

To: City Council and Mayor
From: Bob Pinzler for the Charter Review Committee
Date: 7/1/2024

Subj: Remaining items

At our June 27 meeting, the Committee reviewed the two remaining issues assigned to us: “publishing” and residency. I was authorized to provide a summary of our recommendations at that meeting.

“Publishing”

Our Charter requires the City, in a number of cases which will be discussed below, to communicate to the public through “a local newspaper.” While in the past, this was not of significant concern since there have long been two that could be considered to meet that criterion, the job of the Committee is to look into the future and determine what Charter changes might be put into place to ensure that the goal of providing transparency and public communication regarding important decisions and bidding opportunities is met.

We can all see the devastation occurring among local newspapers. In most California cities, the options available for meeting this communications goal are becoming not only fewer but also more expensive, as the only option is a general-area periodical, such as the *Los Angeles Times* or *San Jose Mercury-News*.

A case in point is the upcoming General Plan revision. Under our present rules, this document, which will be book-length and printed in color, will need to be mailed to each prospective voter. The cost of this will be enormous, And the effective cost, that is the price relative to the number of people who will actually read it, will be staggering. What would happen if it were sufficient for us to send a postcard with a QR code printed on it to every voter instead?

These areas in our Charter require notification via a local, official newspaper:

- 1) Section 9.15 – “Ordinances, publication” states that “The City Clerk shall cause each ordinance to be published in the official newspaper of said City within fifteen (15) days from and after the date of adoption of said ordinances.”
- 2) Section 17.9 – “Budget hearing and adoption” states that “Upon receipt of the proposed budget the City Council shall set a time and place for a public hearing on the budget. Said hearing shall be held not more than thirty (30) days after the receipt of the proposed budget and the City Council shall cause notice of such hearing to be given by publishing a notice in the official paper of said City at least ten (10) days prior to the hearing.
- 3) Section 19 – “Public works, contracts” states that “Every contract...shall be let either to: (1) the lowest possible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be published at least ten (10) days before the time of bid openings....

There is another section, 19.5 - "Legal notices, contract for publication," that states that "The City Council shall publish a notice inviting bids" to become the "official newspaper for City."

There are state laws in place that define the need for public agencies to notice actions proposed to be undertaken by a city. In fact, in the case of bids, California state law requires different types of bid notifications to be published or posted at various times before bids open:

- Notice inviting bids
This notice must be published at least 10 days before the bids open or longer if required by state law. It should include a description of the services or items to be purchased, where to find bid plans, specifications, and blanks, and the time and place for opening bids.
- Notice inviting formal bids
This notice must be sent at least 15 days before the bids open. It should be sent electronically, by mail, and to construction trade journals.
- Proposed award notice
This notice must be posted in a public place at least 24 hours before the contract is awarded. The posting location may be specified in the solicitation document and could include an electronic location or website. Bidders who have submitted bids can request this notice in writing.

Note that a "local newspaper" is not included in that list. Yet, that requirement is in our Charter.

The committee determined that the term "local" or "official newspaper" should be removed from the Charter and replaced with a generic statement regarding the necessity of following existing state law. The Committee unanimously voted that a new section be added to the charter in substance that: "Publish," "Publishing," or "Published" as used in this charter shall mean, in matters of Municipal Affairs, as determined by ordinance and not contrary to any state or federal statute or rule. This would enable the City to provide flexibility as future developments in this area occur without revisiting the Charter language each time that happens.

Residency

As we began discussions about this issue, the focus was on what might constitute a situation where a sitting elected official leaves his or her jurisdiction without officially notifying the City Council. We soon discovered that there were more issues involved than just that.

First, the quirkiest. In Section 6.1, the Charter states, as expected, that a member of the City Council shall be "eligible to file as a candidate for **or hold office** unless such person shall be registered to vote at an address within the district seeks to represent at the time of filing...." The Charter then specifies in Section 6.5 that a City Council seat shall be declared vacant if, among other things, the Councilmember ceases to be a resident of that district. (More on that later.)

Under Section 8, describing the mayor's eligibility, the Charter provides the same requirements "at the time of filing" but is silent about what happens afterward. The same issue exists with the three elected department heads.

While one can assume that the same vacancy issue would arise as is listed under the City Council, it is odd that it is not specified in the Charter. We therefore recommend that this issue be resolved by adding the Council verbiage to the Mayor and department heads in the Charter.

As for the original issue, there are two questions to be discussed. The first is how one might determine that a Councilmember is no longer a resident of his or her district. A mailing address is the determinant of one's eligibility as a registered voter. A notification of moving the place at which one receives their mail is made to the Postal Service. The Postal Service immediately notifies the Registrar of Voters of this change. Therefore, it seems that the record existing at that County office should be the arbiter of where a person resides.

A person claiming registration at one place and being in the County system as a registered voter elsewhere can be a felony crime, particularly if one casts an illegal ballot. Prior to that action being taken, however, a person serving in office and being registered in another jurisdiction is only a Charter violation.

As we learned during our deliberations, any Redondo resident must respond to such a violation by filing a police report. Then, that report is passed to the City Attorney, who determines whether it is a likely felony, which would be handled by the District Attorney, or a misdemeanor, which would be handled by the City Prosecutor. Once a final determination is made, possible City Council actions may ensue.

Another issue we discussed was the length of time one should be a resident of the City prior to being eligible for office. Thirty days, as specified in Sections 6.1, 8.1, and 10.1, was determined to be not only sufficient but also in line with state law and other local agencies.

For the record, the vote on this issue of residency was 6 to 1.

Conclusion

With these two issues, we believe that we have made not only all the determinations that you requested but also uncovered a few other issues that should be expected from a document of such age and sporadic change as our oft-amended Charter. We remain available should you have further questions. However, we feel that the job you asked us to do is done.