

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

CRC Initial Vote – January 14, 2015 (\$1000 for Council Members, \$1200 for Mayor): Ayes: 11, Noes: 0.

CRC Final Vote – July 8, 2015 (\$1200 for Council Members, \$1500 for Mayor): Ayes: 6, Noes: 4, Absent: 1.

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.

CRC Initial Vote – February 11, 2015 (no term limits): Ayes: 6, Noes: 2, Absent: 3.

CRC Final Vote – July 8, 2015 (3 terms, 12 years): Ayes: 7, Noes: 3, Absent: 1.

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.

CRC Initial Vote (elect from geographic districts) – June 10, 2015: Ayes: 7, Noes: 3, Absent: 1.

CRC Final Vote (elect from geographic districts) – July 8, 2015: Ayes: 7, Noes: 3, Absent: 1.

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.

CRC Vote – May 13, 2015: Ayes: 10, Noes: 0, Absent: 1.

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 up dated 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.

8. FILLING OF VACANCIES FOR MAYOR AND DEPUTY MAYOR OCCURRING DURING THE TERM OF OFFICE AND THE APPLICATION OF THE NON-CONSECUTIVE TERMS FOR SOMEONE FILLING THE VACANCY OF THE OFFICE OF THE MAYOR; TRUING UP THE TERMS OF THE MAYOR AND DEPUTY MAYOR WITH THE CITY COUNCIL ELECTION CYCLE.

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 a clear policy of transition from the Mayor to the Deputy Mayor in the event that the Mayor's office becomes vacant at any point in the 2 year term.
- b) A decision must be made as to whether the transition of the Deputy Mayor to Mayor constitutes a term of office for the former in terms of not being able to serve as Mayor after the next election cycle.
- c) There should be a defined amount of time served by the transitioning Deputy Mayor to Mayor to constitute a term.
- d) The options discussed for a defined term were 1) any time served, 2) 12 months and one (1) day, and 3) any period of time between 12 and 24 months.

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

Conclusion

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

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

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

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.

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

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.