s treasury;
- All written contracts and conveyances made or entered into by the city; and,
- All instruments requiring the city seal.4

The city council may enact an ordinance delegating this function to an officer other than the mayor. Furthermore, the mayor of a general law city selected by the city council is authorized to administer to oaths and affirmations, take affidavits, and certify them.5 Finally, the mayor of a general law city selected by the city council may also

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1 Government Code Section 36801.
2 Government Code Section 36802.
3 Government Code Section 36803.
4 Government Code Section 40602.
5 Government Code Section 40603.
acknowledge the execution of all instruments executed by the city and required to be acknowledged.  

Direct Election

The second way mayors can be selected in general law cities is to be directly elected by the voters. In order to change from a city council selected to a directly elected mayor, the city council needs to submit a measure to the voters. The issue before the voters is initially "shall the electors elect a mayor and four city council members?" The questions before the voters also includes whether the mayor should serve a two or four year term, with the term length being determined by which option receives the highest number of votes.

Powers and Duties of Directly Elected Mayors

A directly elected mayor of a general law has the same powers and duties as a mayor of a general law city selected by the city council. In addition, a directly elected mayor of a general law city retains his/her position on the city council with all of the powers and duties associated with being a member of the city council. A directly elected mayor of a general law city also has the authority, with the approval of the city council, to make all appointments to boards, commissions, and committees unless a statute provides otherwise.

Charter Cities-- Mayoral Selection; Powers and Duties

In charter cities, the selection of the mayor is determined by the provisions of the charter. In the absence of a specific provision in either the charter or municipal code on the selection of the mayor, the general laws would apply. Consequently, charter cities can have a variety of methods to determine who serves as the mayor and for how long. In the San Buenaventura Charter, the Mayor is selected from among the City Council by the City Council, similar to how a general law city that uses the council selection method. However, unlike a general law city, the San Buenaventura Charter provides that the Mayor's term is two years. The term of the mayor selected by the city council of a general law city is usually one year. In addition, the San Buenaventura Charter also limits the Mayor from succeeding him/herself as Mayor until two years or more have elapsed. A copy of the survey charter cities also attached at Exhibit "1" reflecting if the

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7 Government Code Sections 34900 and 34901.
8 Government Code Section 34901.
9 Government Code Section 34903.
10 Government Code Section 40605.
11 San Buenaventura Charter, Section 702.
mayors in those cities are selected by the city council or directly elected by the voters of that city. In addition, the Exhibit also shows the term and term-limit, if any, applicable to the mayor for each of the survey charter cities.

In addition to the two models for selection of the mayor applicable to general law cities, charter cities can utilize other options as well. For example, a charter city could have a charter provision that requires the direct election of the mayor by the voters, but requires that to be eligible to run for mayor, a candidate must be a current member of the city council. Similarly, a charter could also provide for a different term of office for the mayor, i.e., one year, three years, five years, etc. The only limitation on variations for how the mayor is selected would be the same ones applicable to process and eligibility to run for office generally under the constitution and laws of the state. For example, only allowing candidates from one part of the city to vote for mayor would not likely stand constitutional challenge nor would a requirement that a candidate for mayor be 30 years of age or more. This is not based on the charter power, but constitutional provisions pertaining to eligibility for public office.

Powers and Duties of Mayors in Charter Cities

The charter is both a grant of power and a limitation on power. It is also the document that clarifies who has the authority to exercise what powers. Consequently, a mayor of a charter city would have the same powers and duties of a mayor in a general law city, be it a mayor selected by the city council or one directly elected, unless the charter provided otherwise. For example, a charter could severely limit the power to execute city documents by specifying that the city manager is to take on this function. In cities with an elected treasurer, a charter could specify that the treasurer is to sign all warrants on behalf of the city.

On the opposite side, a charter could expand the role of the mayor. A charter provision could be drafted that gives the mayor veto power over legislative actions (generally city ordinances) enacted by the city council. A charter provision could make the appointment and removal of the city manager a right and power of the mayor alone. Charter cities, unlike general law cities, also have the authority to have a "strong mayor" form of government. This varies significantly from the council-manager form of government because the executive in charge of the day to day functions of the city is not a professional manager, but an elected official. This is the minority form of local government in California with only some of the largest and smallest cities utilizing it. To the extent the strong mayor form of government is used, it is used in varying degrees. Los Angeles and San Diego are frequently cited as examples of the strong mayor form of government. What differs in these cities is that the mayor is the chief

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12 The City of Fresno has such a provision in its charter and consequently, the tenure of a city manager in Fresno has historically been limited to the term of the mayor—if not less.
executive and not a member of the city council. They do not preside over the meetings and have no vote on the city council. They may have certain veto rights. They may submit the budget. Other cities with a less strong mayor, for example Fresno and Long Beach, have a hybrid system. For example, in Fresno, the Mayor is not part of the city council, does not conduct the meetings, and has no vote. Whereas in Long Beach, the Mayor is the presiding officer of the city council but does not have a vote on the city council. Both have limited veto powers. Consequently, there are a variety of ways to structure the powers and duties of the mayor. What matters most is what the community believes is the best form of government for it—with divisions of labor and divisions of power that best serve the public interest.

In deciding what powers and duties to assign to the mayor, care should be given to avoid over dispersion of power so that there is no accountability. This was cited as one of the primary factors causing the bankruptcy of the City of San Bernardino. The case study notes that the San Bernardino City Charter has a very unusual structure that diffused political and managerial accountability and authority. For example, the mayor nominates the city manager, police chief, and fire chiefs, but a majority of the city council must approve the nominations. The city manager reports to the mayor but can only be removed by a petition submitted by the mayor to the city council and a majority vote of the city council is required for the city manager to be removed. Department heads, including the police and fire chiefs report to the city manager but can only be removed by the city council. The city attorney is an elected position. The mayor has veto authority over any city council actions without a supermajority override. No one person or body has full authority to execute decisions. The case study found that, “[a]t best, this complex arrangement makes efficient governance difficult. As worst, the competing interests means the status quo—even when detrimental to the city as a whole—is very difficult to shift.”

To provide the Charter Review Committee with some idea of the powers and duties assigned to mayors in charter cities, I have attached as Exhibit “2” a copy of the pages setting forth the duties of the mayor in each of the survey charter cities that we have used in the past. Should a survey city be missing from the Exhibit, it is because that city’s charter does not provide for any additional duties or limitations on the power of the mayor other than general law.

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14 The discussion above is taken in large part from an as yet unpublished chapter of a publication undertaken by the City Attorneys’ Department of the League of California Cities on charter cities. This portion of the chapter was authored by Kathy Phelan then of the law firm of Alshire and Wynder. The City Attorney co-authored the other parts of the chapter called “Common Concerns.”
At the last Charter Review Committee meeting, a member requested that staff survey at least ten cities between 100,000 and 150,000 to determine if these cities selected their mayor by the city council from the city council or directly elected them. Because the number of cities in this category was not overly extensive and most of the information was readily available from their website, my office was able to survey all California cities within that population range. To assist the Charter Review Committee with understanding the data, staff has also included a column indicating if the city is a general law or a charter city. A copy of this survey can be found in Exhibit “3” hereto.

Some Reasons to Retain the City Council Selected Mayor

The following is a discussion of some of the reasons the Charter Review Committee may wish to retain the current process to select the Mayor. However, this discussion includes only some of the reasons and the Members of the Committee may have others that are not listed or discussed that are equally or more valid than those provided by staff. Some reasons to retain the current system:

- Having the City Council select the Mayor ensures that the City Council, at least at the time of selection, has confidence in their choice to serve in this office. The Mayor's position has certain duties outlined in the Charter, Municipal Code, and those set forth in state law discussed earlier, but the difference between individuals serving as Mayor has a lot to do with their influence on the policy making process. Is the Mayor viewed by his/her colleagues as a leader? Is the Mayor someone the City Council as a whole trusts? The leadership ability of the Mayor (or the lack of it) will have a dramatic impact on the policy making process in the City. A City Council selected Mayor helps ensure that the person selected as the Mayor works well with his/her colleagues and reflects the majority opinion on the City Council.

- The legal power and duties of a Mayor in a council/manager city are compared and contrasted with the influence and situational authority of mayors are discussed in two excellent articles, “Mayoral Leadership in Council-Manager Cities: Preconditions verses Preconceptions,” published by the Cambridge University Press, Southern Political Science Association and “The Policy Making Role of the Mayor in Council-Manager Cities: Detracting and Enhancing Factors” a MPA Student Capstone from the University of Nebraska, Omaha, Summer of 2007, copies attached as Exhibits “4” and “5” hereto.

- Allows the City Council to ensure that the person occupying the office of Mayor has the experience necessary to do so. In contrast, a directly elected Mayor could have no governmental or municipal experience. This can make it challenging for the City Council to get its work accomplished and lack of experience at running public meetings can make them long, unruly, and unpleasant for the Council, staff, and public to attend.
• It is less expensive in terms of election-related costs than directly electing the Mayor. The City is charged by the Ventura County Registrar of Voters the City’s proportionate share of the election costs whenever a City office or measure is on the ballot. If the City is only electing “Council Members” then only one office is charged. If, however, the City is electing three Council Members and a Mayor, the City pays the cost to have two offices on the ballot. This will raise the City’s election related costs. Because the size of the ballot varies significantly in each election, it is difficult to estimate increase in election costs.

Some Reasons to Switch to a Directly Elected Mayor

Below are some of the reasons the Committee may wish to recommend switching to a directly elected Mayor. As indicated above, this is not intended to be an exhaustive list, but some key factors to consider. It is likely the Committee will have other reasons that are equally or more valid. Some of the reasons to switch to a directly elected Mayor include:

• It allows the voters in the City to decide who holds the most prominent and visible local government position in the City. In essence, this argument is that allowing the voters to decide who is the Mayor, the selection process is more democratic than having the City Council decide.
• In the event the Committee determines to go to City Council districts, having a Mayor elected at-large from the whole City will ensure that at least one of the elected officials is accountable for looking after the interests of the entire City and not just his/her district.
• A directly elected Mayor carries with him/her the mantle of voter support or approval when representing the City with state and national political leaders.

Appropriate Length of the Term for the Mayor

As a charter city, San Buenaventura has the ability to set the length of the term of the Mayor as it deems to be in the best interests of the City. General Law cities really have three options: a one year term when the mayor is selected by the city council, a two year term when selected by the voters, or a four year term when selected by the voters. For purposes of this Administrative Report, staff will discuss issues associated with two and four year terms.

Two Year Terms

The advantage of a two year term is that it is long enough for a Mayor to learn the ropes and get a handle on running difficult public meetings. Mayors can establish an agenda and even get a number of projects underway during a two year term. This is true without regards to whether or not the Mayor is directly elected or selected by the
City Council. The disadvantage of a two year term if the Mayor is directly elected is the increase in election costs to the City (i.e., there will always be at least two offices on the ballot rather than just one) and it could lead to political instability by always having a majority of the City Council up for election at every City Council election. It could be argued that it will force the City Council to take a short-term view of issues rather than a long-term view that may be in the City’s best interests. Others will argue that a two year term will hold the Mayor accountable to the voters. The current Charter provides for a two year term for the Mayor when selected by the City Council, but is silent on any removal authority should a Mayor selected by the City Council lose the confidence of the City Council.

Four Year Term

If directly elected, a Mayor with a four year term certainly has the time to learn the ropes and how to run difficult meetings. A longer term would also allow him/her to set a policy agenda that has a realistic opportunity to be enacted while he/she is still Mayor. A four year term has the advantage of not always having a majority of the City Council up for election thus providing the opportunity for political stability. Both job applicants and businesses look for communities to locate in where the political environment is stable as certainty or predictability is favored over uncertainty and instability. From a cost perspective, a four year for a directly elected mayor is less costly because the City would face half the number of elections; it is more costly than a city council selected mayor. A directly elected Mayor who is unpopular with the City Council can make for a long four years for the Mayor, City Council, staff, and community while the factions attempt to work out differences.

CONCLUSION

One thing that is clear from the discussion above, there are a lot of issues and options for the Committee to consider. There is not one right or correct approach, there is only an approach that you believe is in the community’s best interests. Staff looks forward to hearing your discussion and learning of your recommendations in this area.

EXHIBITS

Exhibit 1 – Survey Charter Cities: Directly Elected or City Council Selected Mayor, Term, and Term-Limit
Exhibit 2 – Survey Charter Cities: Copies of Charter Provisions Regarding Powers and Duties of the Mayor
Exhibit 3 -- California Cities with 100,000 to 150,000 Population and Directly Elected or City Council Selected Mayor
Exhibit 4 -- Article: “Mayoral Leadership in Council-Manager Cities”
Exhibit 5 -- Article: “Policy Making Role of the Mayor in Council-Manager Cities”
<table>
<thead>
<tr>
<th>Charter City</th>
<th>Mayor Direct Elect (D)</th>
<th>Mayor Term-Limit?</th>
<th>What is the Limit?</th>
<th>Life-Time Limit?</th>
<th>Mayor Term Length?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>D</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
<tr>
<td>Carlsbad</td>
<td>D</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
<tr>
<td>Merced</td>
<td>D</td>
<td>Yes</td>
<td>2 Terms</td>
<td>Yes</td>
<td>2 Years</td>
</tr>
<tr>
<td>Modesto</td>
<td>D</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No(^1)</td>
<td>4 Years</td>
</tr>
<tr>
<td>Newport Beach</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pasadena</td>
<td>D</td>
<td>No</td>
<td></td>
<td></td>
<td>4 Years</td>
</tr>
<tr>
<td>Santa Barbara</td>
<td>D</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No(^2)</td>
<td>4 Years</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>D</td>
<td>Yes</td>
<td>2 Terms</td>
<td>No(^3)</td>
<td>4 Years</td>
</tr>
<tr>
<td>Santa Maria</td>
<td>C</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Santa Monica</td>
<td>C</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ventura</td>
<td>C</td>
<td>No</td>
<td></td>
<td></td>
<td>2 Years</td>
</tr>
<tr>
<td>Visalia</td>
<td>C</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) Requires 4 year period intervening between last term and new one once limit reached, Modesto Charter Section 503.  
\(^2\) Requires break in Service – Charter is silent on length of time.  
\(^3\) Requires 2 year period intervening between last term and new one once limit reached, Santa Clara Charter Section 701.
ATTACHMENT 7 TO COMMITTEE FINAL REPORT
<table>
<thead>
<tr>
<th>NAME OF CITY</th>
<th>GENERAL LAW OR CHARTER</th>
<th>IS MAYOR DIRECTLY ELECTED OR APPOINTED</th>
<th>COUNCIL: DISTRICTS OR AT-LARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Antioch</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Burbank</td>
<td>Charter</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Carlsbad</td>
<td>Charter</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Clovis</td>
<td>General Law</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Concord</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Costa Mesa</td>
<td>Charter</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Daly City</td>
<td>General Law</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Downey</td>
<td>Charter</td>
<td>Mayor is Appointed</td>
<td>Districts 4- 1 @ Large</td>
</tr>
<tr>
<td>City of El Cajon</td>
<td>Charter</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of El Monte</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Escondido</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>Districts - 4</td>
</tr>
<tr>
<td>City of Fairfield</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Fullerton</td>
<td>General Law</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Hayward</td>
<td>Charter</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Inglewood</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>Districts</td>
</tr>
<tr>
<td>City of Murrieta</td>
<td>General Law</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
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<td>City of Norwalk</td>
<td>General Law</td>
<td>Mayor is Appointed</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Orange</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Pasadena</td>
<td>Charter</td>
<td>Mayor is directly Elected</td>
<td>Districts</td>
</tr>
<tr>
<td>City of Rialto</td>
<td>General Law</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>City of Richmond</td>
<td>Charter</td>
<td>Mayor is directly Elected</td>
<td>@Large</td>
</tr>
<tr>
<td>NAME OF CITY</td>
<td>GENERAL LAW OR CHARTER</td>
<td>IS MAYOR DIRECTLY ELECTED OR APPOINTED</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
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<td>-----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>City of Roseville</td>
<td>Charter</td>
<td>Mayor is directly Elected(^1) @Large</td>
<td></td>
</tr>
<tr>
<td>City of San Mateo</td>
<td>Charter (Deputy Mayor)</td>
<td>Mayor is Appointed/ (changes every year) @Large</td>
<td></td>
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<tr>
<td>City of Santa Clara</td>
<td>Charter</td>
<td>Mayor is directly Elected @Large</td>
<td></td>
</tr>
<tr>
<td>City of Santa Maria</td>
<td>Charter</td>
<td>Mayor is directly Elected @Large</td>
<td></td>
</tr>
<tr>
<td>City of Simi Valley</td>
<td>General Law</td>
<td>Mayor is directly Elected @Large</td>
<td></td>
</tr>
<tr>
<td>City of Sunnyvale</td>
<td>Charter</td>
<td>Mayor is Appointed @Large - # Seat</td>
<td></td>
</tr>
<tr>
<td>City of Temecula</td>
<td>General Law</td>
<td>Mayor is Appointed @Large</td>
<td></td>
</tr>
<tr>
<td>City of Thousand Oaks</td>
<td>General Law</td>
<td>Mayor is Appointed @Large</td>
<td></td>
</tr>
<tr>
<td>City of Torrance</td>
<td>Charter</td>
<td>Mayor is directly Elected @Large</td>
<td></td>
</tr>
<tr>
<td>City of Valleio</td>
<td>Charter</td>
<td>Mayor is directly Elec @Large</td>
<td></td>
</tr>
<tr>
<td>City of Victorville</td>
<td>Charter</td>
<td>Mayor is Appointed @Large</td>
<td></td>
</tr>
<tr>
<td>City of Visalia</td>
<td>Charter</td>
<td>Mayor is Appointed @Large/ (Transitioning)</td>
<td></td>
</tr>
<tr>
<td>City of West Covina</td>
<td>General Law</td>
<td>Mayor is Appointed @Large</td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) By highest votes, then serves two years as Vice Mayor. Following two years as Mayor.

F:\A-Users\Greg\Charter Review Committee\Mayor - Directly Elected\(#00000 To 150000 Cities And Directly Elected Or Council Selected Mayor.3.19.2015.Docx
RECOMMENDATION:

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

DISCUSSION:

Currently, the San Buenaventura City Council is elected at-large in accordance with Charter Section 506. Section 506 provides as follows:

“The election of members of the Council shall be from the City at large. Candidates receiving the highest number of votes shall be declared elected until the number declared elected equals the number of Council offices to be filled at the election. All ties shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities.”

Charge to the Charter Review Committee and City Council Clarification

The original charge to the Charter Review Committee by the City Council in its Resolution establishing the Committee included the issue of City Council districts. Through discussions with various Committee Members and at the Committee's meetings themselves, the scope of what the expectations of the City Council in the charge was interpreted differently by various Committee Members. This ranged from providing simple guidance on whether the City should amend the Charter to have City Council Members elected by geographic districts, to actually drawing district lines, as well as a host of options in between. It was also felt by many on the Committee that
issues under the California Voting Rights Act were determinative or at least very important for this issue.

In order to obtain some clarification as to the scope of the City Council’s expectations of the Committee on the districting issue, a request was made to the City Council for clarification and direction on this issue along with some other requests made by the Committee. This request was made at the City Council’s April 20, 2015 meeting. As a part of the Committee’s request, it was requested that funds be appropriated to retain an expert/consultant to help the Committee explore issues under the California Voting Rights Act, city council districts, and options other than districts and the legal consequences to each. The City Council’s motion did not include funding the supplemental appropriations and provided in relevant part:

“... direct the Charter Review Committee to recommend to the Council whether the existing at-large system should be retained or whether some form of geographic districts should be considered by the Council...”

Consequently, it appears that the City Council desires the Charter Review Committee’s recommendation on the districting issue be based primarily on the policy issue, i.e., is structuring the City’s government by geographic districts better for the City than the current at-large system of electing Members of the City Council? What would be particularly helpful to the City Council here is the reasons the Charter Review Committee feel one structure is better for the City than another.

Districts: What Are They?

City council districts in California generally come in two forms. While the literature generally refers to them as being elected “By” districts or “From” districts, this can get confusing quickly. Being elected “by” districts means that the candidate must be a resident of the geographic district and only voters in that district can vote for candidates from that district. This will be referred to as “districts.” The second method of electing City Council Members using districts is “from” districts where candidates must be a resident of the geographic district but all voters city-wide can vote for the candidates from that district. This will be referred to as “wards.”

In the first districting example, only voters from that district can vote for candidates in that district. Because district only elections will have a smaller number of voters and the possibility of multiple candidates, some cities using this method also use a primary and run-off election. Both Pasadena and Long Beach utilize this approach. It is also the method used by most counties in electing supervisors—including Ventura County. If a primary election is held, unless a candidate from that district receives

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1 Minutes of San Buenaventura City Council meeting of April 20, 2015, pg. 6.
F:\A-Users\Greg\Charter Review Committee\6.10.2015 -- 7th Meeting - Districts Or At-Large\Admin Report - Item 2 - City Council Geographic Districts Or At-Large Representation.Doc
50%+1 vote, then a run-off election is held between the top two vote getters. The purpose of this system is to ensure that a plurality candidate, receiving less than a majority of the votes, is not elected.

While the ward system has many advantages, i.e., to the extent that geography is an important factor to be represented on the City Council, it ensures that all areas of the City are represented. It also has the advantage of ensuring that both candidates and City Council members will look to the best interests of the City as a whole as they will face the voters as a whole rather than just the district where they reside. Unfortunately, the ward system is not one of the methods specifically authorized by the California Voting Rights Act. Only geographic districts where candidates and the City Council member must both reside in and be voted on by only the voters in that district is recognized by the California Voting Rights Act. As such, caution is advised if the ward system is preferred over the district system.

A listing of a number of the pros and cons of city council districts is provided later in this Administrative Report.

At-Large Elections

The at-large system of electing members of local governing boards was the most common method of electing local officials until the California Voting Rights Act was adopted. Under the at-large system, all candidates for the City Council run against each other citywide for the number of seats on the City Council at any given election. The top vote getters are elected for the number of seats open. For example, if three seats are open and there are five candidates, the three highest vote getters are elected—even if they happen to all live next to each other. So long as they are the top vote getters, they are elected to the City Council.

A listing of a number of the pros and cons of at-large elections is provided later in this Administrative Report.

Where Have San Buenaventura’s City Council Candidates and Members Resided Since 1991?

To the extent that where candidates and City Council members reside is an important issue, staff has prepared a map indicating where candidates since 1991 have resided (red dots) and where City Council Members have resided (green dots). City staff in our Geographic Information Systems Office (GIS) then put together a map reflecting where both the candidates and the City Council members have resided, a copy of this map is attached at Exhibit “1” to this Administrative Report.2 There was nothing
particularly special about the timeframe chosen other than this reflects the records that were retrievable by the City Clerk’s Office.  

There are some interesting observations from the map, most staff will leave for the Charter Review Committee to discuss. The one important point is that while the Montalvo area has not had a City Councilmember as a resident, this area was only recently annexed to the City.

Survey Charter Cities

At the beginning of the Charter Review Committee process, staff has been preparing a survey where potentially relevant data from similar charter cities on issues that the Committee is discussing. We have done so in this case as well to indicate which of the survey charter cities currently have their City Councils elected at-large or by district. In addition, we have added some further information on the districting issue as it pertains to when districts were established and for those currently electing at-large, we have added information to indicate if those cities are transitioning to districts (likely as a result of a California Voting Rights Act challenge) or considering districts like this Committee is doing. A copy of the results of that survey is attached as Exhibit “2” to this Administrative Report.

Today, the survey charter cities reflect that sixty-six percent of the survey charter cities are using the at-large election method. However, three of the cities that currently have at-large elected city councils are transitioning to district based elections—almost exclusively as a result of either litigation or a serious threat of litigation under the California Voting Rights Act. With the addition of these three cities, the balance shifts to district based elections with fifty-eight percent utilizing or having district based elections authorized. Of the seven survey cities that are utilizing or have district based elections authorized, only three of them pre-date the California Voting Rights Act. As such, it is fair to say that the California Voting Rights Act has had a significant influence on the survey cities and their decision to change their electoral method to district based systems.

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3 A special thank you to Roxanne Fiorillo, Deputy City Clerk for her diligent efforts in retrieving the addresses for all of the candidates and City Councilmembers.
Arguments Pro and Con on Districts and At-Large

In this Section of the Administrative Report, staff is providing a somewhat long list of arguments in support of and in opposition to both the district based election system as well as the at-large based election system. Ironically, the transition to district based elections system in California predicated in large part upon the California Voting Rights Act has limited the discussion of the merits or lack of merit with these two systems by cities and other public agencies in their reports to citizen committees and elected bodies. Consequently, a number of the sources cited in this section of the Administrative Report are from out-of-state public entities or university presentations. In fact, one study is from the City of Vancouver in British Columbia, Canada. Having reviewed a large number of reports and studies, the ones cited appear to have the most complete listing of arguments in support and opposition to the two electoral systems at issue here.

In listing the various arguments, staff is not taking a position in support or opposition to either method. We are providing the information as discussion starters and ideas for the Charter Review Committee to consider. There may be arguments and reasons that individual Members of the Committee have that are not listed. If so, please bring this up at the meeting so that they may be considered by your colleagues in making a recommendation. The following sources are cited and attached to this Administrative Report:

- City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9, Exhibit “3.”
- “A Closer Look at the Arguments for and Against District Plans,” Austin Statesman, 9/23/2012, Exhibit “5.”
- “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014, Exhibit “6.”
- Yes@Large Committee of the City of Naperville, IL, 2010, Exhibit “7.”
- Multi-California City Informal Survey on Directly Elected Mayors and City Council Districts, Exhibit “8.”

Districts: Arguments Pro

- Different geographic areas have different interests.\(^4\)
- Minorities not adequately represented in at-large elections.\(^5\)

Better representation for some groups than in at-large system because potential pool of constituents is small.\(^6\)

May result in less costly campaigns for candidates because of smaller geographic area to be covered.\(^7\)

May allow officials to be more responsive to constituents.\(^8\)

May result in greater representation of racial and ethnic minorities.\(^9\)

Substitutes “particularistic” for “universalistic” interests of the city.\(^10\)

District representatives would have to understand and address the needs of outlying areas and overlooked constituencies and help ensure the City’s resources are distributed fairly.\(^11\)

Candidates can run less expensive campaigns focused on grassroots efforts such as neighborhood meetings.\(^12\)

Each geographic area of the city is represented.\(^13\)

Viewpoints that might not be able to win citywide may have a better chance of being represented.\(^14\)

Each voter has a specific councilmember to go to for assistance.\(^15\)

May allow a piece of citywide infrastructure to be completed despite opposition from a politically powerful neighborhood.

**Districts**

**Arguments Con**

- “Balkanization” of city.\(^16\)
- Vote trading and deal making between district representatives.\(^17\), \(^18\)

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\(^12\) “A Closer Look at the Arguments for and Against District Plans,” Austin Statesman, 9/23/2012.

\(^13\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\(^14\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\(^15\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\(^16\) City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

\(^17\) City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

\(^18\) Staff has included an article from Western City, the publication of the League of California Cities on the issue of vote trading as it is one that is frequently raised in relation to geographic districts and thought should be given to how to avoid this problem if districts are recommended by the Committee, “Let’s Not Make a Deal: Vote-Trading and Similar Practices Raise Legal and Ethical Issues,” Western City, February 2007, Pgs. 24, Exhibit “9”.

F:\A-Users\Greg\Charter Review Committee\6.10.2015 -- 7th Meeting - Districts Or At-Large\Admin Report - Item 2 - City Council Geographic Districts Or At-Large Representation.Doc
• Narrowing of political interests.\textsuperscript{19}
• Creates conflict on city council.\textsuperscript{20}
• May make the city council more political and less responsive.\textsuperscript{21}
• May set up political fiefdoms.\textsuperscript{22}
• May give voters/taxpayers less say.\textsuperscript{23}
• Increase overall spending (to equalize spending among districts or to set up district special accounts).\textsuperscript{24}
• Increase special interest projects (pork spending).\textsuperscript{25}
• May lead to focus on smaller parochial issues, at the expense of broad, regional interests.\textsuperscript{26}
• May set up political fiefdoms.\textsuperscript{22}
• May give voters/taxpayers less say.\textsuperscript{23}
• Increase overall spending (to equalize spending among districts or to set up district special accounts).\textsuperscript{24}
• Increase special interest projects (pork spending).\textsuperscript{25}
• May lead to focus on smaller parochial issues, at the expense of broad, regional interests.\textsuperscript{26}
• May increase influence of moneyed special interests.\textsuperscript{27}
• Requires costs of districting and re-districting.\textsuperscript{28}
• Raises concern over gerrymandering.\textsuperscript{29}
• Constituencies that are not defined geographically may not be served.\textsuperscript{30}
• Voters can influence only one council member.\textsuperscript{31}
• May eliminate highly qualified candidates when more than one lives in the same district.\textsuperscript{32}
• Tendency towards cronyism.\textsuperscript{33}
• Residents at odds with district council member cannot effectively lobby balance of city council.\textsuperscript{34}

\textsuperscript{19} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
\textsuperscript{20} Yes@Large Committee of the City of Naperville, IL, 2010.
\textsuperscript{21} Yes@Large Committee of the City of Naperville, IL, 2010.
\textsuperscript{22} Yes@Large Committee of the City of Naperville, IL, 2010.
\textsuperscript{23} Yes@Large Committee of the City of Naperville, IL, 2010.
\textsuperscript{24} Yes@Large Committee of the City of Naperville, IL, 2010.
\textsuperscript{25} Yes@Large Committee of the City of Naperville, IL, 2010.
\textsuperscript{33} “A Closer Look at the Arguments for and Against District Plans,” \textit{Austin Statesman}, 9/23/2012.
• Costs to apportion initially and then re-apportion after census, major annexation, etc.\(^{35}\)
• May have city council majority not really caring about what happens outside their district.\(^{36}\)
• Special interests can more easily capture city council seats because fewer voters they have to influence.\(^{37}\)
• A candidate may be elected with very few votes.\(^{38}\)
• Voters may be confused about which district they reside in—lines not always logical or easily understood.\(^{39}\)
• Neighborhoods may be split—one man, one vote dictates equality among district population.\(^{40}\)
• City councilmembers more likely to try to intervene/interfere in administrative matters impacting their district.\(^{41}\)
• A city councilmember, who moves within the city, but outside of the district, loses office.\(^{42}\)

At-Large
Arguments Pro

• Mayor and city council are all accessible to public.\(^{43}\)
• Councilmembers consider interests of whole city, not just their district in making decisions.\(^{44}\)
• Each voter can approach every city councilmember for support.\(^{45}\)
• Provides city council with broad perspective allowing citywide and regional prospective.\(^{46}\)
• May mute effects of parochial interests influencing elected officials.\(^{47}\)

\(^{35}\) Multi-City Informal Survey on Directly Elected Mayors and City Council Districts.
\(^{36}\) Multi-City Informal Survey on Directly Elected Mayors and City Council Districts.
\(^{37}\) Multi-City Informal Survey on Directly Elected Mayors and City Council Districts.
\(^{38}\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\(^{39}\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\(^{40}\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\(^{41}\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\(^{42}\) “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\(^{43}\) City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
\(^{44}\) City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
\(^{45}\) City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9; City of Vancouver, 2009 Charter Review Committee, “Ward or District System for Electing Councilmembers,” 5/26/2009, Agenda Item 3-A, Attachment B, Joe Levan; and Yes@Large Committee of the City of Naperville, IL, 2010.
Provides largest pool to select candidates.\textsuperscript{48}
Candidates may be more moderate to appeal to a wider range of voters.\textsuperscript{49}
Each voter gets to vote for all council members.\textsuperscript{50}
With the opportunity to vote for all seats, each voter is likely to have backed at least one winning candidate and thus feel represented by that council member.\textsuperscript{51}
Candidates need substantial citywide support to win.\textsuperscript{52}
Councilmembers can move within the city without losing their seats.\textsuperscript{53}

**At-Large Arguments Con**

- May result in elected officials who pay less attention to and have less familiarity with some neighborhood interests.\textsuperscript{54}
- May unduly enhance the influence of downtown business interests and other special interests.\textsuperscript{55}
- Higher cost to run for office.\textsuperscript{56}
- May reduce accountability of elected officials by broadening the constituency served.\textsuperscript{57}
- May result in less representation of minority groups and/or views (for example, racial and ethnic groups, women, sexual minorities, and economic/political groups).\textsuperscript{58}
- More costly campaigns, higher cost to candidates to get elected.\textsuperscript{59}
- Advantages “name familiar” candidates.\textsuperscript{60}
- Campaigns are more expensive – limiting who may run.\textsuperscript{61}
- Media advertising more important in campaigns – less person-to-person contact.\textsuperscript{62}
- Several councilmembers could live close together, leaving other areas “unrepresented.”\textsuperscript{63}

\textsuperscript{49} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\textsuperscript{50} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\textsuperscript{51} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\textsuperscript{52} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\textsuperscript{53} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
\textsuperscript{54} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
\textsuperscript{55} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
\textsuperscript{56} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
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\textsuperscript{62} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
• Councilmembers may be more likely to view election as stepping stone to another office.64
• A politically influential neighborhood can prevent an important piece of citywide infrastructure from being completed.

California Voting Rights Act

While the City Council in answering the Committee’s request for clarification on the scope of the charge to the Committee relative to the districting issue was clear that they were not looking for a legal analysis or a decision based on the what a court could require but was interested in the Committee’s recommendation of what you believe to be the best form of government for the City, this decision cannot be made in a vacuum. Consequently, staff has attached as Exhibit “10” a presentation from the 2014 Annual Conference of the League of California Cities entitled “The California Voting Rights Act – an Update.”65 The authors and presenters of this paper have been involved in a number of cases under the California Voting Rights Act representing cities and other public agencies and are among the recognized experts in this area. The material is factual, brief, and provides a basic understanding of the issues to assist the Committee in understanding how the policy issue the City Council has requested that you provide a recommendation on relates to the legal issues that are forefront in current litigation in this area.

ATTACHMENTS:
Exhibit “1” – Maps Reflecting General Location of Residence of City Council Members and Candidates from 1991 to 2015.
Exhibit “2” – Survey Charter Cities on At-Large or District Elections.
Exhibit “3” – City of Scottsdale Charter Review Committee Minutes, 12/17/86 & 1/14/87.
Exhibit “4” – City of Vancouver Report to Charter Review Committee.
Exhibit “5” – Austin Statesman Article.
Exhibit “6” – “Some Pros & Cons of Different Election Methods”
Exhibit “7” – “Yes@Large Committee of Naperville, Illinois.
Exhibit “8” – Multi-California City Informal Survey.
Exhibit “9” – Western City Article on Vote Trading.

63 “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
64 “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
Addresses for Candidates from 12 City Council Elections 1991 through 2013

* Candidates NOT Elected to Office (82)
* Candidates Elected to Office (42)

Source: Lists of candidates and their addresses provided by the City Clerk's office, based on their election records.

Map by the City of San Buenaventura, California.

Although reasonable efforts have been made to ensure the accuracy of this map, the City of San Buenaventura cannot guarantee its accuracy.

5 MAY 2015

1" = 1 miles
## SURVEY CHARTER CITIES – AT-LARGE OR DISTRICTS?

<table>
<thead>
<tr>
<th>SURVEY CHARTER CITY</th>
<th>CITY COUNCIL ELECTED AT LARGE</th>
<th>CITY COUNCIL ELECTED TO GEOGRAPHIC</th>
<th>WHEN CHANGED TO DISTRICTS FROM CITY WIDE</th>
<th>TRANSITIONING</th>
<th>CONSIDERING AMENDMENT</th>
</tr>
</thead>
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<tr>
<td>City of Berkeley</td>
<td>X</td>
<td></td>
<td>1986 Charter Amendment</td>
<td></td>
<td></td>
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<tr>
<td>City of Carlsbad</td>
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<td>X</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>City of Merced</td>
<td></td>
<td>X</td>
<td>2014 Charter Amendment</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>City of Modesto</td>
<td></td>
<td>X</td>
<td>Districts established by Commission from Federal Census within 9 months of election (2008)</td>
<td></td>
<td></td>
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<tr>
<td>City of Newport Beach</td>
<td></td>
<td>X</td>
<td>1964 Charter Amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Pasadena</td>
<td></td>
<td>X</td>
<td>1976 Charter Amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Santa Barbara</td>
<td></td>
<td>X</td>
<td>2015 Litigation Settlement</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>City of Santa Clara</td>
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<td>X</td>
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<td>No</td>
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<tr>
<td>City of Santa Maria</td>
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<td>City of Visalia</td>
<td></td>
<td>X</td>
<td>2014 Litigation Settlement</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

|                        | 66.66%                       | 33.33%                           | 58.33%                                   |              |                        |

**EXHIBIT 2**
SOME PROS AND CONS
OF DIFFERENT ELECTION METHODS

Michael Crowell
UNC School of Government
August 12, 2014

District elections (only the voters in the district vote on the seat from that district)

Pro
• Each geographic area of the city is represented
• Candidates and council members are “closer” to voters
• Viewpoints that might not be able to win citywide can be represented
• Better opportunities for minority candidates (racial or political) to be elected
• More neighborhood grassroots campaigning required, less reliance on media advertising
• Campaigning should be less expensive than a citywide campaign
• Each voter has a specific council member to go to for assistance
• In a low profile election that will not get much attention, the voter’s choice is simplified, there are fewer candidates to learn about

Con
• Council members may represent only the interests of their districts, not the whole city
• A candidate may be elected with few votes
• Council members may have more divergent views, may have more conflict with each other
• Districts lines have to be reviewed and possibly redrawn after each census and each significant annexation
• Voters may not know district lines, be confused about candidates
• Because of one-person/one-vote requirement, districts may split neighborhoods
• Council members may be more likely to intervene in day-to-day administrative matters affecting their district
• Best qualified candidates may be concentrated in one district
• An elected member who moves out of the district is disqualified from office
• Depending on staggered terms, not all voters may be voting each election, reducing overall turnout

At-large elections (all voters vote on all candidates, regardless of where they live)

Pro
• Candidates, council members are more likely to consider interests of entire city
• Candidates may be more moderate to appeal to a wider range of voters
• There may be less conflict among council members as a result of moving toward consensus points of view for citywide support
• Elections are easy to administer, every voter gets the same ballot
• Elections are easy for voters to understand
• Each voter gets to vote for all council members

EXHIBIT "6"
• With an opportunity to vote for all seats, each voter is likely to have backed at least one winning candidate and feel represented by that council member
• Someone who would be in a minority within a district may still be elected
• No redistricting is ever needed
• No candidate can be elected without substantial citywide support
• Council members may move within the city without losing their seats

Con
• Campaigns are more expensive, limiting who may run
• Media advertising is more important in campaigns; less person-to-person contact
• Several council members could live close together, leaving other areas “unrepresented”
• Racial and political minorities may have a more difficult time electing candidates
• Council members may be more likely to view election as a stepping stone to another office
• There is less direct link between voters and council members
• More divergent viewpoints are less likely to be represented
• In low profile elections that get little attention, voters may have too many candidates to choose from

Residency districts (candidates must live in particular districts but are voted upon citywide)

Pro
• Each distinct community within the city is represented but council members must consider the interests of the entire city
• Although elected citywide, council members will feel obligated to pay attention to the needs of their district
• Elections are easy to administer, all voters get the same ballot
• All voters get to vote in all elections
• Districts do not have to be redrawn after the census
• To be elected a candidate needs citywide support
• Each citizen has a particular council member to look to for assistance with district issues

Con
• Generally it is more difficult for racial minorities to elect candidates than with true election districts (in which at least one district may have a higher percentage of minority voters than in the city as a whole) or with at-large elections (in which single-shot voting can be used)
• Council members may tend to focus more on the needs of their districts than the city as a whole
• Campaigns for citywide elections are more expensive, rely more on media, than district-only elections
• Because voting is citywide, a candidate may be chosen to represent a district even though the candidate does not have the support of voters in the district
• Although elected citywide, a council member who moves from the district may be disqualified from office [although there is a legal argument that moving out of the district does not disqualify a member]
• Because residency districts are unusual, the election method may confuse some voters, particularly those new to the area
The California Voting Rights Act - an Update
League of California Cities Annual Conference
Thursday, September 4, 2014, 1:00 - 2:15 p.m.
The California Voting Rights Act - an Update

- California Elections Code §§ 14026 – 14032
  The CVRA prohibits at large electoral systems that impair the right of a protected class to elect, or influence the election of, its chosen candidates. It applies to:
  - At-large elections
  - “From-district” Elections
  - Districts & Separate Mayor?
  - Alternative Systems, e.g., Ranked Choice?
The California Voting Rights Act - an Update

- CVRA based on Section 2 of FVRA.
- Section 2 applies nation-wide.
- Section 2 forbids any “qualification or prerequisite to voting or standard, practice, or procedure ... which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” or membership in a language minority group.
The California Voting Rights Act - an Update

• Under § 2, a plaintiff must first establish the three *Gingles* threshold preconditions:
  – “First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. . . .
  – Second, the minority group must be able to show that it is politically cohesive. . . .
  – Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . to defeat the minority’s preferred candidate.”

  *Id.* at 50-51 (internal citations and footnote omitted).

• Many cases have failed because plaintiffs failed to establish the first precondition.

• A violation must ultimately be proven based on the totality of the circumstances.
The California Voting Rights Act - an Update

• In the late 1990s and early 2000s, voting rights plaintiffs nationwide, but especially in California, were experiencing trouble bringing successful actions under Section 2 of the federal Voting Rights Act.

• Many of the most blatantly problematic voting structures had been remedied, and voting rights groups perceived the federal courts as less-than-entirely hospitable to their claims.
The California Voting Rights Act - an Update

- Solution: The CVRA
- Enacted in 2002 (S.B. 976).
- Elections Code 14025 to 14032
- As MALDEF (Mexican-American Legal Defense and Education Fund) put it, the “[b]ill makes it easier for California minorities to challenge ‘at-large’ elections.”
The California Voting Rights Act - an Update

• What is prohibited?
• The language is very unclear. The Court of Appeal in Sanchez v. City of Modesto remanded the case to the superior court to determine the elements of a claim. The case settled before that happened.
• The trial court in Jauregui v. City of Palmdale (currently on appeal) held that it was sufficient if plaintiffs proved that polarized voting occurred in the at-large electoral system.
The California Voting Rights Act - an Update

Plaintiffs at least need to show:
1. At-large election systems in which,
2. Voting patterns correlate with the race of the voter.

Trial Court in *Jauregui v. City of Palmdale* stopped here, and ruled in favor of Plaintiffs. Which other factors are required, and the exact elements, are part of the pending appeal from the trial court decision in *Jauregui v. City of Palmdale*.

3. Impairment of the ability of voters in the protected class to elect the candidate of their choice?
4. The minority-preferred candidate (who is also of the same protected class) loses?
5. Dilution demonstrated based on the totality of the circumstances?

Charter cities are subject to CVRA:
The California Voting Rights Act - an Update

What are “Appropriate” Remedies:

• Court- and Plaintiff-Approved Single-Member Trustee Areas?
• “Influence districts”?
• Continuing Jurisdiction?
• “Remedial” Racial Gerrymandering?
• Removal from Office of council members elected at-large?
• Enjoining elections?
• Change of election date?

(All of the above was ordered in Jauregui v. City of Palmdale, and are challenged in the pending appeal.)

• Establishment of alternative electoral systems?
The California Voting Rights Act - an Update

Salient litigation to date: all cases that have settled, paid fees to plaintiffs’ attorneys:

• Hanford Joint Union High School District - settled
• Tulare Local Healthcare District - settled 1st day of trial
• Ceres Unified School District - settled
• City of Compton - settled
• San Mateo County - settled
• Compton Community College District - settled
• City of Tulare - settled
• Cerritos Community College District - settled
• City of Palmdale - judgment against City, on appeal on merits
• City of Anaheim - settled

(Cont’d)
The California Voting Rights Act - an Update

Salient litigation to date: all cases that have settled, paid fees to plaintiffs’ attorneys:

- City of Escondido – settled
- City of Santa Clarita – settled
- City of Whittier – litigation pending
- City of Highland – complaint recently filed
- City of Visalia – settled
- City of Bellflower – complaint recently filed
- City of Fullerton – complaint recently filed
- City of Santa Barbara – complaint recently filed
- ABC Unified School District – settled
- Glendale Community College District (case dismissed; no fees)
- Santa Clarita Community College District – settled

Many continuing threats of litigation.
The California Voting Rights Act - an Update

• Most cities are without the ability to address the potential of CVRA liability except through the ballot box, which poses additional risks (compare the outcome in City of Compton and County of San Mateo, to that in City of Escondido and City of Visalia). Careful analysis of exposure and, if indicated, preparations for a political solution are essential.

• And then there is the extraordinary case of the City of Whittier: voters approved change to SMD, but litigation continues (San Mateo County too).
The California Voting Rights Act - an Update

• Elusive Legislative “Fix”

AB 2330 (2009-2010 Reg. Sess.) (Arambula): if enacted, this bill would have imposed a claim-filing requirement and a 30-day response period before a lawsuit could be filed against a school district. It would have given districts a mechanism to avoid litigation and possible attorneys’ fees. The bill died in committee.

AB 684 (2011-2012 Reg. Sess.) (Block): enacted into law in late 2011, this bill streamlined the process by which community college districts are able to move from at-large elections to by-district elections. This bill permits CCDs to adopt district elections with only the concurrence of the California Community College Board of Governors.
The California Voting Rights Act - an Update

Experience of California Cities:

• 1 litigated to judgment, lost, $3.5 mil. fee award to plaintiffs’ attorneys, case on appeal (Palmdale)

• 4 new lawsuits filed (Bellflower, Fullerton, Highland [measure on Nov. 2014 ballot], Santa Barbara [CVRA study ongoing])

• 4 placed measures on November 2014 ballot after CVRA demand letter. To date, no lawsuits filed (Los Banos, Merced, Riverbank, Turlock)

• 1 placed measure on ballot after demand; measure failed; litigation filed and settled, including fees to plaintiffs’ attorneys (Visalia [court supervised process for SMD])
The California Voting Rights Act - an Update

• 1 placed measure on ballot after demand; measure successful; ongoing litigation filed between demand and vote (Whittier)

• 2 placed measures on ballot soon after CVRA litigation filed, one measure successful, the other not, litigation settled, including fees to plaintiffs’ attorneys (Tulare, Escondido [consent decree for SMC by commission])

• 4 settled at various later stages of litigation, settlement included fees to plaintiffs’ attorneys (Modesto [settlement involved fees only], Anaheim [ballot measures for SMD & to increase council size], Compton, [ballot measure for SMD successful], Santa Clarita [reschedule muni .elec. & initiate cum. voting subj. respectively, to county approval and court approval])
The California Voting Rights Act - an Update

- New Voting Rights Legislation

SB 1365 (Padilla)

This bill would provide parallel provisions to the existing CVRA that prohibit the use of a district-based election system in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The bill would require a court to implement specified remedies upon a finding that a district-based election was imposed or applied in a manner that impaired the ability of a protected class to elect candidates of its choice or otherwise influence the outcome of an election.
The California Voting Rights Act - an Update

AB 280 (Alejo)

This bill would establish a state preclearance system. Under this system, if a political subdivision enacts or seeks to administer a voting-related law, regulation, or policy, as specified, that is different from that in force or effect on the date this act is enacted, the governing body of the political subdivision would be required to submit the law, regulation, or policy to the Secretary of State for approval. The bill would require the Secretary of State to approve the law, regulation, or policy only if specified conditions are met. The bill would provide that the law, regulation, or policy shall not take effect or be administered in the political subdivision until the law, regulation, or policy is approved by the Secretary of State. The bill would allow the governing body of the political subdivision to seek review of the Secretary of State's decision by means of an action filed in the Superior Court of Sacramento. By requiring local governments to seek approval of the Secretary of State for changes to voting procedures, this bill would impose a state-mandated local program.
The California Voting Rights Act - an Update

AB 2715 (Hernandez)

This bill would permit the legislative body of a city to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district if the voters of the city previously rejected such an ordinance, as specified. This provision would be repealed on December 31, 2016.

The bill would, commencing January 1, 2017, require the legislative body of a city with a population of 100,000 or more, as determined by the most recent federal decennial census, to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district. The bill would, commencing January 1, 2017, permit the legislative body of any other city to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district.
DATE: June 29, 2015
TO: Charter Review Committee
FROM: Gregory G. Diaz, City Attorney
SUBJECT: Consideration of the Appropriate Title for the Office of the Deputy Mayor

RECOMMENDATION

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

DISCUSSION

One of the tasks that the City Council has charged the Charter Review Committee with is determining the appropriate title for the Office of the Deputy Mayor, an elected official who will serve as the Mayor in the absence of the Mayor. For some time, this has been a somewhat unusual title for the position. It has been the title of the position throughout the period of the Charter.

It is noted, that a number of California's largest cities have a position known as the "Deputy Mayor." This is a function of the strong mayor form of government, generally where the Mayor appoints their own staff and uses the term of "Deputy Mayor" to reflect a staff position rather than an elected official's position.

We are unaware of any other city in Ventura County that uses this title. It is common in three of California's larger cities, Los Angeles, San Diego, and Fresno to have the position "Deputy Mayor." In all three instances, it is a staff-level position. However, it appears that the term Deputy Mayor is also used in San Diego County and a number of their cities. In this respect, the title of "Deputy Mayor" refers to an elected official in Del Mar, Encinitas, Escondido, Oceanside, Poway, and Vista. This appears to be a local custom in this area without much differentiation between the position title of "Mayor Pro-tem," "Vice-Mayor" or "Deputy Mayor."

The City Attorney conducted a short survey of other City Attorney's requesting an identification of those cities using the title of "Deputy Mayor" to reflect an elected official. The Chart below reflects the responses received.
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<thead>
<tr>
<th>City</th>
<th>Elected Official</th>
<th>Appointed Staff Position</th>
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<tr>
<td>Del Mar</td>
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<tr>
<td>Encinitas</td>
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<td>Escondido</td>
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<tr>
<td>Vista</td>
<td>X</td>
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</tbody>
</table>

The vast majority of California cities were using either the term Mayor Pro-tem or Vice Mayor. It is recommended that the Charter Review Committee discuss this issue and make a recommendation to the City Council so that appropriate drafting can occur.
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 City Attorney Gregory Diaz, April 20, 2015 Re: City Council Clarification
ATTACHMENT 11 TO
COMMITTEE FINAL REPORT

COPIES OF APPROVED MINUTES OF EACH
COMMITTEE MEETING
Minutes of all the CRC meetings from November 19, 2014 through October 14, 2015 are collated in this attachment for quick reference.
The Charter Review Committee met in special session in the City Hall Community Meeting Room, 501 Poli Street, Ventura at 6:02 p.m.

ROLL CALL

Present: Committee Members Baker, Collart, Goldenring, Jacobs, Montgomery, Olney, Orrock, Prokopow, Squires, Stephens.

Absent: Committee Member Evans.

City Attorney Gregory G. Diaz presided.

Committee Member Evans arrived at 6:04 p.m.

INTRODUCTIONS

The Committee Members introduced themselves and spoke about their personal experience as it relates to the Committee.

WELCOME AND THANK YOU FOR SERVICE ON THE COMMITTEE

Mayor Cheryl Heitmann welcomed Members of the Committee on behalf of the City Council and reviewed the Committee’s Charge from the City Council.

PRESENTATION ON LEGAL SIGNIFICANCE OF THE CHARTER, CONSTITUTIONAL AND STATUTORY AUTHORITY TO AMEND THE CHARTER, AND THE STATE’S OPEN MEETING LAW OR “BROWN ACT”
City Attorney Gregory Diaz presented an overview on the Committee on the legal significance of the Charter, the process to amend the Charter, and the Committee’s obligations under the State’s open meeting law.

COMMITTEE MEMBER CONTACT INFORMATION

City Clerk Cynthia M. Rodriguez provided the Members with a copy of the Committee contact list and asked that each Member confirm their information was correct.

FORMAL ITEMS

1. **Selection of Chair and Vice-Chair**

   **RECOMMENDATION**

   It is recommended that the Charter Review Committee shall select a Chair and a Vice-Chair.

   **Chair:**

   Nominees:

   Dennis Orrock and Lynn Jacobs.

   Vote:

   - For Dennis Orrock: Members Baker, Collart, Evans, Goldenring, Olney, Orrock, Prokopow, Squires, and Stephens.
   - For Lynn Jacobs: Members Jacobs and Montgomery.

   **Appointment:**

   Dennis Orrock.

   **Vice-Chair:**

   Nominees:

   Lynn Jacobs and Chris Stephens.

   Vote:

   - For Lynn Jacobs: Members Baker, Collart, Evans, Jacobs, Montgomery, Olney, and Prokopow.
   - For Chris Stephens: Members Goldenring, Orrock, Squires, and Stephens.

   **Appointment:**
Lynn Jacobs.
2. **Consideration of Rules of Procedure for the Committee**

**RECOMMENDATION**

It is recommended that the Committee adopt Rosenberg’s Rules of Order, Revised 2011 as the rules of procedure for the Charter Review Committee.

By consensus, the Committee approved the recommendation.

3. **Consideration of Committee Meeting Schedule**

**RECOMMENDATION**

It is recommended that the Charter Review Committee adopt the meeting time, location, and dates as set forth in the Administrative Report.

By consensus, the Committee approved meeting on Wednesday evenings at 4:00 p.m. and directed staff to find a meeting location to hold the meetings other than the Community Meeting Room.

4. **Consideration of Committee Work Plan**

**RECOMMENDATION**

It is recommended that the Charter Review Committee adopt the draft work plan and schedule as set forth in the Administrative Report.

By consensus, the Committee approved the recommendation.

**COMMITTEE MEMBER COMMUNICATIONS**

Committee Member Goldenring moved to direct staff to calendar an item for the next meeting to discuss clarification, change or expansion of the Committee’s charge that the Committee would like to recommend to go back to the City Council for consideration along with potential funding resources. Committee Member Baker seconded. The vote was as follows:

**AYES:** Committee Members Baker, Collart, Evans, Goldenring, Orrock, Squires, and Stephens.

**NOES:** Committee Members Jacobs, Montgomery, Olney, and Prokopow.

**ABSENT:** None.

Chair Orrock declared the motion carried.
ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

Cynthia M. Rodriguez
City Clerk
MINUTES

JANUARY 14, 2015

The Charter Review Committee met in special session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:05 p.m.

ROLL CALL

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

Absent: Members Collart and Goldenring.

Chair Orrock presided.

FORMAL ITEMS

1. Consideration of the Minutes of the November 19, 2014 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of November 19, 2014 as submitted by the City Clerk.

Member Prokopow moved to approve the minutes of November 19, 2014. Vice Chair Jacobs seconded. The vote was as follows:
AYES: Members Baker, Evans, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: Members Collart and Goldenring.

Chair Orrock declared the motion carried.

Member Goldenring was present at 4:10 p.m.

Member Collart was present at 4:27 p.m.

2. **Presentation and Discussion of Issues Associated with City Council Compensation**

**RECOMMENDATION**

Discuss the issues associated with City Council Compensation and provide direction to staff on how to proceed with any modifications or changes desired.

Vice Chair Jacobs moved to revisit City Council compensation after consideration of future policy discussion that includes districting and directly elected mayor, and to tentatively a) increase compensation to $1,200 for the Mayor and $1,000 for each Councilmember; and b) bi-annual salary adjustments based on CPI with no negative adjustment if CPI is negative. 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.

3. **Committee Requests for Information Relating to Term-Limits for City Council**

**RECOMMENDATION**

Members of the Charter Review Committee may indicate the types of information that they would find useful and/or helpful in preparing for the February 11, 2015 Charter Review Committee Meeting where the topic is scheduled to be City Council Term Limits.
The committee discussed types of information that would be useful in discussion of term limits for the City Council.

4. **Committee Discussion of Items and/or Issues the Committee Would Like to Request City Council Clarification, Change, or Expansion to the Committee’s Charge Along With Potential Funding Resources**

**RECOMMENDATION**

That the Charter Review Committee undertake the discussion set forth above.

Member Goldenring moved to direct staff to return with the following information and language:

1. Consulting/informational sources for governmental structure and costing
2. Gender neutral language
3. Mayor’s term (third year)

for the Committee’s consideration as to whether or not they would like to request professional input and the necessary funds on Item No.1, and as to whether or not they would like to request expanded authority from the City Council on Item Nos. 2 and 3.

Member Baker seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Squires, Stephens, and Chair Orrock.

**NOES:** Members Montgomery, Olney, Prokopow, and Vice Chair Jacobs.

**ABSENT:** None.

Chair Orrock declared the motion carried.

Member Prokopow moved to add changing the City’s official name to Ventura to the list of items for staff to return with information.

The motion died due to lack of a second.

5. **Consideration of Moving the Issue of Removing References to the School District From the Charter to the February 11, 2015 Meeting From the March 11, 2015 Meeting**

**RECOMMENDATION**

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

By consensus, consideration to remove references to the School District from the Charter was moved to the meeting of March 11, 2015.
6. **Speakers – Several Issues Regarding Speakers From the Public Should be Addressed**

A. Should speaker cards be used?

B. What time limit is appropriate for members of the public to speak?

C. Should members of the public be allowed to yield time to someone else and if so, how much time?

**RECOMMENDATION**

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

Member Baker moved to direct that a) speaker cards shall be used; b) time limit for members of the public to speak shall be three minutes; and c) members of the public shall not be allowed to yield time to another speaker. Member Stephens seconded. The vote was as follows:

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

NOES: Member Prokopaw.

ABSENT: None.

Chair Orrock declared the motion carried.

**ADJOURNMENT**

The meeting was adjourned at 5:27 p.m.

Cynthia M. Rodriguez
City Clerk

January 14, 2015
The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:10 p.m.

Due to the absence of the Chair and Vice-Chair, Member Baker nominated Cheryl Collart to serve as Chair. The vote was as follows:


NÖES: None.

ABSENT: Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

ROLL CALL


Absent: Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart presided.
1. **Consideration of the Minutes of the January 14, 2015 Meeting of the Charter Review Committee**

   **RECOMMENDATION**

   Approve the Minutes of January 14, 2015 as submitted by the City Clerk.

Member Prokopow moved to approve the minutes of January 14, 2015. Member Squires seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, and Stephens.

**NOES:** None.

**ABSENT:** Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

2. **Review Draft Charter Amendment Language on City Council Compensation**

   **RECOMMENDATION**

   Discuss, revise, and approve subject to later review following the Charter Review Committee’s decisions on other issues.

Member Baker moved to direct staff to amend Section 601. – Compensation, Section (a) as follows:

1) Delete the word “biannual” and replace with every two years: “The compensation for the City Council and the Mayor set forth above is subject to adjustment on a biannual basis every two years to account for increases in the cost of living.”

2) Add the following language after Consumer Price Index or CPI: “The cost of living shall be measured by using the Consumer Price Index or CPI – All Urban Consumers. Area: Los Angeles-Riverside-Orange County – beginning with 2016 as the base year.”

3) Add the following language to the end of the paragraph: No other compensation or benefits should be included.

Member Stephens seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, and Stephens.
NOES: None.

ABSENT: Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

Member Prokopow moved to direct staff to amend Section 601. – Compensation, Section (a) to include the following language:

The Finance Director shall bring an ordinance to the City Council to adjust the compensation for the Mayor and City Council in June of odd numbered years. Member Baker seconded. The vote was as follows:


NOES: Members Evans and Squires.

ABSENT: Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

3. **Consideration and Discussion of the Issue of Term-Limits for City Council.**

   **RECOMMENDATION**

   That the Charter Review Committee discuss and determine if it wishes to recommend that the Charter be amended to include term limits for the City Council. If the Charter Review Committee determines to recommend term limits for the City Council, staff recommends that direction be provided on the following issues:

   1. What is the proper length of a term for a City Council Member? Is it two years, four years, six years, etc.?

   2. Is the limit on the number of terms a lifetime ban or a waiting period? By this, if an elected official has served two terms and the term limit is two terms, are they prohibited again from serving on the City Council (lifetime ban) or are they prohibited from serving again after some period of time (waiting period)? If it is a waiting period, what should the waiting period be?

   3. If someone is elected or appointed to the City Council to fill a vacancy, when does the term limit apply to service for less than a full term? Should the standard be 50% plus one day of a full term count as a full term?
Should one day in office count as a full term? Does it matter if the person was elected or appointed?

**DOCUMENTS**

PowerPoint.

Acting Chair Collart requested a straw vote to determine if there was a majority of support on this topic, which failed.

Member Goldenring moved to continue the discussion of term limits and the pros and cons of this topic. Member Evans seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, and Stephens.

**NOES:** None.

**ABSENT:** Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

Member Baker moved that the Committee not recommend term limits, but the topic can be further evaluated at the time the Committee discusses District Elections. Member Olney seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Olney, Squires, and Stephens.

**NOES:** Members Goldenring and Prokopow.

**ABSENT:** Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

4. **Consideration of Items Requested to be Researched on Consultants and Additions to the Charter Review Committee's Scope**

**RECOMMENDATION**

That the Charter Review Committee continue this item to your next regularly scheduled meeting so that a complete report can be prepared.

**DOCUMENTS**

Memorandum dated February 11, 2015, from City Attorney Gregory G. Diaz.
Member Goldenring moved to continue this item to the Committee's next regularly scheduled meeting so that a complete report can be prepared. Member Stephens seconded. The vote was as follows:


NOES: None.

ABSENT: Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

5. Committee Requests for Information Relating to Whether or Not the School District Provisions Should Remain in the Charter

RECOMMENDATION

Members of the Charter Review Committee may indicate the types of information that they would find useful and/or helpful in preparing for the March 11, 2015 Charter Review Committee Meeting where the topic is scheduled to be whether the Charter provisions relating to the school district should remain in the Charter.

Member Prokopow moved to discuss this item at the next Committee meeting scheduled for March 11, 2015. Member Goldenring seconded. The vote was as follows:


NOES: None.

ABSENT: Member Montgomery, Vice Chair Jacobs, and Chair Orrock.

Acting Chair Collart declared the motion carried.

ADJOURNMENT

The meeting was adjourned at 5:37 p.m.

Cynthia M. Rodriguez
City Clerk
MARCH 11, 2015

The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:02 p.m.

ROLL CALL

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

Absent: Members Collart and Stephens.

Chair Orrock presided.

FORMAL ITEMS

1. Consideration of the Minutes of the February 11, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of February 11, 2015 as submitted by the City Clerk.

Members Collart and Stephens arrived at 4:05 p.m.

Member Goldenring moved to amend and approve the minutes of February 11, 2015, to reflect a regular session. Member Squires seconded. The vote was as follows:

2. Consideration and Discussion of the Issue of Retaining or Removing Provisions Relating to the School District from the Charter

RECOMMENDATION

That the Charter Review Committee take action as it deems appropriate. However, if the Charter Review Committee determines to recommend retaining the current Charter language pertaining to the School District, the City Attorney recommends removing the requirement that School Board members be elected at-large.

SPEAKERS

Members of the public: Debbie Golden, Board of Education Member and Joe Richards, Assistant Superintendent, Ventura Unified School District.

Vice Chair Jacobs moved to recommend that the Board of Education be removed from the City Charter subject to receiving feedback from the Board of Education members. 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.

3. Consideration of Items Requested to be Researched on Consultants and Additions to the Charter Review Committee’s Scope

RECOMMENDATION:

That the Charter Review Committee review and discuss the information below and take action as the Committee deems appropriate.
Member Goldenring moved to direct the Chair to return to the City Council for clarification regarding the charge related to districts, requesting clarification as to whether the Committee is inclined to explore the issue of districts, and if the City Council is expecting recommendations on forms of implementation; and request authorization to hire a consultant for a not-to-exceed amount of $7,500 to assist the Committee on this issue. Vice Chair Jacobs seconded. The vote was as follows:

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

NOES: Members Olney and Prokopow.

ABSENT: None.

Chair Orrock declared the motion carried.

Vice Chair Jacobs moved to recommend adding to the list of potential charter amendments the issue of residency for members of the City Council and the City Manager to conform with current state law. Member Montgomery 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. Committee Requests for Information Relating to the Direct Election of the Mayor and Any Term-Limits Applicable Thereto

RECOMMENDATION

Members of the Charter Review Committee may indicate the types of information that they would find useful and/or helpful in preparing for the April 8, 2015 Charter Review Committee Meeting where the topic is scheduled to be whether or not the City should have a directly elected Mayor, the term, and term-limit (if any) for the Mayor. Also included will be consideration of the Deputy Mayor’s position, term, and term-limit (if any).

Member Prokopow moved to direct the City Attorney's Office to survey 10 cities of population between 100,000 and 150,000 to see if they have directly elected Mayors,
succession related to the Deputy Mayor and Mayor seats, and information on Mayoral duties. 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.

5. Committee Requests for Information Relating to the City Council Districts and Options

RECOMMENDATION

Members of the City Charter Review Committee may indicate the types of information that they would find useful and/or helpful in determining and preparing for the May 13 and June 10, 2015 Charter Review Committee Meetings where the topic is scheduled to be whether or not the City should change its current at-large method of electing Members of the City Council to City Council Districts where candidates run only in the district they live and are voted on only by voters in that District and what other options are available.

This item was discussed under Agenda Item No. 3.

PUBLIC COMMUNICATIONS

SPEAKERS

Member of the public: Mark Abbe.

ADJOURNMENT

Member Prokopow moved to adjourn the meeting at 5:06 p.m. Member Stephens 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
The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:00 p.m.

ROLL CALL

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

Absent: Members Goldenring and Stephens.

Chair Orrock presided.

FORMAL ITEMS

1. Consideration of the Minutes of the March 11, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of March 11, 2015 as submitted by the City Clerk.

Member Prokopow moved to approve the minutes of March 11, 2015. Vice Chair Jacobs seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Montgomery, Olney, Prokopow, Squires, Vice Chair Jacobs, and Chair Orrock.
NOES: None.

ABSENT: Members Goldenring and Stephens.

Chair Orrock declared the motion carried.

Member Stephens arrived at 4:09 p.m.

2. Consideration and Discussion of the Issue of Whether or Not to Recommend a Directly Elected Mayor or Retain a City Council Selected Mayor; the Term and Term-Limit (if any)

RECOMMENDATION

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

SPEAKERS

Staff: City Attorney Gregory G. Diaz.

DOCUMENTS

PowerPoint.

Vice Chair Jacobs moved to recommend retaining the current arrangement in the Charter that the City retain a City Council selected Mayor. Member Baker seconded. The vote was as follows:

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

NOES: Members Olney and Prokopow.

ABSENT: Member Goldenring.

Chair Orrock declared the motion carried.

Member Stephens moved to recommend that the Mayor's term remain a two-year term. Member Squires seconded. The vote was as follows:

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

NOES: Members Montgomery and Prokopow.
ABSENT: Member Goldenring.

Chair Orrock declared the motion carried.

3. **Consideration of Charter Review Committee’s Calendar and Work Plan**

**RECOMMENDATION**

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

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

By consensus, the Committee directed staff to maintain the Committee’s regular meeting schedule and hold the May 13, 2015, Charter Review Committee meeting as scheduled.

4. **Committee Requests for Information Relating to the City Council Districts and Options**

**RECOMMENDATION**

Members of the City Charter Review Committee may indicate the types of information that they would find useful and/or helpful in determining and preparing for the May 13 and June 10, 2015 Charter Review Committee Meetings where the topic is scheduled to be whether or not the City should change its current at-large method of electing Members of the City Council to City Council Districts where candidates run only in the district they live and are voted on only by voters in that District and what other options are available.

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

By consensus, the Committee clarified their direction to staff to ask the City Council for clarification on the charge as it relates to district elections and as to whether the charge is to recommend whether districts should be considered and if so, if the City Council intends that the Committee return with the formation of districts.
PUBLIC COMMUNICATIONS

SPEAKERS

Member of the public: Mark Abbe.

ADJOURNMENT

Member Prokopow moved to adjourn the meeting at 5:09 p.m. Vice Chair Jacobs seconded. The vote was as follows:

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

NOES: None.

ABSENT: Member Goldenring.

Chair Orrock declared the motion carried.

Cynthia M. Rodriguez
City Clerk
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 Collart, Evans, Alternate Morris, Olney, Prokopow, Vice Chair Jacobs, and Chair Orrock.


Chair Orrock presided.

FORMAL ITEMS

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

RECOMMENDATION

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

Member Stephens arrived at 4:04 p.m.

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

NOES: None.

ABSENT: Members Baker, Goldenring, Montgomery, and Squires.

Chair Orrock declared the motion carried.

Member Baker arrived at 4:05 p.m.

2. **Consideration of City Council Actions on Charter Review Committee Requests**

**RECOMMENDATION**

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

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

Member Squires and Goldenring arrived at 4:08 p.m. and 4:11 p.m., respectively.

Member Olney moved to adopt the revised schedule as presented with the provision that all meetings will be held on an as-needed basis and all of the Committee’s charge items be listed on the agenda. Vice Chair Jacobs seconded. The vote was as follows:

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

NOES: None.

ABSENT: Member Montgomery.

Chair Orrock declared the motion carried.

3. **Committee Discussion of Potential Form and Format of Final Report and Recommendations; Authors**

**RECOMMENDATION**

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

May 13, 2015 Charter Review Committee Minutes www.cityofventura.net
Chair Orrock moved to approve the format of the report as presented. Vice Chair Jacobs seconded. The vote was as follows:

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

**NOES:** None.

**ABSENT:** Member Montgomery.

Chair Orrock declared the motion carried.

4. **Consideration of Modifying Gender-Specific to Gender Neutral Language in the Charter**

**RECOMMENDATION**

That the Charter Review Committee review the gender specific references in the Charter and direct staff to bring back at a future meeting suggestions for replacement language that is gender neutral.

Chair Orrock declared the motion carried.
5. **Consideration of Durational Residency for Candidates for City Council, Section 503 of the City Charter**

**RECOMMENDATION**

That the Charter Review Committee recommend revising Section 503, “Eligibility for Office,” of the San Buenaventura City Charter to require 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.

Vice Chair Jacobs moved to approve the recommendation. Member Stephens seconded. The vote was as follows:

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

**NOES:** None.

**ABSENT:** Member Montgomery.

Chair Orrock declared the motion carried.

**PUBLIC COMMUNICATIONS**

**SPEAKERS**

Member of the public: Mark Abbe.

**ADJOURNMENT**

Vice Chair Jacobs moved to adjourn the meeting at 4:47 p.m. Member Baker seconded. The vote was as follows:

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

**NOES:** None.

**ABSENT:** Member Montgomery.
Chair Orrock declared the motion carried.

Cynthia M. Rodriguez  
City Clerk
The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poll Street, Ventura at 4:01 p.m.

ROLL CALL

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

Absent: Members Goldenring, Squires, Stephens, and Chair Orrock.

Vice Chair Jacobs presided.

FORMAL ITEMS

1. Consideration of the Minutes of the May 13, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of May 13, 2015 as submitted by the City Clerk.

Member Prokopow moved to approve the minutes of May 13, 2015. Member Olney seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Olney, Prokopow, and Vice Chair Jacobs.
NOES: None.
ABSTAIN: Member Montgomery.
ABSENT: Members Goldenring, Squires, Stephens, and Chair Orrock.

Vice Chair Jacobs declared the motion carried.

Member Squires arrived at 4:03 p.m.

2. **Consideration of City Council Geographic Districts or Retaining Current At-Large Election for Members of the City Council**

**RECOMMENDATION**

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

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

Member of the public: Mark Abbe.

**DOCUMENTS**

Email: Dennis Orrock, Chair, Charter Review Committee.

PowerPoint.

Members Stephens and Goldenring arrived at 4:08 p.m.

Member Olney moved to recommend a district election system to the City Council. Member Goldenring seconded. The vote was as follows:

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

**NOES:** Members Collart, Evans, and Squires.

**ABSENT:** Chair Orrock.

Vice Chair Jacobs declared the motion carried.
3. Consideration of Items Previously Discussed and Further Discussion and Consideration

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

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

SPEAKERS

Staff: City Attorney Gregory G. Diaz.

No action was taken on this item.

4. Discussion of Committee Informational Requests for the Next Meeting – City Manager Residency Requirements and Filling Mayor or Deputy Mayor Vacancy, and Title for Deputy Mayor’s Position

RECOMMENDATION

That the Charter Review Committee indicate any information that the Committee would like to see included in the Administrative Reports on these items. Now is the opportunity to request specific information to ensure that it is included in the report.
SPEAKERS

Staff: City Attorney Gregory G. Diaz.

By consensus, the Committee requested the topic of the direct election of the Mayor be included on the next Committee meeting agenda.

5. Consideration of Committee Calendar and Work-Plan

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.

No action was taken on this item.

ADJOURNMENT

Member Montgomery moved to adjourn the meeting at 5:50 p.m. Member Olney seconded. The vote was as follows:

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

NOES: None.

ABSENT: Chair Orrock.

Vice Chair Jacobs declared the motion carried.

Cynthia M. Rodriguez
City Clerk

June 10, 2015
Charter Review Committee Minutes
www.cityofventura.net
City of San Buenaventura

CHARTER REVIEW COMMITTEE

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

MINUTES

JULY 8, 2015

The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 5:00 p.m.

ROLL CALL

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

Absent: Members Collart, Goldenring, and Stephens.

Chair Orrock presided.

FORMAL ITEMS

1. Consideration of the Minutes of the June 10, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of June 10, 2015 as submitted by the City Clerk.

Vice Chair Jacobs moved to approve the minutes of June 10, 2015. Member Montgomery seconded. The vote was as follows:

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

NOES: None.

July 8, 2015
Charter Review Committee Minutes
www.cityofventura.net
DRAFT
2. **Consideration of Retaining Residency Requirement for the City Manager in Section 800 of the Charter**

**RECOMMENDATION**

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

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

Vice Chair Jacobs moved to recommend the removal of the residency requirement in Section 800 from the Charter. Member Olney seconded. The vote was as follows:

- **AYES:** Members Baker, Evans, Montgomery, Olney, Prokopow, Squires, Vice Chair Jacobs, and Chair Orrock.
- **NOES:** None.
- **ABSENT:** Members Collart, Goldenring, and Stephens.

Chair Orrock declared the motion carried.

Member Baker stated that the recommendation to the City Council should include language stating it's preferred the City Manager lives within the City's boundaries.

3. **Consideration of the Appropriate Title for the Position of Deputy Mayor**

**RECOMMENDATION**

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

Members Goldenring and Stephens arrived at 5:05 p.m. and 5:07 p.m., respectively.

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.
Member Olney moved to retain the Deputy Mayor title. Vice Chair Jacobs seconded. The vote was as follows:

**AYES:** Members Evans, Montgomery, Olney, and Vice Chair Jacobs.

**NOES:** Members Baker, Goldenring, Prokopow, Squires, Stephens, and Chair Orrock.

**ABSENT:** Member Collart.

Chair Orrock declared the motion failed.

Member Baker moved to recommend the Mayor Pro Tem title. Member Squires seconded. The vote was as follows:

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

**NOES:** Members Olney and Prokopow.

**ABSENT:** Member Collart.

Chair Orrock declared the motion carried.

4. **Consideration of the 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**

**RECOMMENDATION**

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

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

Member Goldenring moved to take up the issue of whether the Mayor should be directly elected given the Committee’s districting decision. Member Olney seconded. The vote was as follows:

**AYES:** Members Evans, Goldenring, Olney, Prokopow, Squires, Stephens, and Chair Orrock.

**NOES:** Members Baker, Montgomery, and Vice Chair Jacobs.
5D. **Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits**

Member Goldenring moved to recommend a directly elected Mayor. Member Olney seconded. The vote was as follows:

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

Chair Orrock declared the motion carried.

4. **Consideration of the 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 Goldenring moved to recommend the Mayor Pro Temp fill the vacancy of the Mayor. Member Baker seconded. The vote was as follows:

- **AYES:** Members Baker, Evans, Goldenring, Montgomery, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.
- **NOES:** None.
- **ABSENT:** Member Collart.

Chair Orrock declared the motion carried.

Member Goldenring moved to recommend that 12 months and 1 day be considered 1 term as it relates to the Mayor’s successor. Member Stephens seconded. The vote was as follows:

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

Chair Orrock declared the motion carried.

Member Stephens moved to recommend that the Mayor Pro Tem be selected after the full City Council is seated. Member Squires seconded.

Members Stephens and Squires withdrew their motion.

Member Prokopow moved to recommend that the City Council appoint the Mayor Pro Tem the same day the new Mayor is appointed. Member Baker seconded. The vote was as follows:

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

NOES: None.

ABSENT: Member Collart.

Chair Orrock declared the motion carried.

5. **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

B. City Council Term and Term-Limits
   Tentative Decision: No change to 4 year term and no term-limits

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

* Items with new, supplemental Administrative Reports

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

A. **City Council Compensation**

Vice Chair Jacobs moved to recommend to increase the Mayor's compensation to $1,500 per month and Councilmembers' compensation to $1,200 per month. Member Montgomery seconded. The vote was as follows:

**AYES:** Members Goldenring, Montgomery, Olney, Stephens, Vice Chair Jacobs, and Chair Orrock.

**NOES:** Members Baker, Evans, Prokopow, and Squires.

**ABSENT:** Member Collart.

Chair Orrock declared the motion carried.

B. **City Council Term and Term-Limits**

Member Goldenring moved to recommend terms limits at 3 terms for a maximum of 12 years for any City Council seat in any district. Member Olney seconded. The vote was as follows:

July 8, 2015 Charter Review Committee Minutes
www.cityofventura.net
DRAFT
AYES: Members Baker, Evans, Goldenring, Montgomery, Prokopow, Stephens, and Chair Orrock.

NOES: Members Olney, Squires, and Vice Chair Jacobs.

ABSENT: Member Collart.

Chair Orrock declared the motion carried.

6. **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.

Member Stephens moved to cancel the August 12, 2015, Committee meeting and to meet at the next regularly scheduled Committee meeting set for September 9, 2015, to review and discuss the draft report to the City Council. Member Olney seconded. The vote was as follows:

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

NOES: None.

ABSENT: Member Collart.

Chair Orrock declared the motion carried.

**ADJOURNMENT**

Vice Chair Jacobs moved to adjourn the meeting at 6:20 p.m. Member Olney seconded. The vote was as follows:

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

NOES: None.
ABSENT: Member Collart.

Chair Orrock declared the motion carried.
City of San Buenaventura

CHARTER REVIEW COMMITTEE

John Baker, Member
Cheryl Collart, Member
Barbara Evans, Member
Peter A. Goldenring, Member
Lynn Jacobs, Vice-Chair
Suz Montgomery, Member

Jerry Morris, Alternate
Ross R. Olney, Member
Dennis Orrock, Chair
Andrew Prokopow, Member
Patrick Squires, Member
Chris Stephens, Member

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
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-Tern 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
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.
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.

September 9, 2015  Charter Review Committee Minutes  www.cityofventura.net
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.

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
MINUTES

OCTOBER 14, 2015

The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:05 p.m.

ROLL CALL

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

Absent: Members Goldenring, Montgomery, and Alternate Morris.

Chair Orrock presided.

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.

Vice Chair Jacobs moved to approve the minutes of September 9, 2015, with the following amendments:

1. Correct the spelling of Vice Chair Jacobs' name under Agenda Item No. 3B; and
2. Make the following amendments under item 3J:

October 14, 2015 Charter Review Committee Minutes
www.cityofventura.net
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

Motion 1:

Member Stephens moved to approve the Committee’s tentative decision: “Fill the Mayor vacancy by having the Mayor Pro Tern move up; Have City Council select a new Mayor Pro Tern at the same time the Mayor is selected 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 Tern declines to serve as Mayor, the procedure would be the same for the City Council to elect a new Mayor and the Mayor Pro Tern will remain as Mayor Pro Tern.

Motion 3:

Member Goldenring moved to recommend deferring the options of truing up the Mayor’s term due to the change in the date of the general municipal election to the even year to the City Attorney for the City Council’s consideration. Member Stephens seconded. The vote was as follows:

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

NOES: None.

ABSENT: Members Goldenring and Montgomery.

Chair Orrock declared the motion carried.


RECOMMENDATION

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

Member Prokopow moved to accept the report with direction to staff to correct the grammatical errors in the report. Member Olney seconded. The vote was as follows:
AYES: Members Baker, Collart, Evans, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: Members Goldenring and Montgomery.

Chair Orrock declared the motion carried.

Member Goldenring arrived at 4:16 p.m.

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

SPEAKERS

Staff: City Attorney Gregory G. Diaz.
By consensus, the Committee agreed to the changes as approved under Agenda Item No. 1.

Agenda Item Nos. 4 and 5 were heard simultaneously.

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.

**SPEAKERS**

Staff: City Attorney Gregory G. Diaz.

By consensus, the Committee requested to hold one additional meeting on December 9, 2015, if necessary to review the draft report to the City Council and directed the Chair to make the presentation to the City Council with members of the Committee in attendance.

Member Goldenring moved to approve forwarding the following proposed charter amendment measures as an addendum to the City Council for consideration:

1. Compensation
2. District Elections
3. Term Limits
4. Clean-up Items

Vice Chair Jacobs seconded. The vote was as follows:

**AYES:** Members Evans, Goldenring, Vice Chair Jacobs, and Chair Orrock.

**NOES:** Members Baker, Collart, Olney, Prokopow, Squires, and Stephens.

October 14, 2015

Charter Review Committee Minutes

www.cityofventura.net
ABSENT: Member Montgomery.

Chair Orrock declared the motion failed.

Vice Chair Jacobs moved to direct staff to submit an addendum to the draft report suggesting that should the Council move forward with a Charter election that the items be grouped together to make the measures as simple as possible.

The motion died for lack of a second.

Member Olney moved to direct the Chair to write a letter to the City Attorney recommending how the measures should be placed on the ballot based on the sense of the Committee on the four categories. Member Goldenring seconded. The vote was as follows:

AYES: Members Baker, Goldenring, Prokopow, and Chair Orrock.

NOES: Members Collart, Evans, Olney, Squires, Stephens, and Vice Chair Jacobs.

ABSENT: Member Montgomery.

Chair Orrock declared the motion failed.

PUBLIC COMMENT

SPEAKERS

Member of the public: Carol Lindberg.

ADJOURNMENT

Vice Chair Jacobs moved to adjourn the meeting at 4:58 p.m. Member Stephens seconded. The vote was as follows:

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

NOES: None.

ABSENT: Member Montgomery.
Chair Orrock declared the motion carried.

Cynthia M. Rodriguez
City Clerk