



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Procedure for initiating review of the City Charter by a Charter Commission or Committee.

1. Motion Directing Staff Regarding the Creation of a Charter Review Committee

COUNCIL ACTION

Item Type: Action Item

Approved for February 6, 2024 **calendar**

EXECUTIVE SUMMARY

The Council requested a report on the formation of a charter revision committee. This report provides an overview of the past charter amendments, both through committee work and at the direction of staff or council.

Most recently, in 2023, the Council considered preliminary Charter amendment language regarding Council districts, an expanded Council, directly elected mayor, Council compensation, the City's contracting process, and related and other miscellaneous proposals to revise the City's Charter.

Should the Council wish to form another charter review committee, it may provide specific parameters of scope, number of individuals to serve on the committee, and timeline.

RECOMMENDATION

Staff has no recommendation. The determination of whether to appoint a charter committee or review the Charter in some other manner is a policy decision to be made by the City Council.

ANALYSIS

City Charter

The first Charter in the City of Glendale was considered in March 1913, and it was rejected, with a 684 No vote and 442 Yes vote. It was finally adopted in March 1921. A charter city is formed under the California Constitution Article 11 section 3. Charter cities are known as “home rule” communities. By contrast, general law cities are organized under the general law of the state and have only those powers expressly conferred to them by the Legislature.

The Charter is the constitution of a city and it operates as a limitation of power. Provisions are the law of the state with the same force and effect. Charter cities have the power to make and enforce all ordinances and regulations with respect to municipal affairs. (Const. Art. 11 sec.5). Unless preempted by state law on matters of statewide concern, laws of a charter city will prevail over inconsistent state laws. Some examples of differences between general law and charter cities is zoning requirements, provisions governing officers and employees, compensation of elected officials, and prevailing wages.

The current components of the Glendale Charter are generally as follows:

- Article III Powers of City
- Article IV Officers and Employees Generally.
- Article V Elections.
- Article VI The Council Generally.
- Article VIII City Attorney
- Article IX City Manager
- Article X Departments of Government Generally
- Article XI Fiscal Administration
- Article XIII Libraries
- Article XIV Boards and Commissions
- Article XV City Planning
- Article XVIII Initiative, Referendum and Recall
- Article XX Police and Fire Departments
- Article XXI Public Works Department
- Article XXII Department of Glendale Water and Power
- Article XXIV Civil Service
- Article XXV Employees’ Retirement
- Article XXVI Revenue Bonds for Waterworks and Electric Works

History of the Previous Charter Committee

The last Charter Review Committee in Glendale was appointed in 2002, (Exhibit A). The Council established a 15 member Charter Revision Study committee with reviewing the amendments that were originally proposed by the Office of the City Attorney in July 2002, and studying any other matter or issue either in the Charter or which the Committee believed should be included in the Charter. The Committee began its work by studying information regarding city charters generally, and specifically about the Charter of the City of Glendale, including its numerous amendments throughout the years. It then considered the amendments proposed by city staff in 2002, as well as such broad topics as forms of government, elections, civil service, boards and commissions, to name a few. The city hired the services of an expert, Dr. Raphael Sonenshein, professor of Political Science at California State University at Fullerton, who made presentations and answered questions. The Committee ultimately made 20 recommendations to revise the Charter, which was placed before the voters in April, 2005. The Committee took approximately 17 months to complete its work.

Prior to the 2002 Committee, the Council appointed the Charter Revision Study Committee -1977. That Committee made recommendations to revise the Charter significantly, which was placed before the voters in April 1979.

Since the Charter Review Committee -2002, there have been a number of other charter amendments that have been proposed by the City Council and later considered by the voters. In October, 2012, Council proposed amending the charter to: (1) Change the City Treasurer position from elected to an appointed position; (2) Amend accounting procedures for clarification purposes and for consistency with Generally Accepted Accounting Principles; and (3) Amend obsolete titles. These measures did not pass.

In 2014, the Charter was successfully amended to require that any vacancy occurring in the council, city clerk or city treasurer be filled by a majority vote of the council within 30 days or by calling a special election and such appointee to serve for the remainder of the unexpired term if the term is up at the next general municipal election, and if not, and time for nominations has not yet commenced, then stand for election.

In 2015, the Council placed three additional amendments on the ballot, which would require the city council to establish by ordinance the method of the council compensation; institute by-district elections for city council members and prepare a district plan subject to voter approval; and require the Board of Education to establish the method of electing the members of the Board of Education and, if the Board of Education establishes trustee areas as the method for electing its members, require that the Board arrange said trustee areas pursuant to the California Education Code. All three measures failed.

In 2017, the Charter was successfully amended to require term limits for councilmembers.

Current Considerations for Charter Amendments

On May 2, 2023, the Council adopted a resolution declaring its intent to transition to City Council districts, with a directly elected mayor, for consideration by the City's voters at

the March 2024 election. After continued discussion, the Council deferred placing these issues on the ballot for the March 2024 election, subject to further consideration for placement on the November 2024 election. The City is also considering amendments to the Charter's provision regarding the Civil Service System.

The Council has placed a proposed charter amendment on the March 2024 ballot pertaining to the Council's authority to establish the rules and procedures governing the contract procurement process.

Procedure for Charter Amendments

The City Charter may only be amended by a vote of the electorate. If the Committee makes recommendations which the Council then adopts, then it must place the proposed amendments on a ballot for consideration by the voters.

Direction

Staff seeks Council direction on whether the City should establish a charter review committee, size, the process for nominating and selecting its members, and scope. If Council would like to move forward, staff will bring a resolution for Council consideration to establish the Committee with the parameters identified by the Council.

STAKEHOLDERS/OUTREACH

No stakeholder outreach was conducted at this time.

FISCAL IMPACT

None at this time. Fiscal impact would occur if the Committee were to be assisted by a consultant or facilitator. Some cost would be involved in placing proposed charter amendments before the electorate for a vote, e.g. ballot printing and informational materials. Additional fiscal impacts could occur depending on the nature and extent of any particular charter amendment.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This activity involves organizational and administrative activities of the government related to the City Charter, and such internal procedural and eligibility changes have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. As such, this action is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA) 14 Cal. Code Regs § 15378. Also, no action is being proposed as

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

Alternative 1: Council provide direction on whether the City should establish a charter review committee, its size, the process for nominating and selecting its members, and scope.

Alternative 2: City Council may elect to consider any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney

Prepared by:

Lucy Varpetian, Principal Assistant City Attorney

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS
