

## **BLUE FOLDER ITEM**

*Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.*

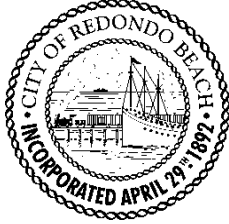
### **CHARTER REVIEW ADVISORY COMMITTEE MEETING OCTOBER 26, 2023**

**F.2 APPROVE THE FOLLOWING CHARTER REVIEW ADVISORY COMMITTEE MINUTES:**

- MAY 25, 2023 REGULAR MEETING
- JUNE 22, 2023 REGULAR MEETING
- JULY 27, 2023 REGULAR MEETING

**CONTACT:** CITY CLERK ELEANOR MANZANO

- **MINUTES- JUNE 22, 2023 REGULAR MEETING**



## **7:00 PM - REGULAR MEETING**

### **A. CALL TO ORDER**

A Regular Meeting of the Charter Review Advisory Committee was called to order by Chair Strutzenberg at 7:00 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

### **B. ROLL CALL**

Members Present: Dawidziak, Maroko, Narain, Pinzler, Woodham, Beeli  
(Alternate)  
Chair Strutzenberg

Members Absent: Kilroy

Officials Present: Eleanor Manzano, City Clerk  
Mike Webb, City Attorney

### **C. SALUTE TO THE FLAG**

Member Maroko led in the Salute to the Flag.

### **D. APPROVE ORDER OF AGENDA**

Motion by Member Maroko, seconded by Member Dawidziak to approve the order of the agenda, as presented.

The motion carried, unanimously by voice vote.

### **E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS - None**

#### **E.1. RECEIVE AND FILE BLUE FOLDER ITEMS**

City Clerk Manzano reported Blue Folder Items for Items No. I.1. and I.4.

Motion by Chair Strutzenberg, seconded by Member Maroko to receive and file Blue Folder Items.

The motion carried, unanimously by voice vote.

**F. CONSENT CALENDAR**

**F.1. APPROVE AFFIDAVIT OF POSTING FOR THE CHARTER REVIEW ADVISORY COMMITTEE REGULAR MEETING OF JUNE 22, 2023**

**CONTACT:** ELEANOR MANZANO, CITY CLERK

**F.2. This Item was pulled from the Consent Calendar for separate consideration by Member Pinzler.**

**F.3. This Item was pulled from the Consent Calendar for separate consideration by Chair Strutzenberg.**

There were no public comments on the Consent Calendar.

Member Pinzler pulled Item No. F.2. from the Consent Calendar and Chair Strutzenberg pulled Item No. F.3., from the Consent Calendar for separate consideration.

Motion by Member Pinzler, seconded by Member Dawidziak to approve Items No. F.1., as presented.

The motion carried, unanimously by voice vote.

**G. EXCLUDED CONSENT CALENDAR ITEMS**

**F.2. APPROVE THE FOLLOWING CHARTER REVIEW ADVISORY COMMITTEE MINUTES:  
MARCH 30, 2023**

**CONTACT:** ELEANOR MANZANO, CITY CLERK

Member Pinzler offered corrections to the Charter Review Advisory Committee meeting minutes of March 30, 2023.

Motion by Member Pinzler, seconded by Member Dawidziak, to approve Item No. F.2., as amended.

The motion carried, unanimously by voice vote.

**F.3. RECEIVE AND FILE RESOLUTION NO. CC-2204-022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ESTABLISHING A CHARTER REVIEW ADVISORY COMMITTEE**

Chair Strutzenberg commented on the use of “shall” in the City Council resolution; reported the word was not used in the resolution but rather Councilmember Obagi used the words, “likely” and “if” and suggested that it be corrected and returned to the Committee at its next meeting.

City Clerk Manzano reported the item will be confirmed and revised and returned to the Committee at its next meeting.

## **H. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

### **H.1. For eComments and Emails Received from the Public**

Chair Strutzenberg opened the Public Participation portion of the meeting. There being no one wishing to address the Charter Review Advisory Committee, Chair Strutzenberg closed Public Participation.

## **I. ITEMS CONTINUED FROM PREVIOUS AGENDAS**

### **I.1. DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE XI, SECTION 11, CITY CLERK & ARTICLE XX, SECTION 20.1, APPROVAL OF DEMANDS**

**CONTACT:** COMMITTEE MEMBER BOB PINZLER

Member Pinzler stated he could not recall the Committee discussing a requirement of 10 years of accounting or finance experience for the City Clerk position and City Clerk Manzano reported it was her recommendation; spoke about the 15 units of accounting education and stated she opened it more to the public/private sector and made them based on what the Committee talked about and from Moss Adams. She added that because the changes to the tasks are at a higher level, including oversight, an accountant from the public or the private sector can look at the journal entries and make an analysis of expenditures and confirmed that is why she recommended a requirement of 10 years of accounting or finance experience.

Chair Strutzenberg referenced Section 20.1 and noted it is in line with what the Committee has discussed.

Member Pinzler asked what it is about the 10 years that would make a difference.

City Clerk Manzano stated that in speaking with accountants and CPAs gives you more experience. Since the City Clerk is also a director, he/she oversees complex accounting and has to understand how to look at some of those things when they are analyzing expenditures.

Member Pinzler stated he is having trouble with this and asked what the difference would be between accounting and finance experience.

City Clerk Manzano confirmed they are different but with 10 years of experience, there is more review.

Member Dawidziak asked whether that would not open it up to loan brokers.

Member Narain agreed, adding that it is too broad.

Member Dawidziak stated he believes the City Clerk is treading on ground that will put

her outside the parameters of the job. It allows for someone to come in and say, "Well, I've got, you know, 15 years of being a loan broker, you know, and I've had six banks go under me because of my underwriting skills, you know, so I ought to have the job." He stressed he would be the first person to say, "No".

City Clerk Manzano noted those are her recommendations and agreed Member Dawidziak has a valid point.

Member Dawidziak reported that he is not looking for restrictive qualifications, but at the same time wants qualified people; agreed with requiring 15 units of accounting and indicated he might be more content with a CPA. He suggested opening it up to retired finance officers who have had 30 years in the business; added the City has a very diverse, educated community and stated he believes there is no shortage of talent, but a shortage of will and desire to participate. He reiterated he is not looking to be restrictive but does not want to open it up to everybody because not everybody is qualified.

Chair Strutzenberg spoke about the verification of what experience qualifies as public or private sector accounting; wondered who would make that judgement; stated the previous words, "Five years' experience in municipal accounting" can be verified and the candidate must have worked for a municipality in some role.

Member Dawidziak stated working experience can be easily verified.

Chair Strutzenberg noted his point was not really so much the ability to verify, it is who would do that verification and make the judgement, "Does this qualify with what is being required here?"

Member Dawidziak spoke about candidate's the need to understand the difference between Government Accounting Standards Board (GASB) and General Accepted Accounting Principles (GAAP).

Member Pinzler stated that part of the reason for making this change is to remove some of the responsibilities that were listed in the Charter, budget and things of that nature. He added that when that is in the Charter, the accounting requirement makes a little more sense and noted that now it is a supervisory role.

Member Dawidziak disagreed; noted it is being recommended to be a supervisory role and cautioned against jumping the gun.

Member Pinzler wondered if there is still value in keeping the accounting requirements; noted it is not a prime responsibility according to the way this is written; felt this seems to be starting from scratch and it would make no sense. He added that accounting, in and of itself, is not a prime responsibility when you are supervising as opposed to being responsible for the budget and things of that nature. He believed that to make it a requirements for running for office seems a step too far, in this context.

Member Dawidziak noted his disagreement; stated he is unsure about changing the City Clerk's responsibilities; reported it is not a foregone conclusion, to eliminate the accounting requirement, and stressed the importance of checks and balances. He noted

a preference to hire someone who is intelligent and reported the issue is performance in the job.

Member Pinzler felt the need for the accountancy as a requirement to run for office does not seem to make sense now, in the original context; stated the need for accounting seems to be a barrier for people running for office who could do the City Clerk's job well.

Member Dawidziak stated there are no barriers to running for office but there are barriers to being qualified to run for office and spoke about the need for education and experience.

Chair Strutzenberg stated that it would seem like one of the more difficult things for your typical finance or accounting person might be administering elections.

City Clerk Manzano reported that she has been putting procedures and processes in place and it can be taught; noted the work is tedious and accounting education and experience would help in doing it; reported there are not many checks and balances in elections, per the Election code but that she has created them because some of the City's elections are very intense. She indicated sometimes the City can receive 20 ballots and when you open them, they may not be ballots, or someone included two ballots in one envelope, and all ballots must be accounted for. There is nothing in the Election code that says that, so, she created the processes and procedures that provide checks and balances.

Chair Strutzenberg asked about elements of the job that may be more difficult to hand off and about how to prescribe eligibility to help hire the right candidate. He added that it is very unusual for anybody in the public sector to have election experience.

City Clerk Manzano reported the City used to hire a company that would provide full service on elections and noted that elections was never an issue. Now there are four cities doing stand-alone elections, there is a system that makes it a lot easier, the City has vendors and there is a short learning curve. She reported that there are a lot of administrative tasks and indicated that she came in with an accounting background and not much City Clerk experience, but she picked it up.

Chair Strutzenberg wondered how to prescribe that the right person will end up in that position.

Member Dawidziak asked about the City Clerk's transparency in terms of checks and balances and procedures for running elections.

City Clerk Manzano responded it is in the Election file and is available to the public.

Member Pinzler referenced buckets of records including election archives and finance archives and asked what percentage of the City Clerk's job falls under each task.

City Clerk Manzano responded that elections are every two years; stated she has staff managing some of the tasks; reported that accounting is about 20-30%; talked about challenges keeping staff in her department; noted that people see the City Clerk's office

as their stepping stone to move somewhere else. She hoped that now that some of the job descriptions are being changed, people would stay longer in her department.

Member Pinzler asked about the percentage of records management performed by the City Clerk.

City Clerk Manzano responded that 10-20% of her work involves records management but noted that she has a Records Management Coordinator.

Member Pinzler asked that in terms of the finance requirement, why is that the only thing that has a requirement, as opposed to experience as a Municipal Clerk, for example?

Member Dawidziak felt that in some ways it is like being a curator and noted the need to understand how to manage inventories.

City Clerk Manzano spoke about the use of math.

Member Narain commented on the need to track details and being process oriented and stated that is why accounting helps with the role. He noted that elections involve detailed record keeping.

City Clerk Manzano highlighted the need for someone who is detailed.

Member Maroko noted there is a difference between accounting and finance; voiced support for requiring at least 15 units of accounting; discussed the use of municipal and governmental accounting; referenced Item F.3. relative to reviewing and monitoring spending by department and identifying irregular transactions and stated that is pure accounting and not finance. Additionally, relative to Item F.4., he stated it is a good checks and balances as someone, independently, would be able to verify what is there. In terms of F.2., he believed it is too broad and needs to be more specific and summarized his suggestions to keep the accounting part of it and eliminate the finance part.

Member Pinzler reported that university he attended did not use units, but rather courses and asked how that would be dealt with.

Member Maroko suggested using the word, "equivalent"; felt this has not been a barrier before; reiterated he is fine with the 15 units and opposed the 5-10 years time period because he felt that you stifle the talent once you go beyond the 5 years.

In response to Chair Strutzenberg's question regarding who is responsible for making the judgement, City Clerk Manzano reported an affidavit is required upon filing for election saying that you meet the requirements and verification is done if a candidate challenges it.

Chair Strutzenberg confirmed it is just stating that you meet these requirements under your own opinion.

Member Dawidziak spoke about producing proof that the requirements are met and

asked about who reviews them.

City Manager Webb reported that typically, City Council, in the past has appointed a Chief Deputy City Clerk to be able to do that, and the Chief Deputy City Clerk is a position that is not removable at will. He spoke about a case where verification of residency was necessary where a person did not live in a lawful residence in Redondo. He added that from the City Clerk's point of view, it is subject to challenge and a judge would review it.

Discussion followed regarding the location of an analysis previously done by Member Pinzler of City Clerk offices of other Charter cities and their eligibility requirements and duties.

Member Pinzler stated he does not recall anyone that had the same requirements as Redondo Beach.

Chair Strutzenberg added that some have no requirements at all.

Member Pinzler reported that he did not recall, if in his research of other municipalities, whether elected City Clerks had anything other than Municipal Clerk experience and stated that not many had budget relationships which was the trigger for the accounting requirement.

Chair Strutzenberg responded that his preference would be to keep a requirement for 5 years of Municipal Accounting experience or as it was written, originally.

Member Maroko spoke about prior actions to eliminate Item F.6. in the 1982 Election and observed that in the 1979 Sample Ballot they were trying to strike 5 years' experience in Municipal Accounting.

City Attorney Webb suggested the Committee may want to review Government Code Sections 40802 through 40805, which apply to the City Clerk, his/her being the City's Accounting Officer and duties to report; explained it has been tweaked, through time and reported 40805.5 says the duties can be transferred to the Finance Director, by ordinance, and having the City Clerk maintain oversight. Relative to the latter, he stated education and/or experience in accounting would come into play and noted the Committee can recommend the changes that should be made to the position, including the component of financial oversight. If oversight is maintained, he noted the person should have education and/or work experience that would fit within there and related to accounting. That is what he believes is based around the Government Code's definition of the City Clerk as accountant.

Member Pinzler reported there has not always been a Finance Officer.

City Attorney Webb reported the Finance Officer used to work in the Treasurer's office; stated the Committee and Council can ultimately recommend to the public what changes should be made, whether the position should just involve record keeping and elections or whether it should include a component of financial oversight because the issue with a Finance Director is that he/she works for the City Manager and there is no one that is independent, outside of the chain of command of the City Manager, to review that.



Member Pinzler replied that nowhere in any of these sections is a specific requirement for any number of units.

City Attorney Webb explained that if the City Clerk is the accountant, it makes total sense why they must have accounting experience.

Member Pinzler stated that his assumption is that 40805.05 implies it was an add-on to 40805.

Member Dawidziak stated these are for general laws.

Member Pinzler noted he understands they are not applicable to the Charter, but they are being used as examples.

City Attorney Webb interjected that the Committee could get rid of it; thought that Moss Adams talked about it; suggested having Council pass a resolution or an ordinance to make certain that it is clear who is performing that function if the City Clerk is no longer performing it.

Member Pinzler stated that in the case of General Law cities it may be transferred to a Director of Finance by ordinance; reported the City has had Directors of Finance, on and off and wondered whether the position should be created.

City Attorney Webb agreed and spoke about considering whether to give them civil service protection so that they can do their job and whether that takes away from the City Manager.

Member Dawidziak noted the City Clerk works for the people; reported 40805, transferring duties, is the action of City Council; wondered who the Director of Finance would work for; stated he does not see the sense in taking away a check and balance; stated there is only one employee who works for the City Council, everyone else works for the City Manager, except for Elected Heads and pointed out the Committee is stumbling into the briar patch and is far from the educational requirements and is brainstorming on a completely new position without solving the matter of requiring 15 units of accounting.

Chair Strutzenberg asked if this was something the City Clerk put together.

City Clerk Manzano explained that her recommendations were based on conversations with the Committee, such as looking at journal entries, on suggestions from Moss Adams and related to the expenditure analysis report and oversight.

Chair Strutzenberg suggested the following language, "Review journal entries of all expenditures and disbursements to ensure budget appropriations are not exceeded"; noted that to go further with that, there may be unintended consequences and mentioned that the word, "Supervise" was a stumbling block for the Committee.

City Attorney Webb stated the motion was for the City Clerk to work with him; asked if the Committee would like to remove the oversight and make it about elections and

records or whether to keep oversight which is an equally valid point of view and that would be a specific way. The question is if it is just review without more, is it effective oversight.

Chair Strutzenberg talked about the importance of ensuring that budget appropriations are not exceeded, spoke about the increased possibilities of unintended consequences when we do that; remembered that the word “supervise” was a stumbling block and suggested adding language to, “Review Journal Entries of All Expenditures and Disbursements to ensure that budget appropriations are not exceeded”. He proposed to do a hybrid of this and strike the word supervise and instead, put in, “Review Journal entries of...” and then keep everything else.

City Attorney Webb stated this did not start with a clean slate or the current Charter, but rather this was built on discussions and reported that in Member Pinzler’s draft, they were all deleted.

In reply to Member Maroko’s questions regarding where the records are located, City Clerk Manzano reported it is all computerized within the MUNIS System and once a bill is paid, a journal entry is created and explained that as written, the Charter is broken. She explained that she has “read” access to the accounting system and can look at analysis reports for the desired information. She added that when a bill is paid, it creates a journal entry so the words “journal entries” are appropriate here. Member Maroko asked whether the City Clerk felt the current City Charter is broken in terms of how it is written regarding the City Clerk position and City Clerk Manzano explained she feels it is a little broken.

Member Pinzler indicated the issue is not about the City Clerk, but rather the City Clerk position and the future.

City Clerk Manzano part of it is working and part of it is not; stated she based her recommendations of Moss Adams and agreed with the need to keep oversight for checks and balances.

Member Pinzler stated the primary thing the Committee is talking about is this requirement; reported that everything else works from the Moss Adams perspective.

City Clerk Manzano reported that Moss Adams did not mention education requirements if the City Clerk were performing oversight.

Chair Strutzenberg summarized the key points as whether to keep the requirement of 15 units of accounting or strike it, and whether to change to 10 years of work experience as proposed here, or 5 years or a hybrid, and open it up that way. He mentioned he likes the 5 years of Municipal Accounting, as opposed to 10 years and suggested incorporating “or equivalent”.

Alternate Member Beeli stated he believes that for a City, 5 years is enough time to get your feet wet but noted the need to also have the scholastic ability and commented on the importance of both experience and education.

Member Dawidziak agreed and added that every elected office has a person in, and it is 90 days to six months, 90 days to 180 days of OJT and there is no getting around that because you are inheriting systems and learning systems. He noted he does not want to limit or discourage people from running for office but wants people who are qualified, can ask the right questions and have enthusiasm for the job and want to serve the people of Redondo Beach.

Member Pinzler added that the Committee wants longevity in the position.

Member Dawidziak stated he is a big proponent of term limits for elected officials that make decisions on your lifestyle.

Member Pinzler stated he was not talking about it in the term limits context, but being on a job for a long time, the job molds itself to the person, they know how to parcel it out and the idea is to try to make the requirements for running for the office, not a limiting factor.

Member Dawidziak indicated the only requirements he wants are basic understanding of what is expected of you and the basic expectation that you will be able to perform.

Chair Strutzenberg stated that is part of the aspect the Committee is charged with, considering whether the change would be palatable and looking at as the average voter.

Member Dawidziak opined this is misleading because the City Clerk did the cross outs but then used a pro forma; suggested that if the Committee is to pursue this, it should start with a blank piece of paper and write these thing out.

Chair Strutzenberg responded that this is what the Committee requested.

Member Dawidziak stated that from the City Clerk's point of view, the Committee did not know what it was requesting. In other words, the Committee wanted her input.

Chair Strutzenberg stated this is her input which has led to some great discussion.

Member Pinzler confirmed this is not a decision paper.

Chair Strutzenberg added this is learned input.

Member Pinzler agreed, except for the last paragraph; stated Eleanor's response has been how the structure of the City has changed over time; felt it is more realistic to the way the City operates and noted the Committee was trying to fit into the way things work now except for the last paragraph, which are requirements for the job, which is a separate discussion.

Member Dawidziak reported that is an argument for having people of higher caliber and educational standards; noted the City has not changed for the worst, has not regressed and has become more complex.

Member Pinzler reported the issue started out with the question of the budget sitting in

the City Clerk's office when a Finance Director exists within the City and the conflict that could occur between those two.

Member Dawidziak noted agreement but indicated he is not sold on the need to have a Finance Director who is equal to the Clerk.

Chair Strutzenberg reported that will integrate into the conversation as when the Committee discusses the City Treasurer position; suggested receiving the report and continuing this item to the next meeting to give the Committee a chance to really read through this and look up some of the other examples.

Member Pinzler offered to review other Charters in terms of the City Clerk's roles and responsibilities.

Chair Strutzenberg invited public comments.

Steven Chessin, via Zoom, reported there is no audio on Zoom.

There were no other public comments.

Motion by Member Dawidziak, seconded by Member Maroko, to continue Item No. I.1., to the next meeting of the Charter Review Advisory Committee.

The motion carried, unanimously by voice vote.

## **I.2. DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE XI, SECTION 11.2, CITY ATTORNEY**

### **CONTACT: COMMITTEE MEMBER BOB PINZLER**

Member Pinzler opened the discussion on this item. He stated that the issue regarding the City of Bell has been previously raised several times. City Attorney Webb and responded that as part of the Charter Amendment mandate, he discussed this last time, and the material is not in the Committee's agenda packet. He continued to stated that although the item is not before the Committee, California Elections Code 1415, at the November 1, 2022 City Council Meeting, which Chair Strutzenberg and Treasurer Solomon were present, there was a report presented by the City Clerk relating to the Treasurer becoming part-time. At the time, Steven Diels, the incumbent at the time, wanted to have the item at the City-wide Municipal Election. The LA County Registrar Recorder-County Clerk's Office confirmed with the City Clerk that because there was a change in status, it could not be on a March Election and had to be on a November Election. California Elections Code 1415 came about due to an Election held by the City of Bell. City Attorney provided the Committee with this information, however, he stated, that this is not the proper manner for deliberation of the Committee, this is why he did not include it in the packet but it is accessible as City Council Agenda Item N-3.

Chair Strutzenberg stated that in the past, the Committee had discussed when it would be appropriate to have this item placed on the ballot. City Attorney Webb responded that he did not believe this happened at the Committee, but rather at the City Council Meeting

(Agenda Item N-3), and he spoke at that time.

Chair Strutzenberg said that the City Attorney had agreed at the last meeting to provide what had been requested in writing, but now, he would not be doing that. City Attorney Webb stated that it would be inappropriate, in whatever use, but not as the Chair of the Committee. City Attorney Webb stated that he provided the information, however, it is not part of the Agenda Packet because “it would give an improper inference” and further stated that it can be looked up. Additionally, he stated that materials provided were by Attorney Michael Colantuono. City Attorney Webb stated that although he has not yet checked in, that the Committee may want to review the ballot language and amendments to the Charter that he is proposing is consistent with what Member Pinzler wrote. He stated that he would not be present for that because he will be leading the charge against that and he does not want there to be any apprehension that he in any way effected the language for removing the city attorney as elected, to set it up to be easier to attack. He is available for any questions regarding the Long Beach Model or any other model.

Member Maroko required clarification regarding the Long Beach Model.

City Attorney Webb responded that the Long Beach Model is based on two separate elected officials. The Long Beach City Prosecutor Doug Halbert is willing to attend a Committee meeting to address the Committee Members, if there is interest, to determine if you wish to further pursue this model, which was a model specifically mentioned by Councilmember Behrendt, and was included with the all-encompassing direction.

Member Maroko asked if City Attorney Webb was going to provide something in writing to the Committee so they could see what the focus would be on that. He stated he could probably go to the Long Beach Charter and find it, but he thought the City Attorney would send it. City Attorney Webb replied that he would but that he did not remember that. Also, he remembered that he would not be available at this meeting, and this meeting was for the Committee to discuss the information on the first feedback you received from Attorney Michael Colantuono. He asked, what in addition to the two charter sections dealing with the city attorney and separate position of the city prosecutor, would the Committee like to see?

Member Maroko said that because the Long Beach Model has been proposed, he wants to see what the parameters of that model are.

Member Pinzler stated that the issue was not what the Long Beach Model is, but rather, how it works. The Committee needed someone to discuss the dynamic of it, the two positions, not just to read it in the Long Beach Charter.

City Attorney replied that he remembers the conversation and when he spoke to Long Beach Prosecutor Halbert, that he stated it worked well. City Attorney Webb also confirmed that the City Prosecutor does not make as much as the City Attorney and there are historic reasons for it. There was brief discussion regarding the potential salary history.

Chair Strutzenberg asked, if the California Elections Code Section 1415 is the only section he is referring. City Attorney Webb replied that he would not discuss this further.

The Chair confirmed that “you did agree last time” to which City Attorney Webb said he did. City Attorney Webb reminded him that he is aware of the Elections Code Section and where he could locate the information. The Chair stated that the City Attorney had agreed to provide the document, and he was interrupted by another Committee Member. City Attorney Webb continued that “what you are telling me is that I shouldn’t be agreeable, when I think you’re acting out of the scope of your position, and I do, as I said last time, think that you are acting outside the scope of your position, but I try to have a compromise so that you would have access; even though you were at the meeting where it was discussed and where it was Blue Foldered to do so.” Chair Strutzenberg responded, “understood.”

Chair Strutzenberg asked if “the Committee falls under the description of a Board of the City.” City Attorney Webb responded that he would not participate in this discussion anymore. The Chair responded that he appreciated his time.

Member Pinzler asked that because Chair Strutzenberg serves as the liaison, the Committee can as the Chair to ask the City Council a question, to which the City Attorney agreed. He expressed that he wanted to get a sense of what they are reading in that ordinance. City Attorney Webb suggested that the Chair could have a conversation with him directly, not in a meeting, “because it is the scope of this Committee to decide to put things on the election and when it’s allowed to.” Further, he stated, that the Chair could have spoken to him and also to the City Council.

Member Pinzler stated that in reading through Attorney Michael Colantuono’s ballot statement, the question that was created, “is that the only way it can be stated? Chair Strutzenberg replied, no. City Attorney Webb stated that the question should be asked of Attorney Colantuono and not ultimately not up to the attorney to propose the ballot question; it is up to the City Council. Member Pinzler said that the way it is written, it is a political statement. City Attorney Webb replied that “it should never be a political statement because those can be challenged.” He stated ballot statements can and frequently are challenged. Also, impartial statements can be challenged. He continued saying that he did not want to be a part of that. Member Pinzler asked if what Attorney Colantuono presented in the document which was part of the agenda, was it how it must be or was it what he recommended. He directed the Committee to have that conversation with Attorney Colantuono. He added that he had never said that a ballot statement by the City Council had to be one way, although he has stated “that it cannot be that way because it was designed to be an argument in favor of it” as that would not follow the law. He shared that he has not experienced where it was one way to phrase it but he has experienced ways not do it. He stated that “in this case it is foreseeable that if it’s written in a way meant to persuade, that [he] could be the one challenging it.” This is why he does not want to “go into further” but he will check with City Manager Witzansky tomorrow or Monday, so that he checks in with Attorney Colantuono about that question and any other questions the Committee wants to pass along. He suggested that Chair Strutzenberg spoke to the City Manager directly, so that City Attorney Webb is not the intermediary. The Committee Members spoke about the wording and their concerns of what was presented in the agenda materials and that they felt the statement was a position. City Attorney Webb commented that given the attorney knows the controversy surrounding it, there would be an effort to not do that. He continued that he had impartial analysis where both sides have criticized as being lenient towards the other side, etc. Chair Strutzenberg will take discuss this matter with Attorney Colantuono.

The Committee briefly began discussing the language that was provided by member Pinzler and presented to them in the agenda packet. City Attorney Webb reminded the Committee that direction was to see what it would be and to look at other sections of the charter that may need to be amended. Chair Strutzenberg interjected and said the Committee could continue. City Attorney Webb stated that he will step out during this portion of the meeting or related to California Elections Code 1415, but is available relating to the Long Beach Model.

There being no further questions at this time for City Attorney Webb, he left the City Council Chambers.

Chair Strutzenberg stated that the Committee “request and really direction, that we consider all forms, which the one that was alluded to was the Long Beach Model. [He] doesn’t know of any other forms, of City Attorney’s,...in general, the City Attorney, whether it includes one appointed, one elected that does both, that handles both” other than Long Beach, which is unique.

Member Pinzler agreed that in terms of both being elected, Long Beach is unique. He continued that “big cities” that have elected City Attorney’s and have non-elected City Prosecutors, such as the City of Los Angeles.

Chair Strutzenberg stated that the City has an elected City Attorney in general in a dual role, whereas Long Beach bifurcates it.

Member Maroko thought that it would be provided to the Committee, so he was researching it. The Chair responded that he had looked at Long Beach’s Charter for the information. The Chair continued that for Long Beach it may be beneficial because it is much larger and a larger population and larger issues in breadth and depth that may be appropriate for them. However, he continued, “seems to set up a scenario where the City Prosecutor could be called upon to prosecute the City Attorney.” Member Maroko replied that then the District Attorney’s’ Office would be involved. Chair Strutzenberg believes there are complications to the Long Beach Model and he did not see a benefit to Redondo Beach and add more bureaucracy and “does not see it as a good fit for Redondo Beach.”

City Attorney Webb returned since the Committee was discussing the Long Beach Model. He clarified that there are half appointed and half elected that have dual functions. City Attorney Webb stated that “that is what truly makes Redondo Beach unique” with the exception of Torrance. He was “amazed that the Commissioner could make that statement because [City Attorney Webb doesn’t] know if it’s a better model” but doesn’t believe that anyone has reviewed the criminal side and “in some ways it is a job in and of itself, and it may or may not be better to do it.” He provided additional information that Redondo Beach is also unique because public safety is a priority, whereas nearby cities it is education. He provided statistics on the number of misdemeanors filed by surrounding cities at Torrance Superior Court. He stated that “it is more difficult to protect public safety, we have a very active law enforcement police department, and prosecution and it may have grown into a full-time position dividing between the two offices.” According to City Attorney Webb, the attorneys may stay the same, may have duplication in clerical, and have an increase in salary for the City Prosecutor, but “there could be some benefit having two elected officials with really full-time focus on the civil and municipal, and giving sufficient attention to prosecution.” People do not realize that the City Prosecutor is not

separate from the City Attorney's Office and there could be potential conflicts. He is uncertain what is best, but it may be better than being appointed and due to the difficult nature of the job, it is harder for people to face true justice due to elements such as sheriff's overcrowding, the early release from prisons, homelessness, which take more time and effort. He encouraged the Committee to do more hand-on research.

Member Pinzler asked the City Attorney for historical context on the statistics provided earlier in the meeting. The reply was the Court was the source of the numbers. Committee Member followed-up that he's aware of concerns of the District Attorney's Office that was not a historical problem and asked if this is temporary or long-term problem. City Attorney Webb estimates that the District Attorney's cases may have decreased due to the new laws relating to changes in misdemeanor categories of crimes, where as attorney's must work harder to protect and preserve public safety, which is a priority in Redondo Beach. A recent survey indicated that public safety is a priority for the community. Further, discovery takes longer and there is much more work and time relating to cases. Member Pinzler wanted to know if this is an anomaly or a long-term concern and to provide historical context. City Attorney Webb responded with information and a story relating to the Gang injunction, body cameras, etc, and the effects of crime and public safety functions and consequences of their efforts. He continued and explained the process and concerns relating to the role of the prosecuting attorneys and outside counsel. He stated the number and types of prosecutors in his office.

There were additional questions by Member Dawidziak regarding the organizational charts, the system, and managerial regarding civil and criminal. He wanted to know about the benefits to the dual role. The City Attorney said he would want to hear from representatives of the Long Beach Model. Member Dawidziak stated that he wanted to know the City Attorney Webb's opinion on the benefits of having two separately elected attorneys. City Attorney Webb responded that separately elected would be focused on only one thing and they could devote their time in municipal field and project that takes time. He explained and provided examples of the functions that each of the separately elected attorneys would do. One of the examples provided, was regarding litigation and the impact of the functions being separate. The other benefit is that the City Attorney, in addition to municipal law and contract law, would also have to be and become an expert in everything, such as in Maritime law, Energy Commission law, Bankruptcy law.

Member Pinzler asked City Attorney Webb that based on his experience as having been a City Prosecutor, he was managed rather than being involved as he might be currently, which was better? Based on the information provided, the requirements have increased. City Attorney Webb stated that the position is more difficult currently and at that time, during the gang injunction, things could have gone bad, but he does not think it to have been the best system, they are each important and public safety is very challenging in California that it may be time to have two people to focus solely on those jobs.

Member Dawidziak was concerned about the potential exponential expense to bring in litigation deputy, criminal deputy, and elected City Attorney. During this conversation, City Attorney Webb stated that next time he would bring an organizational chart. He briefly explained the operations of his Office, his responsibilities, and the staff roles. He does not believe that it would be exponential, but there would be a cost for the City Prosecutor. He suggested options relating to covering expenses, such as paying the City Attorney less,



reducing cost of outside Counsels paralegals who are paid more, and clerical staff. Chair Strutzenberg asked for the City Attorney to provide the cost of the deputy vs. paralegal and the related back-up information, to which the City Attorney agreed.

Member Pinzler said that he has been considering this matter for 30-years. He asked if this is a Los Angeles County anomaly and this is not a problem in other counties, to which the response was yes. He mentioned that the City of Anaheim is a dual function office (they are appointed) and it makes a difference when you observe the areas of Buena Park and Anaheim. They briefly discussed various cities in Southern and Northern California.

City Attorney Webb provided information regarding the City of Manhattan Beach, like City of Hermosa Beach had done previously, who attempted to hire the City's staff, rather than continuing with the District Attorney's Office, and it being a matter of local control. It is about putting additional resources and crimes that are not prosecuted in big cities. The City of Redondo Beach, for example, was a city that enforced the curfew during civil unrest, by filing charges, which resulted in lack of looting in the local stores, unlike Santa Monica and Long Beach. He provided information regarding special projects and how time and resources are used, rather than focusing on public safety and enforcement.

They continued to discuss the numbers of cases processed by the City of Redondo Beach in comparison to other cities such as Inglewood, Hawthorne, Torrance, etc. This took a lot of work and it may be better that he has to successors. During an election there is a potential that there will be a pool for civil attorneys, with or without municipal experience, but can handle litigation matters; and a potential pool of prosecutors and deputy DA's. He expressed that there are many law firms in the League, and some are very good are marketing and sometimes there is a discrepancy in how good they are in representation.

Member Woodham asked a follow up question about the arrests made in other cities compared to Redondo Beach, and why that was the situation, if they do not prosecute. City Attorney Webb replied that he did not know that perhaps they do not make the arrest because they are too busy going from felony to felony and may not have time to do proactive enforcement.

Member Marokostated that he has talked to the City Attorney about the ability to get attorney to do pro bono work which would increase the pool but it also have young attorneys that lack court room experience but would be provided an opportunity, and also spread out more work without additional cost to the City. City Attorney Webb stated that they that and he provided information about the training they provide, the process, and the downfall if not managed and managed properly.

Chair Strutzenberg noted there has not been a choice for the voters; there has been one person on the ballot for the last two terms and stated the City Attorney ran unopposed.

City Attorney Webb reported he ran opposed 3 out of his 5 terms.

Chair Strutzenberg stated there may be a large pool of attorneys, but they are not stepping up to run.

City Attorney Webb stated if the Committee implements the Long Beach model, there will be a larger pool from which to choose and reported that currently, the job is daunting and spoke about the need for prosecution and municipal civil experience. If the City changes to a Civil City Attorney and a City Prosecutor, then it is much more likely that the number of Civil Attorneys could qualify with a background in litigation. He mentioned conversations with Member Pinzler and stated one of the things that he talks about is the need to cast a wider net. One of the advantages is you will have more people running for a Civil City Attorney position or a stand-alone City Prosecutor position.

Chair Strutzenberg felt there has been no impetus to get rid of the dual role model.

Member Pinzler stated it goes back to the issue of needing to talk to them and spoke about them being unique.

Member Dawidziak pointed out the last 5 City Council meetings have been about the budget; stated he cannot see how this is going to work, financially. Theoretically it's good to talk about it but he could not see how this will work for the City of Redondo Beach; felt it will be exponential because everyone will contract for the outside law firms; mentioned it's called, "Mission creep" in the Marine Corp and felt it's nice to talk about in theory but questioned how will work in practice.

Chair Strutzenberg stated that he would not anticipate that anyone from Long Beach would report their system is horrible alleged it will be a one-sided presentation.

Member Dawidziak felt there is nothing wrong with the current model; acknowledged the challenges of the job but stated the City Attorney signed up and everyone that comes in looking for that job will say the same thing to the voters and wondered how this benefits the citizens of Redondo Beach.

City Attorney Webb stated he is intrigued by looking at the Long Beach; noted he is dead set against the pointed model; reported the City has a lot of generationally important issues on the civil side and mentioned that Homeless Court takes a lot of work.

Member Dawidziak noted City Attorney Webb brought it on, himself.

Member Pinzler reported the issue is that things have changed; spoke about looking towards the future and how this position is suited for the future; indicated that he has not thought much about the issue of discovery and noted it is much more completed because of technology.

City Attorney Webb stated that there has been a 44% reduction in homelessness; talked about needing more creative responses to crime and spoke about the need for prosecutorial experience.

Chair Strutzenberg expressed concerns that the City of Long Beach presentation will be one-sided and asked how to balance that.

Member Dawidziak reported he can tell him whatever he wants but that will not stop him from asking any questions he wants answered.

City Attorney Webb spoke in support of having someone to manage the discovery and someone who did not have to do all the contracts or public records requests.

Member Dawidziak reported the reason for that is called, "The Budget" and there is only so much money in the pot and the City Council divides that up based on what the City Manager says.

City Attorney Webb stated his point is if the City had two different people, they could do more of the hands-on stuff and agreed he could do it now, but it is more expensive; talked about the delta for hiring a Senior Deputy being less than hiring outside counsel and feared that the Long Beach model may not be the right model.

Member Pinzler talked about learning from the speaker who talked about the City of San Bernardino and getting good information from him; felt that the Committee could learn from the discussion they could inform the Committee on what to do.

City Attorney Webb stated he does not believe there is going to be a problem or that this will be a sales job in any way and suggested the Committee can ask about frustrations of the job.

Member Dawidziak reported they are separate but equal elected officers and spoke about them getting along.

City Attorney Webb stated that he usually tells his prosecutors not to talk about a case if it does not involve prosecution; asserted that he does not want his office in any way undermining his opinion.

Member Dawidziak stated if someone wants the job, they should run for it.

Member Pinzler stated the discussion has been worthwhile, felt if the Committee has questions for Consulting Counsel Colantuono, they need to be asked.

City Attorney Webb stated he will talk to the City Manager and noted he does not want to be the go-between so the Chair should talk directly with the City Manager.

In reply to Chair Strutzenberg's question regarding who requested the information provided by Attorney Colantuono, City Attorney Webb stated he requested the information as listed in the contract's scope of work and explained why a resolution was provided.

Discussion followed when the Long Beach Prosecutor will present to the CRAC and scheduling Attorney Colantuono to attend an upcoming meeting.

There were no public comments on this item.

Motion by Member Pinzler, seconded by Member Dawidziak, to continue Item No. 1.2., to the next meeting of the Charter Review Advisory Committee.

The motion carried, unanimously by voice vote.

### **I.3. DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE XI, SECTION 11.1, CITY TREASURER**

#### **CONTACT: COMMITTEE MEMBER BOB PINZLER**

City Treasurer Solomon reviewed Article XI, Section 11.1 of the City Charter; reported the City Treasurer's office consists of two people, himself and a Deputy City Treasurer; provided a brief history of the office and spoke about tasks performed by the Finance Director and Financial Services Department.

City Clerk Manzano reported that in the past, the Finance Department was in the City Clerk's office.

City Attorney Webb discussed when changes were made and reported there are differences in the Charter from what has happened.

Chair Strutzenberg noted that the Finance Director is not mentioned in the Charter.

City Treasurer Solomon referenced the Moss Adams report; noted the Chief Financial Officer of a city is typically the Finance Director and noted the need to clean up the Charter so that it does not conflict with the present model or incorporate the present model into the Charter.

City Attorney Webb stated the City Manager argued the system has to be modern law regarding accounting making the old system insufficient and if a Financial Services Director is created for the Financial Services Department, it will take power away from the City Manager. Additionally, he spoke about a prior City Manager needing to certify that budget documents are in compliance and being unable to do it if he is not in charge of the people doing the work.

Member Dawidziak stated the ultimately, City Council made a policy decision.

Member Pinzler stated that Section 14.1 addresses the City Council's ability to create a department and asked whether the City Treasurer is liable if it stays the way it is and something the Finance Director does causes problems.

City Treasurer Solomon reported discrepancies or errors are reviewed by the Audit Committee which includes two Councilmembers, the City Treasurer and the City Clerk to review the annual report and outside auditors review the documents.

In reply to Member Pinzler's question regarding who would be responsible for errors, City Attorney Webb noted it could be the City Treasurer; presented a case example and stressed the need to either go back to the Charter or change it.

Chair Strutzenberg indicated he wanted to establish a baseline.

Member Dawidziak stated that Council created it, and Council can take it away.

City Treasurer Solomon mentioned Measure CT in 2014 that was a modification of the Charter changing the City Treasurer's position to part-time whereby the Treasurer was not required to devote their full time to the role of City Treasurer and changing the salary in the following election, for the next City Treasurer. In the grander scheme, he stated that by Charter amendment and by the City Manager, the role has been molded in a different way; added that If those duties were to return to the office of the Treasurer, it would be a different job.

City Attorney Webb presented an example of a case where a City Treasurer may determine that Council has not given him sufficient staff to carry out his duties and could be one of the rare exceptions where legal action could be taken. The Court could mandate that Council provide a given number of employees because otherwise the City Treasurer is being denied the ability to perform and carry out his Charter mandated duties.

City Treasurer Solomon commented on artifacts of things that are laying around within the City's policies and procedures that are no longer a function being performed by the Treasurer's Office and are things that he hopes will be addressed and cleaned up.

Discussion followed regarding the Charter changes that were most recently done.

City Treasurer Solomon stated the obligation of working full time was not amended to part time, but rather it was removed from the Charter; reported that Item B, regarding depositing all monies received and depositories as may be designated by the City Council, has been delegated to the Financial Services Department; noted that regarding Item C, the Financial Services Department manages the accounts, payments are approved by the City Manager, City Clerk and the City Council and the City Treasurer's office ensures monthly reports as dictated by the City's investment policy and that the City has sufficient funds to pay its bills.

Regarding Item D, he stated the reports are created by the Financial Services Office within MUNIS; reported when he recently asked to audit some revenues, he asked to see reports from the Cashier's office which is under the Financial Services Department; added that the City Treasurer's office maintains authority of audit as well as the oversight role and that the other functions are performed by Financial Services, are audited by the City Clerk's office and the Department reports to the City Manager.

City Treasurer Solomon discussed Item E; addressed failure of any Department Heads or employees to turn over money to the City Treasurer; noted the City Treasurer has the authority to audit all monies collected by the City from any source in order to prepare monthly reports. He stated this is done as needed and as part of an oversight role.

Member Pinzler observed that in some cities, that would be the job of the City Comptroller.

City Treasurer Solomon continued with the report; noted the collection of City taxes and license fees has been delegated to the Financial Services Department; described the process for recording the receipt of Transit Occupancy Taxes and reported the City's investment portfolio is managed by an independent investment advisory and overseen by the City Treasurer's office. With regard to payments that come in most of the time, those

are delegated and designated to specific accounts. With regard to, say, UT, it has a specific specified account with regard to TOT as a specified account.

Discussion followed regarding access to the money through the General Fund, managing disbursements, outside vendors that review the City's sales tax, UT taxes and TOT.

City Treasurer Solomon indicated his office is responsible to review those monies, review reports and determine whether or not they are accurate and reported his office is currently engaged in an audit process.

Discussion followed regarding factors affecting TOT.

City Treasurer Solomon reiterated that tactical functions are being performed by the Financial Services Department; stated oversight and audit functions are performed by the Treasurer's office, those contracts and responsibilities such as banking and investment advisory, within the purview of the City Treasurer remain within the City Treasurer's office and include analyzing bids which are then forwarded to City Council for approval. He discussed Item G and reiterated the Department is made up of a full-time Deputy City Treasurer and himself, as the City Treasurer.

Discussion followed regarding the City Treasurer's ability to add Deputies.

City Attorney Webb stated the budget authority belongs to City Council, but the City Treasurer can appoint Deputies, but the Court is the veto power over City Council and the City Treasurer would be within his rights to go to court and force Council to allow him to hire Deputies so that he can fulfill his duties.

Discussion followed regarding a 2009 Moss Adams report attempting to clarify those roles.

City Attorney Webb reported an agreement was reached, in that case, where the Treasurer did not proceed with the lawsuit and stated the Charter should be modified to reach an appropriate balance.

City Treasurer Solomon recommended prioritizing reconciliation between the Charter and City-wide practice sooner than later.

Member Pinzler offered to work with the City Treasurer on appropriate wording and return to the next meeting with an overview.

City Treasurer Solomon spoke about maintaining investments, audit and oversight responsibilities.

Discussion followed regarding election requirements if there were a change in status such as from full-time to part-time.

Member Pinzler opined that the sooner this gets onto the ballot, the better.

City Attorney Webb offered to work with Member Pinzler to research the matter,

determine whether there is a change of status and return to the full Committee in July with a report.

There were no public comments on this item.

Motion by Member Pinzler, seconded by Member Dawidziak, to continue Item No. I.3. to the next meeting of the Charter Review Advisory Committee to allow Member Pinzler to work with the City Treasurer and City Attorney to develop appropriate language.

The motion carried, unanimously by voice vote.

**I.4. DISCUSSION AND POSSIBLE ACTION AS IT PERTAINS TO MORAL TURPITUDE, CLARIFYING RESIDENCY REQUIREMENTS AND ANALYSIS PERTAINING TO EXTENDING THE REQUIRED RESIDENCY PERIOD FOR ELECTIVE OFFICE FROM 30 DAYS TO ONE YEAR AS DIRECTED BY THE CITY COUNCIL**

**CONTACT: COMMITTEE MEMBER RON MAROKO**

Member Maroko opened discussion on this item highlighting an article that had been presented via Blue Folder. He stated that it was regarding a City Council person in Ojai who was renting and ended up getting kicked out of her place. They have a similar rule with regards to the person must live in the District that you're elected in, but there was no affordable housing in her District and there was a proposal to kick her out of the City Council. This case was weird in that the Grand Jury got involved for some reason and they told the City Council that she had to be kicked off. This has been going back and forth. The article was dated today. and it's you can see from the date today.

City Attorney Webb stated that the Ojai ordinance was also include as a Blue Folder item. He stated that the City of Ojai came up with a solution that may not survive legal challenges; They directed the City Council to make an ordinance that changes the date retroactively to allow the City Council person, through no fault of their own has lost their dwelling in their District.

Member Maroko said this was interesting and ties into the School Board discussion, which he mentioned was a problem that came about because everything was at large in Ojai and then there was a lawsuit from the guy who goes around the State trying to get the at-large cities to change.

Member Narain asked if that was the attorney that does that, based on population density of Latinos is higher. Member Maroko respond in the affirmative. He continued to explain that the City Council person had actually been elected when they switched to districts and then somebody bought her house and kicked her out. Member Maroko said that the problem is that the neighborhood is expensive, there is no affordable housing there.

The City Attorney clarified that she is living in a room, above the garage of one of her friends in another district. He stated that if she were living in her van and parked her van in the district, she would be a resident of that District. Member Maroko asked about anti-camping laws, to which City Attorney Webb stated that it cannot be enforced because they do not have any affordable housing. He said that she would be 100% the district's

City Council member living in her van, which she had done previously before moving to the friend's home that she calls a "cabin." He continued that the Grand Jury said that she should be removed and that the City Council should remove her or ask the Attorney General to file for rental action. He brought this up because it had many of the issues that can come up if residency is not precisely defined.

Member Maroko added that what is also unique in this matter is that she declared herself homeless, and this is an issue that has come up in other cities, is that if you do not have a home, are you precluded from ever being on the City Council or being removed. He continued that it brings another interesting item that he hopes Member Dawidziak will assist, since he has lost all his attorney colleagues on the bench, to which Committee Member Dawidziak responded that his wife is an attorney.

Member Maroko stated that McFadden, who wrote the City's Charter, "that there [are] different ways to look at the words.... [he is] almost 100 confident [McFadden] understood the difference between resident and domicile under California law and so where we've had the discussion before is we should be using domicile because you only really have one but resident is kind of a more general term." He continued that he "was actually even looking at the California revenue and Taxation code because they're even more liberal on it, but this article, it kind of made it very clear that we needed to do it so there's different ways we can look at it." He stated that a person has "to be an elector which deals with the residency under the Election Code and that you have to be registered to vote in a certain District. The resident has pretty much been, I think, standardized." He spoke about the rules and words used, such as domicile and inhabitant, "which would covers the homeless" situation. In his consideration and in speaking with Mr. Vares, "intent" must be considered. He stated that a recent example "of our more recent event was there was an attempt to currently live in there and like that article, you would say that somebody living in a garage has probably manifested that intent." He, as pointed out by Member Pinzler, it is most important to establish a process because looking towards the future it is crucial to try to avoid the problem as it comes up. He further stated that he is "fully on board with that the council has the authority and the ability to decide if the person is a resident or not. [He thinks] that's kind of the way it's set out in the Charter and ultimately, they can do it. [He thinks] it probably needs to be the process of saying you're a resident, and the process of declaring the position vacant, [these] should be separate meetings." In referring to the article in the Ojai situation, he believes that a 30-day provision so that if it turns that the person is not a resident, then they have 30-days to cure it. He has reached out to Mayor Brand and Councilmember Nehrenheim, who shared recent case law with him, and would share additional stuff that he is looking forward to reviewing regarding the four different standards on this., if the Committee is going beyond the word "resident". For example, the Committee may consider if they "want somebody who has a business too and they live in the business, does that count is a somebody that just inhabiting living in their van, does that count, and I think part of it is to be as inclusive as possible to different variations that that are going on in the community right now."

Member Pinzler asked a question regarding being registered to vote. He asked City Clerk Manzano, "as a person with no residence, the registration...who can be registered to vote, how do how do assign their address and in what district they live." City Clerk Manzano, ask, "if they're living in a car?" Member Pinzler responded in the affirmative. She replied, that she is not sure, but they can do it.



Member Pinzler stated that he knows that unhoused people vote because they are assigned to a place. He continued to ask the questions, "how is that done? Is that an indication of their ability to be in office?" For example, his questions included, how to get election materials because it is not sent to a post office box, how does that work?

Member Dawidziak responded that "maybe they don't need election material," to which Member Pinzler replied, "they do. "

City Attorney Mike Webb referenced two AG opinions that he had previously mentioned to the Committee regarding living on the street, your car or business. That would be sufficient for residence if it's truly a matter of not being able to afford anything else. Whereas, if it were a choice and the person could afford a home or an apartment, then they would not qualify for residence. Attorney Webb went on and advised that he would have to research if in fact they would be entitled to vote as a matter of constitutional law. Attorney Webb then suggested, to Member Maroko's point of view, that the Committee may want to include "elector" in the definition.

Member Pinzler gave an example of someone parking their car on the South side of Matthews, but moves to the North side on street sweeping day. That person has now changed from District Four to District Five. Attorney Webb advised that if someone is unhoused, they can change their residence in one day but there the question of intent. Attorney Webb gave an example of a woman living in a garage and fully articulated that she was trying to find a house or apartment in her district. So, there wasn't that union of action intent. Now if a person is moving their car for street sweeping but is planning on moving back as soon as the street sweeper goes by, there isn't any intent. However, if that person states that their home is wherever their car is parked, then their residence can change several times in one week.

Member Maroko stated in those circumstances is where the Revenue and Taxation Code becomes interesting because in California, your residency ends up being where you stayed the majority of the time.

City Attorney Mike Webb added that it would be interesting to see how the Secretary of State deals with that issue. Attorney Webb added if the Committee chooses to include, which the City currently doesn't, is that the person has to be an elector of the district in which they're running. That would tie in the Election Code.

Member Dawidziak asked City Clerk Manzano regarding the process of registering on the day of an election and what information needs to be added on the registration form. Attorney Webb stated that it has to be 30 days before when running for office. City Clerk Manzano also added that registering 15 days before an election is required to vote. The circumstances in which you could register on election day is if you become a US Citizen, otherwise, it would have to be 15 days before. Member Dawidziak then asked if address and age need to be filled out. City Clerk Manzano answered "Yes, it's mandatory." Member Dawidziak stated that he was trying to establish residency and the qualifications for voting or for office. If the Committee wants candidate to be electors, that means that they need to have an address in the City. If the Committee uses Member Maroko's definition, then a residence could be a parking spot. Member Maroko added that the

example used was Case Law.

City Attorney Mike Webb recommended that with all the “murkiness”, that the Committee use and define the terms that will give future council and future city attorneys a target and a more defined term of “residence”. The Committee has options. The Committee could add “domicile” or replace “residence”. The Committee could also make “domicile” and residence” equal terms.

Members Marko stated the goal was to come up with a process. Member Maroko and Dawidziak volunteered to review the article under Blue Folder items.

Discussion followed regarding the Committee’s decision to set a period of 30 days after which a person may be declared a resident and the need to develop a process.

There were no public comments on this item.

Motion by Member Maroko, seconded by Member Dawidziak, to continue Item No. I.4. to the August meeting of the Charter Review Advisory Committee.

The motion carried, unanimously by voice vote.

#### **I.5. DISCUSSION AND POSSIBLE ACTION REGARDING THE POSSIBILITY OF REMOVING RBUUSD SCHOOL BOARD FROM THE CITY CHARTER AS DIRECTED BY CITY COUNCIL**

##### **CONTACT: CHAIR ROLF STRUTZENBERG**

Chair Strutzenberg reported in speaking with the School Board, there was no preference, one way or another and stated the only concern related to having to pay for election costs if they are removed from the Charter. He spoke about considering things like whether the entity will exist if it were to be removed from the Charter and whether the School Board is considered a board of the City.

City Attorney Webb offered to work with School Board’s Outside Counsel, if the School Board approves, to jointly research the issue and return to the CRAC and School Board with a report.

Member Pinzler noted that most Charters he researched indicate simply that there is a School Board, and they are responsible for themselves and suggested sending a similar recommendation to City Council and having them respond accordingly.

Chair Strutzenberg reported that Council gave direction to return to the Committee to reconsider simply removing the School Board from the Charter.

City Attorney Webb stated the account would allow the School Board to address such things as term limits and pay.

Member Pinzler wondered if Section 16.7 could remain but with a sunset that stays until the School Board changes.

Discussion followed regarding potential challenges to doing that, the possibility of proposing different options, the School Board's retention of Counsel, getting an estimated cost for a standalone election and an eComment received on this item relative to ranked-choice voting.

City Attorney Webb reported that ranked-choice voting does not apply to the School Board and offered to take the lead on this item.

Discussion followed regarding adding "Transitional Kindergarten", considering timing for elections and changes in status, liability for election costs and costs for the various upcoming elections.

Chair Strutzenberg invited public comments.

Steve Chessin, President, Californians for Electoral Reform, via Zoom, spoke in support of ranked-choice voting; commented on other countries and cities using ranked-choice voting and invited those interested to contact him for additional information about the matter and urged the CRAC to recommend that the School Board remain in the Charter.

City Clerk Manzano reported receiving one eComment from Steve Chessin.

There were no other public comments.

Motion by Member Maroko, seconded by Member Pinzler, continue this item to the next CRAC meeting and to direct the City Attorney, pending School Board approval, to work with the School Board Counsel and develop recommendations to present to the CRAC at its next meeting.

The motion carried, unanimously by voice vote.

## **J. ITEMS FOR DISCUSSION PRIOR TO ACTION**

### **J.1. FUTURE AGENDA TOPICS**

## **K. MEMBER ITEMS AND REFERRALS TO STAFF**

Member Maroko asked for a copy of the Charter.

## **L. ADJOURNMENT: 10:07 p.m.**

There being no further business to come before the Charter Review Advisory Committee, motion by Member Pinzler, seconded by Member Dawidziak, to adjourn the meeting at 10:07 p.m., to a Regular meeting to be held at 7:00 p.m. on July 27, 2023, in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Respectfully submitted:

Eleanor Manzano, City Clerk

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