



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### **AGENDA ITEM**

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Report: Review of Subject Matter and Language of Proposed Charter Amendments Pertaining to a Directly Elected Mayor, Council Districts, Councilmember Compensation, Contract Procurement and Miscellaneous Changes to the City Charter

1. Motion Providing Direction to Staff

### **COUNCIL ACTION**

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**Item Type:** Action Item

**Approved for** August 8, 2023 **calendar**

### **EXECUTIVE SUMMARY**

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Staff is presenting 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.

## **COUNCIL PRIORITIES**

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Improve Operations and Efficiency of City Government: Amendments to the City Charter improve operations and efficiency of government by setting forth the governing principles of the City's operations. Amending the Charter to establish City Council districts may improve operations and efficiencies by improving constituent services as councilmembers will have more day-to-day interaction with the residents and issues affecting particular neighborhoods. Other proposed amendments to the Charter may improve operations and efficiencies such as by amending the charter provisions pertaining to contract procurement process.

## **RECOMMENDATION**

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That the Council review this Report and provide direction to proceed with preparation of Charter amendment language.

## **BACKGROUND**

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On May 2, 2023, the Council initiated the process to consider a transition from the City's at-large election system to a by-district election system, with an expansion of Council to six councilmembers elected by district and a directly elected mayor. On July 11, 2023, the Council received a report and provided direction to staff regarding potential charter amendments to implement addition of a directly elected mayor, an expanded council elected by district, and other miscellaneous changes.

## **ANALYSIS**

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Based on the direction provided at the July 11, 2023 meeting, the City Attorney's Office has drafted preliminary language for charter amendments on the various subjects addressed at that meeting. That language is set forth in Exhibit 1 and summarized below:

1. Districts – Timing of Implementation (Article V, Section 6 and Article VI, Section 2)

If approved, some charter amendments will take effect after the certification of the general municipal election in March 2024 while others will not take effect until the certification of the 2026 general election when the council is reconstituted and expanded. The first elections under the by-district system would occur in 2026 and the offices up for election in 2026 would be for the mayor, three (3) by-district Council seats for four year terms, and a fourth by-district council seat for a two-year term. There would be two Council seats that would remain at-large until 2028 and then three (3) by-district seats would be up for election in 2028. Subsequently, three (3) by-district seats for four-year terms would be up for election every two years and the directly elected mayor position would be up for election every four years.

2. Eligibility (Article IV, Section 3)

This provision requires that the mayor be a resident and qualified elector of the City and

that each by-district council member and candidate be a resident and qualified voter within the district. The residency and qualification standards must be satisfied no later than 30 days prior to the filing of nomination papers or appointment.

The proposed language also includes a provision that prohibits an individual from being a candidate for mayor and councilmember at the same time. This is an accord with other city charters and state law prohibiting the same individual from appearing on the same ballot more than once.

### 3. Directly Elected Mayor – Role and Duties

At the July 11, 2023 meeting, there was extensive discussion regarding the role and duties of the directly elected mayor. Overall, the Council was not favorable to an expansion of duties of the mayor that was outlined in the charters surveyed by staff. Council directed the staff to prepare language that provides additional duties currently performed by the appointed Mayor including presiding over Council meetings and being the official head of the City for ceremonial purposes. The current charter language (Article VI, Section 5(5)) for the role and duties of mayor provides as follows:

“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 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.”

In accord with that language, Council direction, and a review of similar charters, staff proposes the following:

“The mayor shall be a member of the council and shall preside over the meetings of the council. The mayor shall have voice and vote in all of the council's proceedings. As a voting member of council, the mayor shall not have veto power over any council action. The mayor shall sign official documents when the signature of the council or may is required by law and shall be recognized as the official head of the City government for all ceremonial purposes. The mayor shall perform such other duties as may be prescribed by this Charter, or imposed by the council, consistent with the office of mayor.

The mayor shall be elected by the voters of the City at large. The mayor shall serve for a term of four years and until his or her successor is elected. No person may be a candidate for mayor and a candidate for any other office on the council in the same election. In the event an incumbent council member other than the mayor is elected mayor such other office shall become vacant at the

time they assume office as mayor and the council shall fill the vacancy in the manner set forth in this Charter. When the mayor is absent from any meeting of the council, the mayor pro tem shall be selected monthly by alphabetical rotation. The mayor pro tem shall act as the mayor if the mayor is absent or unavailable.”

In addition, concern was expressed at the July 11, 2023 that the position of directly elected mayor may add confusion regarding the role of the City Manager as the chief executive of the City. In reviewing this matter, the staff notes that most if not all charters of cities with directly elected mayors in the council-manager form of government have a provision clearly delineating the role of the City Manager vis-à-vis the Mayor and Council. Staff recommends inclusion of a similar provision to address this concern:

**“Sec. 5. Interference in administrative matters**

Except for the purpose of inquiry, the council and its members, including the mayor, shall deal with the administrative function of the City government solely through the city manager or their designated assistants, and neither the council nor any member thereof, including the mayor, shall give orders to any subordinates of the city manager, either publicly or privately. Neither the council nor any of its members, including the mayor, shall direct or request the appointment of any person to, or their removal from, an office by the city manager or by any of their subordinates, or in any manner take part in the appointment or removal of officers and employees, except as specifically provided in this Charter.”

As noted, this is a common provision in city charters for cities similar in nature to Glendale and addresses any issues regarding the role of the directly elected mayor or councilmembers over the operation of the organization.

4. Terms and Term Limits

The general consensus at the Council meeting of July 11, 2023 was for the mayor to serve four-year terms and be subject to a two-term limit. A draft provision is included. (Article V, Section 6).

5. Compensation

As a charter city, Glendale has plenary authority under the California Constitution to establish the salary and compensation of its council members. The current Charter, incorporates the “schedule” and procedure for adjustment set forth in the California Government Code for general law cities. As noted at the July 11, 2023 Council meeting, the “schedule” set forth in Government Code Section 36516 has recently been amended by the Legislature and signed by the Governor, effective January 1, 2024 (SB 329). Under SB 329, councilmembers in cities between 150,000 and 250,000 in population may

receive a salary up to \$2,550 per month, which would be an increase in Glendale to the current Council salary of \$1,430 per month. In addition to the \$1,430/mo. salary, councilmembers receive a stipend for housing authority meetings (\$50/meeting).

At the July 11, 2023 meeting, after reviewing the survey of salaries of similar charter cities, the Council directed staff to incorporate a charter amendment similar to the City of Santa Barbara's that would set the salary of the Mayor at 100% of area median income (AMI) and the salaries of councilmembers at 80% of AMI. The current AMI for Los Angeles County is \$68,750 which would set the Mayor's salary at \$68,750 and the councilmembers' salaries at \$55,000. Incorporating Santa Barbara's charter provision, the proposal is as follows:

"Beginning \_\_\_\_\_, the members of the council, except the mayor, shall receive an annual salary in the sum equal to eighty percent (80%) of the annual area median income and the mayor shall receive an annual salary equal to one hundred percent (100%) of the area median Income. In addition, the mayor and each member of the council shall receive reimbursement on order of the council for authorized traveling and other expenses when on official duty upon submission of an itemized expense account therefor, or may receive an advance for such purposes subject to such accounting. In addition, members shall receive such uniform, reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other routine and ordinary expenses and costs imposed upon them by virtue of their serving as members of council, including the mayor.

As used herein, the term "area median income" shall refer to the annual area median income for a one-person household within Los Angeles County as determined and set by the United States Department of Housing and Urban Development or, if the Housing and Urban Development area median income determination is not available for any reason, by a comparable index published by the state of California. The mayor and council member salaries shall also be adjusted each year as of the first day of April based on changes in the area median income."

This provision would incorporate the salary provision discussed and a standard procedure for reimbursing or advancing reimbursable costs consistent with the City's current practices and state law. Staff seeks direction on this provision, and seeks direction whether such a provision should take effect upon the certification at the 2024 election or the 2026 election when the council is reconstituted with a directly elected mayor, districts and expanded council. Santa Barbara's charter provision also include an automatic adjustment based on adjustments to AMI. Staff seeks confirmation that the Council wishes to include this procedure for adjusting salary or would prefer a discretionary approval by Council.

## 6. Vacancy in office of mayor

As proposed, the Charter will be amended to establish the process for the replacement of the mayor if the position becomes vacant. That process will be the same as the process to replace a vacancy in any other elective office, which generally requires the Council to appoint an individual to the seat within 30 days or call a special election within 120 days unless the next general municipal election is no more than 180 days from the call of the special election. (Article VI, Section 13, to be renumbered Article VI, Section 17).

## 7. Contracts

As discussed on July 11, 2023, staff is proposing a revision to Article VI, Section 9 (to be renumbered Article VI, Section 13) 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.

## 8. Quorum and Required Council Votes for Specified Action

Expanding the size of the council to seven members (six by-district members and the mayor) will require amendments to the charter regarding quorum and requisite votes for taking specified actions. Where the Charter currently requires three votes for certain actions (quorum, budget adoption or appropriation, franchise, ordinance adoption, payment of money, and hiring and firing of the City Manager), the Charter will be amended, effective 2026, to require four votes for those actions. Where a 4/5<sup>th</sup> supermajority vote is required, including the sale of real estate and the adoption of zoning changes (including development standards) those provisions will be changed to require five affirmative votes. This is still a supermajority but would not require six votes that a 4/5<sup>th</sup> vote would otherwise require. Staff recommends maintaining a 4/5<sup>th</sup> vote for urgency and emergency ordinances since this is the requirement for urgency moratorium ordinances under state law.

## 9. 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 to 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 to enact urgency moratorium at one meeting for the immediate preservation of health, safety and 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, to be renumbered Section 6.)
- 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 revision to ensure that provision will include the mayor. Also, a revision confirms that the prohibition on serving in office or employment for two years after stepping off Council (or from being mayor) applies to appointed offices or employment only, and not to an elective office. This issue has been a subject of dispute (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 – to be renumbered Section 16).

## **STAKEHOLDERS/OUTREACH**

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In conjunction with the outreach on the make-up of proposed council districts, including public hearings and workshops, the outreach team is soliciting and receiving feedback on whether to transition to districts and a directly elected mayor. A presentation on the progress of the outreach will be made at the 3<sup>rd</sup> public hearing on council districts scheduled for August 15, 2023.

## **FISCAL IMPACT**

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There is no fiscal impact associated with this report. Making the transition to a directly elected Mayor, an expanded Council, Council districts and adjustments to Council compensation will have cost impacts in terms of salary, benefits, and related costs associated with staffing a larger Council and a directly elected Mayor. Staff will provide an assessment of these costs prior to seeking Council’s final approval to submit Charter amendment language to the voters.

## **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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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**

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This item is exempt from campaign disclosure requirements.

### **ALTERNATIVES**

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1. The Council can provide direction to staff to finalize the proposed Charter amendments described in this Report.
2. The Council can provide additional direction regarding proposed Charter amendments.
3. The Council can decide not to provide direction on proposed Charter amendments.
4. The Council can choose any other alternative not identified by staff.

### **ADMINISTRATIVE ACTION**

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**Prepared by:**

Michael J. Garcia, City Attorney

**Approved by:**

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

### **EXHIBITS/ATTACHMENTS**

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1. Preliminary Charter amendment language