

- a. In Mr. Bostrom's case, the Councilmember who appointed him is no longer in office, and, therefore, City Attorney Goddard has opined that Mr. Bostrom is not eligible to serve on the Committee at this time.

Mr. Bostrom commented:

1. It is unfortunate that this situation has occurred;
2. He is not sure he agrees with City Attorney Goddard's legal opinion, because he believes a vote of the City Council would be required to remove him from the Committee, however, he will respect the City Attorney's decision at this point in time.

Member Schmalz expressed appreciation for Mr. Bostrom's service on the Committee.

Chairman Serena moved, seconded by Member Cote, that the Committee request the City Attorney's office to prepare a letter of commendation and appreciation to Mr. Bostrom for his service on the Committee, and recommend that the City Council issue a civic award plaque to Mr. Bostrom at a City Council meeting. Hearing no objections, Chairman Serena so ordered.

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9:15 A.M.

RECOMMENDED CHARTER AMENDMENT TO REQUIRE THAT CITY ATTORNEY BE APPOINTED BY THE CITY COUNCIL RATHER THAN ELECTED & THAT CITY ATTORNEY BE RESPONSIBLE TO THE CITY COUNCIL; RECOMMENDED CHARTER AMENDMENT TO TRANSFER FINANCE-RELATED RESPONSIBILITIES FROM THE CITY CLERK TO THE CITY MANAGER; RECOMMENDED CHARTER AMENDMENT TO DELETE FINANCE-RELATED REQUIREMENTS FOR THE OFFICE OF CITY CLERK; RECOMMENDED CHARTER AMENDMENT TO INDICATE THAT ELECTED DEPARTMENT HEADS ARE NOT UNDER THE SUPERVISION OF THE CITY MANAGER

Regarding the recommendation to review and made appropriate recommendations for revisions of some and/or all of the portions of the City Charter that apply to all structural aspects, qualifications and other issues related to the elective offices of the City Clerk, City Treasurer and the City Attorney, Assistant City Attorney Remelmeyer reported:

1. Several months ago, the Committee asked staff to investigate the subject of qualifications for the offices of City Clerk, City Treasurer and City Attorney;
 - a. He obtained the charters of approximately 40 other California charter cities and 15 general law cities, and he has reviewed the provisions of those charters;
 - a. He has also obtained the job specifications for these positions, if they were appointed, in approximately 40 different cities;

- b. He has checked for any objective criteria for these positions which would be useful in determining whether or not the qualifications for these elected positions should be changed;
- 2. With regard to the City Attorney, the Charter requires that the City Attorney be a member of the California Bar and at least five years of service as a lawyer, and these are fairly objective criteria;
 - a. When this matter was discussed several months ago, the question was raised as to whether or not the City Attorney should also have experience as a municipal lawyer; and
 - i) In cities which have an elected City Attorney, there are no cities which require experience beyond that which is required by the City of Redondo Beach.

Chairman Serena pointed out that the requirements for City Attorney are exactly the same requirements to become appointed as a Judge of the Superior Court in California.

Assistant City Attorney Remelmeyer further reported:

- 1. City Attorney Jerry Goddard has indicated that he is neutral on the question of whether or not the Charter should be amended to require that the City Attorney have municipal law experience, because if it is required, by the next election, he will have attained that experience;
 - a. The additional requirement would further limit the field of candidates who could qualify for the position;
 - i) The field of candidates is already limited to electors of the City of Redondo Beach;
- 2. With regard to the City Treasurer, none of the chartered cities who have elected City Treasurer designate any qualifications for the position;
 - a. If the City Treasurer is appointed, the job qualifications ordinarily require some experience in handling cash and investments, and frequently a degree from an accredited college in accounting, business administration, finance, economics or related fields;
 - b. In Redondo Beach, the City Treasurer handles the cash and makes investments, but also collects taxes and business license fees;
- 3. One of the problems with requirements for an elected position is the problem of a court in determining whether or not a particular candidate meets any criteria;
 - a. It is much easier for a court to determine whether or not a person has a degree in a particular field;
 - b. If a candidate presents himself for election to a position, and his qualifications are challenged by an opponent, the courts have a difficult time in making this determination;
 - i) Often times, the court defer a decision until after the election results have been determined;

4. The Committee discussed the possibility of having an elected City Controller or Director of Finance;
 - a. He has been unable to find any charter which provides for an elected Controller or Director of Finance;
 - b. Culver City has the unique situation of having the City Treasurer performing the duties of City Controller;
 - c. Typically, the City Controller or Director of Finance is appointed by the City Manager or the City Council;
 - i) The job ordinarily requires a BA in finance, accounting, business administration, economics or some related field, and larger cities frequently require a CPA or MBA or MPA (Master of Public Administration);
 - d. If an elected City Controller were to be established, the City would probably want to require at least a BA in accounting, since the primary duties involve accounting, and the City may also want to require a CPA and MBA;
5. The City Clerk ordinarily functions as the recordkeeper, elections officer, and other various duties such as overseeing FPPA statements and conflict of interest statements;
 - a. Where the City Clerk performs only these functions and is appointed, job specifications typically require a high school diploma or AA and sometimes require certification as a municipal clerk;
 - b. If the City Clerk is elected, typically the only requirement is that the person be an elector;
 - c. In Redondo Beach, the City Clerk is also named as the City's Finance Officer;
 - i) Section 11 of the City Charter indicates that the City Clerk must have at least 15 units of accounting courses, and this is a peculiar set of specifications; and
 - ii) The City Manager, to some extent, performs the finance duties in cooperation with the City Clerk, but it may be expected that the City Clerk may be required to perform all finance duties in the future, in accordance with the City Charter.

Chairman Serena commented:

1. The duties of these offices need to be looked at, but the one which has the least problem is the City Attorney, because the requirements for City Attorney are the same as the requirements for a Judge in Municipal and Superior Court;
2. He would personally prefer that the City Attorney be appointed by the City Council, because the City Attorney is the legal counsel to the City Council and the City;
 - a. He realizes that the voters would probably reject the idea of converting the office of City Attorney from an elected position to an appointed position;
3. The City Clerk should not have responsibility for financial matters, and if those responsibilities were removed, then the finance-related requirements could also be removed from that position;

4. The City Treasurer should not have responsibility for the budget, because those responsibilities are already handled by the City Manager's office;
5. He believes that minor requirements should be applied to these offices, and the voters should make that choice;
6. Section 12.3 of the Charter indicates that the City Manager is in charge of all Department Heads, and the City Attorney, City Clerk and City Treasurer are Department Heads; so the language of that section should be changed to indicate that the City Manager is in charge of all non-elected Department Heads;
7. Section 11(f) of the Charter should be deleted, as it refers to the financial-related requirements for the office of City Clerk, and the financial responsibilities should be transferred to the City Manager's office; and
8. He believes that the City Treasurer should be appointed by the City Council, because of the technical competence that is needed to handle this job, but he realizes that the voters would probably not go along with that idea.

Member Cote indicated concurrence with the statements made by Chairman Serena.

Member Schmalz moved to recommend that the Charter be amended to indicate that the City Attorney shall be appointed by the City Council, rather than elected. The motion received no second.

Member Schmalz moved, seconded by Member Dreizler, to recommend that the Charter be amended to indicate that the City Treasurer shall be appointed by the City Council, rather than elected.

Prior to the vote:

Member Dreizler recalled that, at one time, the City Treasurer and City Attorney were part-time positions, and the City Attorney was also engaged in private practice, but the positions were changed to a full-time positions.

Chairman Serena noted that the volume of work performed by the City Attorney's office is such that it is a full-time responsibility and requires assistance from additional in-house counsel as well as outside legal counsel.

Alternate Member Covington noted that this issue is very political, and expressed support for retaining these elected offices, because elected officers ensures public access, because an elected official must answer to the public.

Alternate Member Covington moved to table the issue to the year 2005. The motion received no second.

Member Dreizler stated that she would have preferred that the information supplied by staff be submitted in writing rather than orally so that she would have time to read and absorb the information.

Member Cote recalled that the last time this issue was discussed by the City Council, the Council took no action to change the City Attorney to an appointed position, and indicated that the voters would probably not be in favor of such a change.

Member Cote preferred that the budget responsibilities be transferred from the City Treasurer to the City Manager.

Member Schmalz's motion failed by the following vote:

AYES: Dreizler, Schmalz;
NOES: Alternate Member Covington, Cote, Serena;
ABSENT: Toomey (Alternate Member Covington substituting).

Member Dreizler moved, seconded by Member Schmalz, to recommend a Charter amendment to require that the City Attorney be appointed by the City Council.

Prior to the vote:

Member Schmalz felt it imperative that this position be appointed by the City Council, because the City Attorney provides legal representation for the City Council.

Member Dreizler's motion carried by the following vote:

AYES: Dreizler, Schmalz, Serena;
NOES: Alternate Member Covington, Cote;
ABSENT: Toomey (Alternate Member Covington substituting).

Chairman Serena felt that the City Clerk should remain an elected official rather than being appointed, and suggested that the accounting-related requirements should be eliminated.

Chairman Serena expressed support for retaining the existing qualifications for the office of City Attorney.

Member Schmalz moved, seconded by Member Cote, to recommend a Charter amendment by deleting the finance-related qualifications for the office of City Clerk, and to transfer the finance-related responsibilities to the City Manager.

Prior to the vote:

Alternative Member Covington moved, seconded by Member Schmalz, to divide the question. Hearing no objections, Chairman Serena so ordered.

The motion to transfer finance-related responsibilities from the City Clerk to the City Manager passed by the following vote:

AYES: Dreizler, Schmalz, Cote, Serena;
NOES: Alternate Member Covington;
ABSENT: Toomey (Alternate Member Covington substituting).

The motion to delete finance-related requirements for the office of City Clerk passed by the following vote:

AYES: Dreizler, Alternate Member Covington, Schmalz, Cote, Serena;
NOES: None;
ABSENT: Toomey (Alternate Member Covington substituting).

Member Schmalz moved, seconded by Member Cote, to amend Charter to reflect that elected Department Heads not be supervised by the City Manager by amending Charter Section 12.3(a) to insert the words "non-elected" before the words "Department Heads and employee of the City" and to add the words "unless otherwise provided in the Charter," and to make the same changes to Charter Section 12.3(e).

Prior to the vote:

Chairman Serena indicated that appointed deputies work for elected Department Heads outside the supervision of the City Manager.

Member Dreizler pointed out that the City has some deputies which are civil servants, but also has some deputies which are not civil servants.

John Parsons of Redondo Beach commented that it would be a mistake to have an appointed City Attorney answer to the City Council, because most of what the City Attorney performs are day-to-day activities, and the City Attorney works with the City Manager in that regard, and the City Attorney needs to have the supervision of the City Manager if the City Attorney is not going to have to answer to the voters.

Chairman Serena asked if the City Attorney works at the direction of the City Council, to which Assistant City Attorney Remelmeyer responded affirmatively, and added:

1. It would be appropriate for the City Attorney to be appointed by the highest body representing the City government, which is the City Council;
2. It is more important that the City Attorney be independent of the City Manager than having the City Attorney be independent of the City Council; and
3. In most cities that have an appointed City Attorney, the City Attorney is appointed by the City Council.

Mr. Parsons indicated he would be comfortable having the Council appoint the City Attorney, but would be concerned about to whom the City Attorney would have to answer.

Member Schmalz's motion carried by the following vote:

AYES: Dreizler, Alternate Member Covington,
Schmalz, Cote, Serena;
NOES: None;
ABSENT: Toomey (Alternate Member Covington
substituting).

Member Schmalz moved, seconded by Member Dreizler, to recommend that Charter Section 11.2 be amended to indicate that an appointed City Attorney would be responsible to the City Council. Hearing no objections, Chairman Serena so ordered.

Member Cote asked if these revisions will be brought back to the Committee for review prior to being forwarded on to the City Council, to which Chairman Serena responded by indicating that Assistant City Attorney Remelmeyer will report back with a resolution for approval, but the approval will be limited to the language, and not discussion of the subject per se.

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RECESSED: 10:38 - 10:54 AM

At 10:38 a.m., The Committee recessed briefly and reconvened at 10:54 a.m.

ROLL CALL

Commissioners Present: Dreizler, Alternate Member
Covington, Schmalz, Cote, Serena;
Commissioners Absent: Toomey (Alternate Member Covington
substituting);
Officials Present: Stanley Remelmeyer, Assistant City
Attorney;
Kim Chafin, Minutes Secretary.

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10:55 A.M.
UPDATE FROM CITY ATTORNEY

Assistant City Attorney Remelmeyer reported that he has received no items recommending or requesting possible areas of modification to the Charter.