



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Fifth Public Hearing Regarding the Composition of Council Districts Related to the City's Proposed Transition to District-Based Councilmember Elections and Discussion of Potential Amendments to City Charter

1. Motion Directing Staff Regarding Council Districts
2. Motion Directing Staff Regarding Potential Charter Amendments

COUNCIL ACTION

Item Type: Public Hearing

Approved for November 7, 2023 **calendar**

EXECUTIVE SUMMARY

This matter is the fifth public hearing on city council districts. Staff seeks additional direction on the narrowing of maps for further stakeholder outreach, as well as additional input on a narrowed group of charter amendments. At a study session on October 24, 2023, the Council reduced the number of maps for consideration to seven maps. The City's demographer, National Demographic Corporation (NDC), has also prepared three variations of one of those maps based on Council feedback. The Council also decided on October 24, 2023 that it will not move forward to put a selected map and proposed charter amendments to implement an expanded council, council districts and directly elected mayor on the ballot for the March 2024 election, leaving open the possibility of putting the matters on the November 2024 ballot. There are some charter amendments not dealing with districts and Council governance that the Council wanted to consider and they are presented here.

RECOMMENDATION

That the Council hold the public hearing and provide direction on districts and potential charter amendments.

ANALYSIS

On May 2, 2023, the Council adopted Resolution No. 23-55 declaring its intent to initiate the process to transition from at-large to district-based councilmember elections pursuant to Elections Code section 10010. The Council directed staff to commence the process to transition to council districts by way of amendment to the City Charter, to include a proposal to transition to six (6) council districts and a directly elected mayor who would be a voting member of the Council. In addition to numerous public workshops, pop-ups and additional outreach, the Council has held five (5) public hearings on Council districts. Through this process, 39 draft maps were submitted to or prepared by the City for the Council's consideration.

Districts

At the October 24, 2023 study session, the Council studied alternative voting methods and further studied the draft maps. The Council asked NDC to focus on seven (7) maps at this public hearing: Maps 106b, 107, 120b, 122, 124, 125 and 126. NDC has also prepared variations of Map 126 based on feedback at the October 24, 2024 study session (Maps 126b, 126c and 126d). These focus maps are attached as Exhibit 1 and can also be found on the City's districting website as well as on the interactive map viewer: <https://mapglendale.org/draft-maps/>

District Criteria

In accordance with Elections Code section 21601, the Council must draw districts that satisfy the following criteria:

- Council districts must be substantially equal in population based on the total population of residents of the city as determined by the most recent census with adjustments mandated by the State of California.
- Council district boundaries must comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act.
- The Council shall adopt district boundaries using the following criteria as set forth in the following order of priority:
 - (i) To the extent practicable, council districts shall be geographically contiguous.
 - (ii) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(iii) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(iv) To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

- The Council must not draw district boundaries for the purpose of favoring or discriminating against a political party.

Potential Charter Amendments

As noted, the Council's direction is to pursue additional stakeholder outreach on a district plan with the understanding the plan will not be submitted to the voters in March 2024. To that end, Council directed a hold on the charter amendments that would create a directly elected mayor position, council districts, an expanded council, and amendments to City Council compensation, which may be considered at a later time. Council directed that staff provide an update on the remaining potential charter amendments for consideration for the March 2024 election. The proposed amendments are set forth in Exhibit 2 and are summarized below.

Contracts

Staff is proposing a revision to Article VI, Section 9 that would allow the Council to adopt the standards and procedures for awarding contracts in light of best practices in contracting procurement and provide more flexibility to utilize contract delivery systems that are alternative to traditional design-bid-build, lowest-responsible-bid contracts, such as design-build and construction manager at risk methodologies. In that regard, the existing provision would be amended to provide: "The council shall by ordinance establish standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, including, but not limited to, compensation paid for performance of such work."

Civil Service System

The City Charter establishes and, along with Civil Service Rules and Regulations ("Rules"), governs the City's civil service system, which is overseen by the Civil Service Commission ("Commission"). The Council has inquired about updating the civil service system to provide more flexibility in the available methods for recruitment, hiring and promotions, among other potential revisions to the civil service system. Currently, the Charter provides that the Rules can be revised if approved by both the Council and the Commission. However, some requirements of the civil service system are also requirements imposed by the City Charter, meaning those requirements cannot be amended except by also amending the Charter, which requires approval by the voters.

One example of this is the “Rule of Three” – the rule in the Charter that establishes eligible lists for open positions, and requires the appointing authority to pick from only the top 3 individuals on the list. Other jurisdictions use other methods as an alternative to the Rule of Three in their hiring decisions. Other rules embedded in the Charter include rules regarding “open and promotional” exams and rules limiting probationary periods to 12 months.

Generally, amendments to Charter provisions and Rules governing hiring and promotional procedures and other civil service requirements are deemed to affect terms and conditions of employment subject to bargaining (“meet and confer”) under the Meyers-Milias-Brown Act, Government Code sec. 3500 *et. seq.* As such, prior to submitting any charter amendments affecting the civil service system to the voters, the City will need to engage in the meet and confer process with the employee associations.

One suggestion that has been made is to propose a change to the Charter that would replace the existing extensive Charter provisions with a provision that provides that the Civil Service System will be governed by Council ordinance and that the existing Rules would remain in place until the City has followed the legal procedures to adopt an ordinance including the meet and confer process. For example, Burbank’s City Charter simply provides: “The Council shall provide for the establishment of a Civil Service System in the City of Burbank based on merit and suitability.” Such an amendment would provide flexibility to make future changes to the Civil Service System, while engaging in meet and confer discussions with the associations as changes are proposed. Possible language in this regard is provided in Exhibit 2.

Nevertheless, revising the Charter in the manner described above will still require bargaining, which requires the City to negotiate in good faith with all of the recognized bargaining units and utilize state-mandated impasse procedures if the parties cannot agree on a proposal to submit to the voters. Staff’s assessment, based on preliminary feedback from the associations it has discussed the matter with to date, is that there is insufficient time to complete the process in time to place this matter on the March 2024 ballot. In addition to input from the associations, staff is of the opinion that the Civil Service Commission’s input on this matter should also be solicited before moving forward. For these reasons, staff recommends incorporating this discussion into any discussion involving Charter amendments for the November 2024 ballot. Staff seeks further direction from Council on this matter.

Miscellaneous Changes

- Urgency Ordinances. The Charter requires ordinances to be introduced at one meeting and adopted at a subsequent meeting in which at least five days have elapsed. The Charter provides an exception where in the cases of an “extraordinary epidemic of disaster” the Council may introduce and adopt an emergency ordinance at the same meeting. Staff is proposing another exception for “urgency” ordinances where there is “a current and immediate threat to the

public peace, health, safety or welfare.” The most common urgency ordinance is a moratorium which most cities adopt on the same night as it is introduced, and which is permitted by state law. Creating this additional exception would permit the Council to enact these moratoria at one and the same meeting for the immediate preservation of public peace, health, safety or welfare.

- Location of Council meetings. The Charter currently requires Council meetings to take place in Council chambers unless there is an emergency and it is unsafe to meet in chambers. There is another exception that allows meetings off-site to take testimony but any formal action of the Council must take place in the chambers. Staff proposes a revision that would allow Council to meet in chambers or any other place prescribed by ordinance or resolution, or if the Council is compelled to meet elsewhere due by reason of emergency or “temporary unavailability of the regular meeting place.” (Article VI, Section 2)
- Obsolete References. The Charter calls for the establishment of a Maintenance Services Administrator and the Building Official to be officers of the City and to be established in the Department of Public Works. The Maintenance Services Administrator is not a job classification in the City any longer and the Building Official is not a part of the Public Works Department, instead housed in the Community Development Department. Staff proposes removing these obsolete references. (Article IV, Section 1 and Article XXI, Sections 1, 3 and 4).
- Councilmembers Holding Other Offices During or Within two Years After Council Service. The Charter prohibits members of council from being employed by the City or from holding any other office while on Council or for two years after stepping off of Council. Staff proposes a change in language to confirm that the prohibition on serving in office or employment for two years after stepping off Council applies to appointed offices or employment only, and not to an office that is an elected position, such as Council, Clerk or Treasurer, regardless of whether an individual is elected or appointed (in the case of a vacancy) to such a position. This issue has been the subject of disputes (and even litigated) in the past and this confirmation is declaratory of the position the City has historically taken and that was upheld by the Attorney General and the courts. (Article VI, Section 12).

STAKEHOLDERS/OUTREACH

The stakeholder and public outreach conducted to date is discussed in the October 10, 2023 staff report attached as Exhibit 3. At Council’s direction, staff will conduct additional focused outreach with stakeholder groups upon the Council’s further narrowing of focus maps.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This activity involves organizational and administrative activities of the government related to election procedures and eligibility requirements, 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.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure.

ALTERNATIVES TO STAFF RECOMMENDATION

1. The Council can hold the public hearing and provide direction on next steps in the districting and charter amendment processes.
2. The Council can hold the public hearing and provide direction not to move forward.
3. The Council can choose an alternative not identified to staff

ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney

Prepared by:

Michael J. Garcia, City Attorney

Approved by:

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

EXHIBITS/ATTACHMENTS

1. Focus Maps
2. Draft Charter Amendment Language
3. October 10, 2023 Staff Report
4. Powerpoint Presentation