

CITY OF GLENDALE INTERDEPARTMENTAL COMMUNICATION

DATE: December 30, 2024

TO: Charter Review Committee

FROM: Office of the City Attorney

RE: Location of Council Meetings; Obsolete Titles; and Councilmember Employment

At its regular meeting of December 12, 2024, the Charter Review Committee considered amendments to the City Charter regarding three subjects: (1) the location of City Council meetings; (2) titles of officers and employees; and (3) councilmembers holding other city offices.

First, without objection, the Committee requested language for two alternative amendments to Article VI, Section 2, of the Charter. The first alternative would authorize the City Council to fix the time, place, and manner of Council meetings by ordinance or resolution. The second alternative would require the Council to hold regular meetings, as that term is used in the Ralph M. Brown Act, in the City Council Chamber, except in the event of an emergency, during which the Council shall meet at a place designated by the mayor or a majority of the Council. The latter alternative is purposefully silent as to the location of special meetings, affording the Council maximum flexibility to determine special meeting locations, subject only to Brown Act requirements.

Second, the Committee voted unanimously to approve a recommended amendment that would remove the obsolete offices of City Assessor and Maintenance Services Administrator from the City Charter, and to replace all references to the Director of Administrative Services with references to the Director of Finance.

Third, without objection, the Committee requested language to amend Article VI, Section 12, of the Charter to provide that the two-year prohibition upon a former councilmember holding a compensated office or employment shall not apply to the elected positions of city clerk or city treasurer, or to the appointment of a former councilmember to fill a vacancy on the Council.

Attached please find draft amendments to the City Charter provided to the Committee for its consideration pursuant to the foregoing actions.

Location of City Council Meetings

Operative Language – Article VI, Section 2

§ 2 Council meetings.

The council shall hold regular meetings at such times as it shall fix by ordinance or resolution. If a regular meeting falls on a holiday such meeting shall be held on the next business day.

Special council meetings may be called at any time by the mayor, or by three members of the council, acting in accordance with State law.

Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

All council meetings shall be held in the council chamber of the City Hall, or in a place to which any meeting may be adjourned for the purpose of taking evidence or holding hearings. Final deliberation and actual voting by the council shall take place in the City Hall council chamber. Provided, however, if by reason of fire, flood, reconstruction, or other emergency it shall be unsafe to meet in the council chamber, the meetings shall be held for the duration of the reconstruction or emergency at a place designated by the mayor or by three members of the council. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Meetings."

Alternative No. 1

The council shall hold ~~regular~~ meetings at such times~~s~~, place, and manner as it shall fix by ordinance or resolution. ~~If a regular meeting falls on a holiday such meeting shall be held on the next business day.~~

~~Special council meetings may be called at any time by the mayor, or by three members of the council, acting in accordance with State law.~~

~~Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.~~

~~All council meetings shall be held in the council chamber of the City Hall, or in a place to which any meeting may be adjourned for the purpose of taking evidence or holding hearings. Final deliberation and actual voting by the council shall take place in the City Hall council chamber. Provided, however, if by reason of fire, flood, reconstruction, or other emergency it shall be unsafe to meet in the council chamber, the meetings shall be held for the duration of the reconstruction or emergency at a place designated by the mayor or by three members of the council.~~

Alternative No. 2

The council shall hold regular meetings at such times as it shall fix by ordinance or resolution. ~~If a regular meeting falls on a holiday such meeting shall be held on the next business day.~~

Location of City Council Meetings

~~Special council meetings may be called at any time by the mayor, or by three members of the council, acting in accordance with State law.~~

~~Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment.~~ Any adjourned regular meeting is a regular meeting for all purposes.

All **regular** council meetings shall be held in the council chamber of the City Hall, ~~or in a place to which any meeting may be adjourned for the purpose of taking evidence or holding hearings. Final deliberation and actual voting by the council shall take place in the City Hall council chamber.~~ Provided, however, if by reason of fire, flood, reconstruction, or other emergency it shall be unsafe to meet in the council chamber, the **regular** meetings shall be held for the duration of the reconstruction or emergency at a place designated by the mayor or by three members of the council.

Obsolete Titles of Officers & Employees

Note: The Committee approved a recommended amendment to remove the obsolete offices of City Assessor and Maintenance Services Administrator from the City Charter, and to replace references to the Director of Administrative Services with references to the Director of Finance. References to these positions outside of the Charter (i.e., in the Municipal Code) are not included here. Statutory references, editor's notes, and other reference notes are not included here.

Article IV Officers and Employees Generally

§ 1 Generally.

The officers of the City of Glendale shall be five members of the council, ~~a city assessor~~, a city tax collector, a city manager, a director of ~~finance administrative services~~, a city clerk, a city treasurer, a city attorney, a director of public works, a city engineer, ~~a maintenance services administrator~~, a building official, a chief of police and a fire chief. The council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this Charter. The council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employees in the several offices and departments as they deem necessary. The members of the council, the city treasurer and the city clerk shall be elected from the city at large, as provided in this Charter. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees is vested in the council or any commission, such appointment and any removal must be made by a three-fifths (3/5) vote of the members of the appointing power. (1921; 1947; 1953; 1957.)

(Res. No. 18-10 § 1, 2018; Res. No. 04-238 § 1, 2004)

Article VI The Council Generally

§ 5 Certain powers and duties enumerated.

The council shall:

1. Qualifications of Members and Election Returns. Judge the qualifications of its members and all election returns;
2. Rules of Proceedings. Establish rules for its proceedings;
3. Record of Proceedings. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money;
4. Mayor Generally. Choose one of its members as presiding officer, to be called mayor. 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 he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the mayor is absent from any

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meeting of the council, the mayor pro tem shall be selected monthly by alphabetical rotation. The mayor pro tem shall act as mayor if the mayor is absent or unavailable;

5. Appointment of Certain Officers. Appoint ~~a city assessor, which office may be combined with that of the city clerk,~~ a city tax collector, a city attorney, and city manager;

~~6-~~ 5. Supervision of Public Utilities. Exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities, in so far as any of them are subject to municipal control. This provision is subject to other Charter provisions relative to such public utilities as now are or may hereafter be owned by the city. (1921; 1947; 1953.)

Article XI Fiscal Administration

§ 1 Powers and duties of director of ~~finance administrative services~~ generally.

The director of ~~finance administrative services~~ shall be the general accountant of the city. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the city, its disbursements, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the treasury, and shall draw and sign all warrants on the treasurer for payment of money out of the treasury, except as otherwise provided in this Charter or by general law. The city clerk shall furnish the director of ~~finance administrative services~~ with copies of all ordinances, resolutions and orders of the council making appropriations or authorizing expenditures of money for any purpose. All orders for the purchase of goods, materials or supplies, and all orders or contracts proposed to be entered into by the city by virtue of which any money shall or may become payable by the city, except contracts, the expense of which is to be paid by assessments upon properties benefited or affected thereby, shall before becoming effective, on behalf of the city, be presented to the director of ~~finance administrative services~~ and have indorsed thereon his certificate that there remains unexpended and unapplied in the city treasury as provided by this Charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the board or officer making the same, or that adequate provision therefor has been made in the tax levy, or by other revenues to be received by the city as estimated in the budgets. It shall be the duty of the director of ~~finance administrative services~~ to make such endorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the said amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

(Res. No. 04-238 § 1, 2004)

§ 4 Procedure as to warrants on treasurer; authority of council as to presentation, approval and payment of demands against city.

All demands approved by the proper board, commission or officer shall be presented to the director of ~~finance administrative services~~, who shall examine the same; and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the treasurer therefor, payable

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out of the proper fund. Objections of the director of ~~finance administrative services~~ to any demand may be overruled by the council, and the director of ~~finance administrative services~~ shall thereupon draw his warrant as directed by the council. Such warrants when presented to the treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor. The director of ~~finance administrative services~~ shall draw his warrants for payment of municipal or other bonds payable out of funds in the treasury upon presentation and surrender of the proper bonds or coupons, without approval of any body or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

(Res. No. 04-238 § 1, 2004)

§ 9 Authority of council to provide for system of taxation; tax liens; authority of council to designate assessor and tax collector.

The council shall have power by ordinance, to provide a system for the assessment, levy, and collection of all city taxes, which system shall conform as nearly as may be to the general laws of this state, provided for the assessment, levy and collection of county taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien upon the real property of the owner thereof. The said liens shall attach as of the first Monday of March of each year. The council may provide ~~that the city clerk shall be ex officio assessor and~~ that the city treasurer or other officer selected by them, shall be ex officio tax collector.

§ 10 Assessment, collection, etc., of taxes by officers of County of Los Angeles.

The council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Los Angeles, of any function of the city relating to the assessment of property for taxation, the equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for nonpayment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes, and may repeal any such ordinances.

Until the council shall otherwise provide, the ordinance of said City of Glendale now in effect providing that the duties of assessing property and collecting taxes provided by law to be performed by the ~~assessor and the~~ tax collector of the City of Glendale, shall be performed by the county assessor and the county tax collector of the County of Los Angeles, shall remain in full force and effect. During the time that said present ordinance, or any other ordinance passed by the council in pursuance of this section for the same purpose, shall be in effect, the mode and manner of assessing property for purposes of municipal taxation, the equalization of such assessments, the levying and collecting of taxes for municipal purposes, the nature of the lien therefor and the manner and method of enforcing the same and of the redemption of property sold for nonpayment of taxes, and all proceedings relating to said matters, shall be substantially the same as may be provided by law for such matters in relation to county taxes of the County of Los Angeles, so far as applicable, unless the council shall provide otherwise by ordinance.

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During the time that the functions of the city, relating to the assessment and collection of city taxes, are being discharged by the officers of the County of Los Angeles, the offices of ~~city-assessor-and~~ city tax collector shall be deemed suspended and no person shall fill the same, nor shall any salary attach thereto, and all duties of said offices other than the assessment and collection of taxes shall be transferred to and performed by such officers as the council shall by ordinance determine.

Article XXI Public Works Department

~~§ 3 Duties of maintenance services administrator.~~

~~The maintenance services administrator shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Glendale and used for street construction and repair. (1953; 1957.)~~

~~(Res. No. 04-238 § 1, 2004)~~

Article XXIII Miscellaneous Provisions

§ 14 Payment into city treasury of moneys received from taxes, licenses, fees, etc.

All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or by any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law, or by this Charter, to be paid or deposited in the treasury, shall be paid into the treasury daily.

The treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor, who must file the duplicate with the director of ~~finance administrative services~~.

§ 22 Officers to report fees, etc., monthly.

On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the director of ~~finance administrative services~~ of all moneys received by him during the preceding month.

(Res. No. 04-238 § 1, 2004)

Article XXIV Civil Service

§ 5 Suspension of competition.

(1) In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its application to such position, and all such cases

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of suspension shall be reported, together with the reasons therefor, in the annual report of the commission.

(2) In case of a vacancy in the position of director of ~~finance administrative services~~, city attorney or his assistants or deputies, director of public works, building official, city engineer, ~~maintenance services administrator~~, head or chief librarian, or in an office created by ordinance, and upon the filing with the commission of a written statement by the appointing agency that it intends to appoint a designated person of recognized attainments to fill such vacancy, competition shall be suspended. (1933; 1937; 1957.)

(Res. No. 04-238 § 1, 2004)

§ 7 Application of article; exception as to unclassified service.

The provisions of this article shall apply to all positions now existing or hereafter created, except those in the unclassified service.

The unclassified service shall consist of the following offices and employments:

All officers elected by the people.

All members of appointive boards and commissions, and persons serving without compensation.

The chief examiner of the civil service commission.

~~The city assessor.~~

The city manager.

The assistant city manager.

The secretary of the city manager.

The city tax collector.

One secretary of any officer elected by the people.

Special officers of the police and fire departments.

Positions in any unskilled labor class created for a special or temporary purpose and which do not exist for a period of longer than thirty days; provided that the commission may, upon application of the appointing agency and after public notice and hearing, by the affirmative vote of four-fifths (4/5) of its members, exempt any position in any unskilled labor class or any part-time, seasonal or temporary position for such period of time as it may determine; and provided further, that any such exemption shall not affect the tenure of any person whose appointment has become complete under this article.

Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. (1933; 1937; 1947; 1953.)

Editor's Note: The catchline of this section originally read as follows: "Unclassified and classified service."

(Res. No. 13-802 § 1; Res. No. 04-238 § 1, 2004)

§ 10 Procedure as to appointments.

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The person or persons having authority of appointment shall notify the commission of any appointment made, and the commission shall certify such fact to the director of ~~finance administrative services~~. The director of ~~finance administrative services~~ shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service until the appointment shall have been so certified. (1933; 1937.)

Councilmembers Holding Other City Employment

Article VI The Council Generally

§ 12 Councilmembers holding other city offices.

A councilmember shall not hold any other city office or city employment except as authorized by State law or ordinarily necessary in the performance of the duties as a councilmember. No former councilmember shall hold any compensated city office or city employment until two years after leaving the office of councilmember. The preceding sentence shall not apply to the elected positions of city clerk or city treasurer, or an appointment of a councilmember in the event of a vacancy.