

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

- **REVISED MINUTES- MAY 25, 2023 REGULAR MEETING**
- **MINUTES- JULY 27, 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, Kilroy, Maroko, Narain, Pinzler, Woodham,
Chair Strutzenberg

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

C. SALUTE TO THE FLAG

Member Woodham led in the Salute to the Flag.

D. APPROVE ORDER OF AGENDA

Motion by Member Maroko, seconded by Member Pinzler to approve the order of the agenda, as presented. The motion carried, unanimously.

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

E.1. RECEIVE AND FILE BLUE FOLDER ITEMS

F. CONSENT CALENDAR

F.1. APPROVE AFFIDAVIT OF POSTING FOR THE CHARTER REVIEW ADVISORY COMMITTEE REGULAR MEETING OF MAY 25, 2023

CONTACT: ELEANOR MANZANO, CITY CLERK

F.2. APPROVE THE FOLLOWING CHARTER REVIEW ADVISORY COMMITTEE MINUTES: FEBRUARY 23, 2023 AND MARCH 30, 2023

CONTACT: ELEANOR MANZANO, CITY CLERK

There were no public comments on this item.

Member Kilroy recused himself from Item F.2., as he was not on the Committee at that time.

Member Maroko pulled Item No. F.2. from the Consent Calendar stating he needs additional time to review the minutes of March 30, 2023 meeting minutes.

Motion by Member Maroko, seconded by Member Pinzler to approve Items No. F.1. and the minutes of February 23, 2023, as presented. The motion carried, unanimously.

G. EXCLUDED CONSENT CALENDAR ITEMS

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

Motion by Member Maroko, seconded by Member Pinzler to continue approval of the minutes of March 30, 2023, to the next CRAC meeting. The motion carried, unanimously.

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 11.2, CITY ATTORNEY

CONTACT: COMMITTEE MEMBER BOB PINZLER

The Chair inquired as to what was pending that the Committee was waiting for. Committee Member Pinzler responded that the Committee was waiting for whoever was hired by the city to be a wordsmith with the documents regarding the wording of the version that Committee Member Pinzler had created. It was clarified that Committee Member Pinzler provided both the red line and the hard copy, with the exception of putting back in the two final paragraphs, that were deleted but were later added back in. Committee Member Dawidziak inquired when were these added back in because he remembered that when they left the meeting last time, they were deleted.

Committee Member Maroko reminded him that during the course of the meeting, that it had been included and that there was a vote. Committee Member Pinzler confirmed that there was a vote. Committee Member Maroko made a motion to table this item to the next meeting.

The Chair interrupted and stated that after his further review of paragraph B, that it stated that the City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interesting. The Chair asked the Committee if that was something the Committee

would want to carry forward. He continued, that currently, the City Attorney is the one, and only one, who could recommend to bring in other counsel. The Committee stated that this was subject to City Council approval and that the City Council controls the budget. He was concerned that the third party would have exclusive right to determine who is brought to the City Council for approval.

Chair Strutzenberg was concerned that who is selected to be on the list for recommendation to the City Council currently can only be done by the Elected City Attorney. During the discussion, Committee Member Pinzler stated that if there is an appointed City Attorney, they could request additional attorneys to be hired.

For clarification, Chair Strutzenberg asked City Attorney Webb for clarification. The Chair asked if a firm can get on the list without the Elected City Attorney's request or recommendation to the City Council. City Attorney Webb stated that, as currently written in the Charter for an elected city attorney, it is designated to stop what has happened in some other cities that when the City Council does not like the City attorney's answer, they can go and get a firm they know and who will give them a contrary answer; this is most consistent with an elected city attorney as opposed to an appointed city attorney. City Attorney Webb, however, expressed that he did not agree with the Chair's use of the word "exclusive" because he believes it is a balance. He stated the following example, if the Elected City Attorney wants to use Joe Smith, the City Council can so, they will not hire Joe Smith. Thus, the City Council cannot hire another attorney, but the elected City Attorney cannot force the Council to hire Joe Smith. This may or may not be appropriate if there is an appointed city attorney because it may depend on if it is an appointed individual or firm. An appointed city attorney may not want to be undermined by outside entities, so it is up to the Committee to decide.

Committee Member Pinzler stated that currently the Elected City Attorney has an "approved" list of attorneys/firms that are under some kind of agreement. City Attorney Webb provided the following example to respond. He stated that if they need to hire someone now, in a broad range, because staff may have a questions about something specific, it is less expensive to have him or his deputies do it, but there are over 400 employees who have questions and it would take too long or there may be someone in that range who is a particular expert where they can go to someone on that "approved" list. For litigation, it's a specific range, in which any of these attorneys (on the list) would be fine and that City Attorney would make a recommendation and the City Council could choose any of those that they think are appropriate. Chair Strutzenberg asked if a firm can get on that list without the City Attorney's request or recommendation to the City Council. City Attorney Webb stated that it would have to be approved by both; the Elected City Attorney's recommendation and the City Council would have to approve. The Chair Strutzenberg stated that therein lies his concern because some firms can do certain things better than others, which why there are multiple firms. Even if there is an Appointed City Attorney, that they will navigate to their firm, which may or may not be, in the best interest of the City. The City Attorney is the only one who can recommend and that City Council cannot choose without that recommendation. City Attorney Webb responded that is because the City Council then would be choosing a different legal opinion than the Elected City Attorney. He stated that this may or may not make sense for an appointed city attorney because, for example, if there is firm A, and then firm B who is part of League of California cities and then a Councilmembers wants to use one of them, the city attorney whether it be an individual or firm, may state that they know that they are not as good as any of these three. He stated that it is up to the Committee to decide whether or not to leave that wording in. He hopes that Attorney Michael Colantuono will be present at the June 22nd meeting.

There continued to be discussion that it's at the request of the City of the City Attorney, and only at the request of the City attorney, and that there is no other method. City Attorney Webb replied that he

would state, for example, His request would be, it's not he wants attorneys, but rather that his request would be he would like to use this firm, not to make the request that they need a specific attorney, but rather that help is needed for a specific litigation and requests one of these three attorneys. City Attorney Webb suggests that this be discussed further with Attorney Michael Colantuono with regard to the Committee's recommendation.

Committee Member Pinzler that if there an appointed city attorney, and in deciding to go to a firm in an RFQ (Request for Qualifications), that would they would be looking for would be for breadth of capabilities of that firm. However, Chair Strutzenberg said that the entire breadth of capabilities within one firm. City Attorney Webb stated that he disagreed with that. He continued to state that they had used some really good firms and that there is not one municipal firm that excels in energy Committee proceedings and stopping a statewide power plant and in that example, he was unable to get money from the City Council originally, so he handled it through the initial stages of the proceeding and then the City Council was persuaded that the energy was needed and authorized him to find different firms. In this example, there are not municipal firms that are specialized in this area. City Attorney Webb made additional comments in response to the Committee Members and suggested that the conversation should be with Attorney Michael Colantuono, regarding this particular matter. He responded that sometimes the makeup of the City Council is important.

He stated that currently there are two attorneys on the City Council, neither of which practices municipal law. AS the Elected City Attorney, he feels he is in a better position to make a recommendation of a firm or two or three. He stated that there have been City Councils that are very involved and others that have not been involved. However, as the council majority changes, he tries to be aware of that and reflect on what he thinks are their preferences in who offers to the City Council as options, as long as he is confident they can represent the interests of this City.

Committee member Maroko asked for clarification and they discussed if one or two attorneys came to or were recommended to the Attorney Web. He said that they could make a proposal to him, he would do the research, vet them, interview them, etc. There were different examples presented and discussed regarding this matter. He stated that although he might not necessarily choose them, he would look to see who is the best qualified, the cost, what the City has at stake, etc.

Chair Strutzenberg stated that the only way for the recommendation to reach the City Council is from the Elected City Attorney. City Attorney Webb stated that it is a joint agreement. The concern is that if the City Attorney does not agree to have another firm/individual, it does not get presented to the City Council. Committee Member Dawidziak stated that the City Council controls the money, so the City Attorney would be limited.

City Attorney Webb it will depend on whether you want both to agree or if you want that only the City Council to chose whatever format the Committee prefers.

Chair Strutzenberg read language from another city's charter. He read that, "but the City Council shall have control of all legal business and proceedings and may employee other attorneys to take charge of any litigation matters or to assist the city attorney therein."

Chair Strutzenberg is concerned about the way it is written currently and the implications of that because it can be read that it is a two-step process and if the first steps do not happen, then the City Council has no choice because they cannot make a choice of their own. While in reviewing other

charters, there is specific language where the control remains with the City Council.

Chair Strutzenberg wants the Committee to consider where they want the control to really lie. Committee Member Dawidziak brought up the matter of qualifications to be a city attorney. He asked that if qualifications are applied to the city attorney, why do qualifications not apply to the City Council. He questions that how is the City Council able to make an informed legal opinion on who is best qualified to represent the citizens.

Committee Member Maroko responded that the City Council is essentially the client. It would be like any other client interviewing people. He stated that these problems are resolved by pulling out the whole section regarding the city attorney. Committee Member Dawidziak argued that the client is the people of Redondo Beach, to which Committee Member Maroko said, "not to an appointed" city attorney. There was discussion about who is actually considered the client. City Attorney Webb stated that the City Council is not and the people are not, that it is the City structure on the civil side, at the highest level, that is the client. He provided the following example, if a Department Head fires an employee, the Department Head is the highest level. Another example is if the City Manager wants to fire a Department Head, the City Manager is the hiring authority and that is who the City Attorney would represent. He provided other such examples and situations. He stated if the Committee wants the City Council to be in charge of that, then that may not be in the best interest of the City. The City is the client on the civil side and it is the People of the State of California and not the City of Redondo Beach, that is the client on the prosecution side.

Committee Member Maroko stated that in the materials provided, there is a document Jerry Goddard, former City Attorney, that provides information about the hierarchy of who the client is, and he recommends that everyone reads it.

City Attorney Webb recommended at looking at the League of California Cities, and they too have information.

City Attorney Webb continue that sometimes "it depends" on who the interaction is with, as to who the client is, but it is the City on the civil side of the municipal corporation and whoever is designation to make decisions. It is the people of the State of California when someone is charged with a DUI, for example.

City Attorney Webb reported that he spoke to Doug Halpert, City of Long Beach Prosecutor, regarding the Long Beach Model, and he is willing to be a speaker at a future meeting. It was clarified by Committee Member that this matter was regarding the question on whether there should be a separate elected City Prosecutor or not.

Chair Strutzenberg expressed that the matter had not been brought forth, whereas the language provided to the outside counsel to be reviewed on what has been decided. Once the date is selected for the Long Beach Prosecutor to attend a meeting, he will see if the Long Beach City Attorney is available. City Attorney Webb also stated that he will have a conversation regarding the pay of the Long Beach Attorneys, as the City Attorney was paid more than the City Prosecutor and fixed for a set period of time and then they would get equal cost-of-living.

In the meantime, as stated by the Chair, ballot language has been sent, but the City Attorney corrected him that ballot language had not been sent. There was discussion about what language was sent for

review, such as for an appointed City Attorney. The Chair asked if the dual still under consideration. Committee Member Pinzler clarified that additional information was required. City Attorney Webb clarified that the specific recommendation from Councilmember Behrendt and then Councilmember Obagi of any model. The Committee decided that there was language from Committee member Pinzler, which was updated last time to state basically the current language and removing "elected" from it which the Committee voted move to move that forward to Attorney Colantuono. The Committee still need to do more work and continue to see whether to favor some other model or the Long Beach Model, or go with that model

Chair Strutzenberg said that it could come back to the Committee and a future decision, which after hearing more input in a couple months from now, can have another version. Committee Member Pinzler spoke that potentially there could be dual role, separating out the City Attorney, versus a City Attorney without experience, and this may return to the Committee for additional and final decisions to be made.

City Attorney Webb reminded the Committee that the task for Mr. Colantuono was that you had simple Charter amendment language, which he had pointed out that you may want to remove other language so that there is not conflicting language. The Chair stated that all that may change again if there is a future decision. Committee Member Pinzler stated that there is another place where there would be three people and any changes would necessitate for other areas to be changed. Committee Member Maroko stated that the Committee is still exploring options.

City Attorney Webb stated that the Committee has more time given Council's direction, since it would be on the 2026 Election, however, Chair Strutzenberg stated that there was no need to drag this out unnecessarily. City Attorney Webb added that the Committee is therefore not hurried, but do have a November deadline. This is why he wants to schedule different speaker for the Committee so that the Committee can decide if they want new language. He continued that if both are elected, City Attorney Webb can do the ballot language Charter Amendment language, if they are split but both elected, as then there is no conflict, the City Clerk and he would not be writing a ballot argument against, and he could prepare the impartial analysis. There would be time by November.

The other discussion that the Chair has heard is about when this could or would go to the ballot and asked for the City Attorney to provide, in writing, the applicable law, that states when and when not, these can go to which ballot.

The City Attorney responded that they watch the City Council meeting where the City Clerk directed the Chair to the Elections Code. The motion from the City council was that any election would be on the General Election in November 2026, regarding the City Attorney and would take effect April 1, 2029. Conversely, if the Committee makes any changes, to the Treasurer's position or the City Clerk, to avoid the same issue, it would be on the November 2024 Election, if it is a change in status. The Committee can change things in terms of the Office, but if there is a change in status, then it is not eligible to be on any other election other than the General Municipal Election.

The City Attorney agreed to provide the requested information relating to that, in writing, to the Committee.

The City Attorney, in reply to an inquiry, stated that he would not seek re-election.

Committee Member Maroko stated that his goal is to provide something to the City Council so they can decide on which election. The City Attorney stated that the City council has already done that. The City Clerk can provide the City Council meeting minutes related to this matter. The City Attorney asked if the Chair was second guessing the City Council's decision. Chair Strutzenberg insisted that it be provided so that he could see it. The City Attorney will provide by their next Committee meeting. The motion was made by Committee Member Maroko, seconded by Committee Member Pinzler, to continue this Agenda Item I.1, Article XI, Section 11.2, City Attorney, to the following Charter Review Advisory Committee meeting.

The Chair stated that the City Attorney will provide the requested item and that the dates will be provided to the Attorney Colantuono to attend and speak to the Committee about the language but the Committee needs to decide what it wants to do, but he can answer questions and discuss options. Chair Strutzenberg opened the floor to public comments.

City Clerk Manzano confirmed that there were no eComments and public comments.

There being no one wishing to speak on this Agenda Item, Chair Strutzenberg closed the floor to public comments.

There being no further discussion, motion carried unanimously by voice vote.
Motion carried, 7-0.

I.2. DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE XI, SECTION 11.1, CITY TREASURER

CONTACT: COMMITTEE MEMBER BOB PINZLER

There were no public comments on this item.

Motion by Member Pinzler, seconded by Member Maroko to continue Item No. I.2., to the next CRAC meeting. The motion carried, unanimously.

J. ITEMS FOR DISCUSSION PRIOR TO ACTION

J.1. DISCUSSION AND POSSIBLE ACTION REGARDING THE POSSIBILITY OF REMOVING RBUSD SCHOOL BOARD FROM THE CITY CHARTER AS DIRECTED BY CITY COUNCIL

CONTACT: CHAIRPERSON, ROLF STRUTZENBERG

Chair Strutzenberg reported the School Board has discussed this item at two meetings; presented a summary of the meetings; spoke about City Council's direction; noted nothing needs to be in the City Charter regarding the School District and discussed term limits.

Member Pinzler stated it is unusual for Charter Cities to have so much control over a School Board and noted this will be the School Board's decision.

Member Maroko stated he would like to see the Education Code provisions that would relate to what

would fill the vacuum if the School Board were removed.

Member Pinzler noted the School Board is a separate entity.

Member Maroko questioned whether the School Board exists if not included in a City Charter.

City Attorney Webb reported the School Board exists under the City Charter because the South Bay Unified School District was replaced by the Redondo Beach Unified School District and its boundaries are the same as the City; noted there is a question in his mind as to what would be required to create a separate entity; stated they are in the Charter for a limited purpose and commented on items where the Education Code would come into play.

Discussion followed regarding pros and cons of leaving the School Board in the Charter or removing them, leaving it up to the School Board to decide, making recommendations to Council with justifications for them, options to consider, ranked-choice voting, the possibility of expanding to all public education and needing to review prior proposed amendments.

Member Kilroy opined that if the School District has to pay for an election, it will want to stay with the status quo to shift costs to the City.

Discussion followed regarding the various upcoming elections, having the City partner with the County for increased savings in elections, getting additional input from the School Board as to what would occur if they were removed from the City Charter and what action would be necessary if they need to exist separately pursuant to the rules under the Education Code, determining if there are sections of the Charter that need to be amended, in relation to the School Board and the possibility of holding a special election for the Charter.

There were no public comments on this item.

Discussion continued regarding residents' preference for local control, varying election cycles, avoiding voter fatigue and SB 415 and focusing on local control.

Motion by Member Maroko, seconded by Member Dawidziak to continue Item No. J.1., to the next CRAC meeting, for clarification and to get additional input from the School Board. The motion carried, unanimously.

J.2. DISCUSSION AND POSSIBLE ACTION REGARDING POSSIBLY ADDING PERIODIC DEPARTMENTAL MANAGEMENT AUDITS TO THE CHARTER

CONTACT: COMMITTEE MEMBER, RON MAROKO

Member Maroko spoke about the three part of the City Charter; discussed citizen participation; suggested doing a management audit to explore if City Departments are running efficiently; proposed adding periodic (no more than three years) management audits to the Charter; suggested the City Treasure oversee the audits, that the City Clerk help to develop an oversight board of citizens and publishing a report for the community. Additionally, Member Maroko addressed possible metrics and spoke about increased transparency.

Member Pinzler noted that larger cities usually have a City Comptroller and City Auditor, whereas smaller cities have a City Manager; stated City Managers different City Managers have different ways of managing and when there are problems, they tend to rise to the City Council level. He added that audits are performed without the addition of periodic departmental management audits to the Charter.

Member Maroko further stated the City Auditor does not need to be a separate position; noted the task can be contracted out; spoke about citizens being equal partners with the City as is the City Manager and asked for periodic reports of Department operations and potential improvements.

Member Kilroy spoke about the various commissions offering citizens the opportunity to provide public comments; referenced quarterly reports on Harbor operations to the Harbor Commission and noted there are processes in place for the public to have their concerns addressed.

Chair Strutzenberg spoke about being more preemptive and proactive than reactive.

Member Maroko felt the citizens should have something presented to them that provides information regarding how City Departments are doing; stated that Section 9.1 limits City Council's ability to evaluate the Departments and provide a report; suggested developing metrics that the community might want to see; spoke about Moss Adams dealing with efficiencies and effectiveness and felt citizens are entitled to that information.

City Clerk Manzano reported that Moss Adams has not finished their work in terms of testing departmental objectives.

Discussion followed regarding evaluating processes and creating citizen involvement with specific parts of the City through City Commissions and/or City Council.

Member Maroko noted voters are the ultimate bosses of everyone in the City; reiterated his request to add to the Charter a process for a management audit to explore if City Departments are running efficiently and provide periodic reports to citizens.

Discussion continued regarding opportunities for the public to address specific issues through the City's Commissions.

Member Pinzler expressed concerns that the management structure will fall apart if the method of running the City is changed and listed ways citizens can already make their concerns known.

City Treasurer Solomon, via Zoom, addressed the Moss Adams report; noted it reviewed things like City processes and roles and responsibilities across Departments; reported the item is part of the City's budget with plans for similar work to be done within the City; referenced processes relative to the Treasurer's Office and challenges with Human Resources and the City Manager's Office relative to reviewing employee work and suggested regular audits such as are being conducted by Moss Adams.

Discussion followed regarding the importance of transparency and determining whether City Departments are operating effectively and efficiently.

Member Dawidziak stated he does not believe that belongs in the Charter and added that it is not the CRAC's job to determine whether City Departments are doing their jobs but rather it is City Council's job.

Chair Strutzenberg agreed, noting he does not see how Member Maroko's suggestion fits in the Charter.

Member Woodham stated he agrees this does not belong in the Charter and noted it is something the City Manager should be doing.

Member Pinzler spoke about levels of transparency; spoke about a new City website and suggested building a dashboard that provides some level of review and metrics.

There were no public comments on this item.

J.3. DISCUSSION AND POSSIBLE ACTION REGARDING REVIEWING SECTIONS OF THE CHARTER AND ANYWHERE THAT MENTIONS ANY DERIVATIVE OF THE WORD "PUBLISH". THE SECTIONS ARE AS FOLLOWS:

- ARTICLE VII, SECTION 7.2- REDISTRICTING ORDINANCE, EFFECTIVE DATE
- ARTICLE IX, SECTION 9.15- ORDINANCES, PUBLICATION
- ARTICLE IX, SECTION 9.20- CODIFICATION OF ORDINANCES
- ARTICLE XI, SECTION 11- CITY CLERK
- ARTICLE XVII, SECTION 17.9- BUDGET HEARING AND ADOPTION
- ARTICLE XIX, SECTION 19- PUBLIC WORKS, CONTRACTS
- ARTICLE XIX, SECTION 19.1- COMPETITIVE BIDDING, WHEN NOT REQUIRED
- ARTICLE XIX, SECTION 19.5- LEGAL NOTICES, CONTRACT FOR PUBLICATION
- ARTICLE XXVII, SECTION 27.5- APPLICATION FOR MAJOR CHANGE IN ALLOWABLE LAND USE; CITY REVIEW

CONTACT: ELEANOR MANZANO, CITY CLERK

City Clerk Manzano presented details of the Administrative Report; spoke about newspapers starting to dwindle down; reported no one has contracts for legal ads and addressed publication of ordinances.

Discussion followed regarding the legal requirements, prohibitions relative to digital publishing requirements, newspaper publishing requirements, the benefits of having one official place for publishing notices, publishing requirements for elections and requirements relative to publishing the updated General Plan.

There were no public comments on this item.

Motion by Member Dawidziak, seconded by Member Kilroy to direct City staff to research best practices of other municipalities and return to the CRAC with a report in July. The motion carried, unanimously.

J.4. FUTURE AGENDA TOPICS

Member Maroko spoke about the possibility of adding cannabis regulations to the Charter.

Member Kilroy indicated he will not be in attendance at the June CRAC meeting.

K. MEMBER ITEMS AND REFERRALS TO STAFF - None

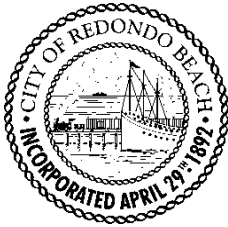
L. ADJOURNMENT: 10:07 p.m.

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 June 22, 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



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, Kilroy, Maroko, Narain, Pinzler, Woodham, Chair Strutzenberg

Officials Present: Eleanor Manzano, City Clerk

C. SALUTE TO THE FLAG

Vice Chair Narain led the Committee in the Salute to the Flag.

D. APPROVE ORDER OF AGENDA

Motion by Member Maroko, seconded by Member Pinzler, to approve the agenda, as amended, moving the Election of Officers, Vice Chair, following roll call. The motion carried, unanimously.

E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

E.1. RECEIVE AND FILE BLUE FOLDER ITEMS

Discussion followed regarding getting as much as possible onto an agenda to minimize Blue Folder Items.

F. CONSENT CALENDAR

F.1. APPROVE AFFIDAVIT OF POSTING FOR THE CHARTER REVIEW ADVISORY COMMITTEE REGULAR MEETING OF JULY 27, 2023

CONTACT: ELEANOR MANZANO, CITY CLERK

There were no public comments on this item.

Motion by Member Maroko, seconded by Member Pinzler, to approve Item No. F.1., as presented. The motion carried, unanimously.

F.2. APPROVE THE FOLLOWING CHARTER REVIEW ADVISORY COMMITTEE MINUTES: APRIL 27, 2023

CONTACT: ELEANOR MANZANO, CITY CLERK

There were no public comments on this item.

Motion by Member Pinzler, seconded by Member Kilroy, to approve Item No. F.2., as presented. The motion carried, unanimously.

G. EXCLUDED CONSENT CALENDAR ITEMS - None

H. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

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 11.2, CITY ATTORNEY

CONTACT: COMMITTEE MEMBER, BOB PINZLER

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.

Attorney Michael Colantuono referenced and reviewed the proposed Charter amendment and related resolution and noted he has not yet received feedback from the City.

Attorney Michael Colantuono prepared for the City a resolution calling for an election on a charter amendment, along with the body of the charter amendment. He has not received feedback from the City. Attorney Colantuono reviewed the resolution with the Committee.

Committee Member Pinzler opened a discussion regarding using the word “change” versus “eliminate” in regards to the position of the City Attorney. It was agreed that the word “change” was more neutral than “eliminate” as the position is not being eliminated.

Attorney Michael Colantuono explained how he prepared the charter amendment draft. He started by completing a search of the Charter for every reference to the word “attorney” and decided whether or not a change was required if the voters elected to convert the elected position to an appointed position.

Attorney Michael Colantuono went on to discuss the theory of charter cities and how they are immune from state law unless a city adopts state law or is silent as to a rule of state law. Attorney Colantuono further explained that by dropping things from your charter, you’re not eliminating the standards when there’s necessarily a need for them, but you’re pledging to deal with them by ordinances of the City Council. The Council can change those ordinances as often as they think is necessary to serve the City well.

Member Pinzler went on to ask Attorney Colantuono about his experience rather than specifics in regards to a single city attorney versus a firm. Attorney Colantuono made a couple of points regarding the dynamics between the two. An in-house attorney will have a deeper knowledge of the city’s affairs and fewer competing concerns. Another thing to keep in mind is that no city gets all legal services from in-house staff. There is always a need for specialization, professional conflicts of interest and workplace management issues. The question for the City would be whether it wants a core team that’s only going to work for the City itself. Or, does the City want the possibility of a larger firm, with more specialties, and would be more independent of the City’s day to day affairs and less familiar with those affairs.

Discussion followed regarding using “change” versus “eliminate”, word-counting, addressing elected versus appointed City Attorney, providing for an elected City Prosecutor, eliminating the City Attorney from the Charter, completely, the pros and cons of mandating that the City Attorney take action to report and correct any violations of the Charter, the Law of Lawyering, the Attorney/Client privilege, addressing severance packages for appointed City Attorneys, built-in stability within the City Attorney position and differences between in-house versus contract City Attorneys or Firms.

Member Pinzler spoke about the different Charters available.

Discussion continued regarding the authority to hire outside Counsel, using State election days, whether a Charter amendment election could occur in June 2024, residency requirements, whether an elected official is an employee of the City, having the elected City Attorney complete his term prior to appointing a City Attorney, an appointed City Attorney’s obligation to the public, “hired” versus “appointed”, “retained” versus “appointed”, and the requirement of the Oath.

Attorney Colantuono listed points for the Committee to consider; spoke about changes in Municipal Law through the years and trends towards specialization; commented on potential decreases in the talent pool and noted appointed City Attorneys are always lawyers.

Discussion followed regarding the City’s ability to rely on outside experts, differences in voter participation between Municipal and State elections, developing an appropriate job description and choosing an election date.

There were no public comments on this item.

Attorney Colantuono confirmed the Committee would like him to prepare a further draft that frames language around the policy discussions had.

Member Pinzler and Chair Strutzenberg will act as contact points for Attorney Colantuono.

Attorney Colantuono departed the meeting at this juncture.

Chair Strutzenberg reported preparing a start to the report and distributed copies to the Committee and the City Clerk.

Motion by Member Kilroy, seconded by Member Pinzler, to receive and file Chair Strutzenberg’s report notes. The motion carried, unanimously.

Chair Strutzenberg summarized actions and discussions to date.

The first few items would come from Member Pinzler’s report which would provide background information including the number of Charter cities and “mini Charters”. The number of years of experience required (when specified) varied from 3 to 7 years. Some of the common language that was presented stated that City Council has control of legal business and proceedings, and may employ other attorneys to take charge. Chair Strutzenberg added that after tonight’s discussion, it should be updated to read that, “The City Council may employ other attorneys.”

Member Woodham asked whether a cost analysis has been completed for the various options and felt the Committee should be clear and thorough in terms of recommendations to City Council and stressed the Committee cannot make a decision unless it has some estimates of cost.

City Treasurer Solomon explained a prior analysis of City Attorney costs for other cities with similar budgets

as Redondo Beach and categorized by type of Attorney.

Discussion followed regarding determining legal costs relative to an elected versus appointed position, making a reasonable judgement regarding costs, challenges determining costs of litigation, prosecution costs and doing a comparative analysis.

Member Woodham offered to work with Member Pinzler and City Treasurer Solomon to discuss the best way to do a comparative analysis of legal costs.

Chair Strutzenberg continued reviewing details and making suggested edits to the report. Chair Strutzenberg mentioned that items seven and eight are subject to revision based upon tonight's discussions. It was further stated that comments on item nine state that outside counsel would provide initial ballot statement language which was presented tonight and would be updated in the report.

Discussion followed regarding developing a draft report to present to City Council after receipt of Attorney Colantuono's draft resolution and Charter amendment, getting clear direction from City Council and reviewing the Long Beach model as well as others.

Motion by Member Pinzler, seconded by Member Maroko, to continue the item to the next meeting of the Charter Review Advisory Committee. The motion carried, unanimously.

I.2. 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 presented details of the report relative to a City Clerk being involved with accounting or financing in the City. There isn't a single city in the state isn't all involved where the City Clerk has anything to do with accounting or finance. He stated that the City of Redondo Beach is unique in this area. Member Pinzler further stated that of the 486 cities, 485 are in not financial problems because the City Clerk doesn't oversee. Member Pinzler discussed the possibility of conflicts creating a log jam for the financial operation of a city and noted Redondo Beach is unique in terms of the City Clerk's requirements relative to education in accounting or financing. The issue of requiring the 15 units of accounting seems to be outdated for the operation of a City Clerk. City Clerks have become more managers of data and "technologized" than it has in the past. That is what should be looked for in a City Clerk, not whether or not they have had accounting experience. Additionally, there's been a change in the way financial management occurs in a city with the establishment of more finance directors.

Chair Strutzenberg distributed copies of his notes relative to this item.

Motion by Member Kilroy, seconded by Member Pinzler, to receive and file Chair Strutzenberg's report notes for this item. The motion carried, unanimously.

Chair Strutzenberg reviewed details of his report.

Discussion followed regarding the need for a City Clerk to have basic understanding of accounting functions, understanding bills, the responsibility for preparing and assembling the City's budget, taking out the responsibilities of accounting from the City Clerk's role, the importance of adding checks and balances to the system, being accountable to the public and establishing the best job description, going forward.

Member Kilroy added the importance of and appreciated the fact that the City has a person elected by the voters to have oversight and doesn't want the City to lose that.

Member Woodham stated that the responsibilities of the City Clerk are “full-time stuff” and finance doesn’t seem to be appropriate for the City Clerk, while Member Maroko added that there wasn’t a problem with having some basic requirements for the City Clerk and didn’t see a reason to “fix” a system that isn’t broken.

Member Narain went on and added that although the financial responsibilities should be taken from the City Clerk role, it is important to keep the education requirements as the accounting classes would help with the checks and balances during elections.

Chair Strutzenberg agreed in general that the financial roles aren’t appropriate for City Clerk’s Office, but added that the one critical role of having oversight of bills and invoices within 30 days, should stay with the Clerk’s Office. As far as the education requirements, Chair Strutzenberg voiced concerned about not wanting to preclude a good candidate in the future that didn’t have those requirements. The education requirements should be taken out along with the other financial roles, except the critical role of checks and balances of bills and invoices.

City Clerk Manzano spoke about the importance of having checks and balances for the public; discussed turnover and retirements in the City Clerk’s office and suggested ensuring oversight of expenditures as recommended by Moss Adams.

City Clerk Manzano emphasized the importance of having checks and balance for the public. The Clerk reviews expenditures while the Treasurer has oversight of the revenue. Based on budget and retirements, the Clerk has experienced staff changes where it has taken a three to six-month timeframe to fill a position like the Finance Director. In those times of turnover, things can fall through the cracks. There have been instances where the Clerk has caught that an employee had been overpaid \$10,000 and a penalty of \$6,000 overpaid to the Employment Development Department.

While discussion continued regarding the education requirements, Member Pinzler suggested that the Committee visit the City Clerks Association of California website and read, “What is a City Clerk?” Member Pinzler added that the Committee was trying to “force feed” in the “accounting craziness” into a job that it doesn’t belong. Member Dawidziak disagreed, along with Member Kilroy who stated that the requirements belongs somewhere. Member Dawidziak added that the requirements belong because of the municipal environment, with numbers and accountability. Member Woodham, although also emphasizing the education belongs somewhere, that it can be argued whether it belongs with the City Clerk.

City Clerk Manzano shared with the Committee and agreed with Moss Adams and their recommendations of oversight rather than getting “into the weeds” of how it is now. The recommendations are to have oversight of procedures on the expenditure side which can include Cal-Cards, accounts payable and travel. This would help the position have a better understanding of the process which both Finance and City Manager’s Office support.

Chair Strutzenberg proposed that the item be tabled and continued to the next meeting to allow for the review of both proposals and find a balance between the two that the Committee would accept. Member Dawidziak reiterated that the “sticking point” is the formal education requirement and would be open to a substitution for that requirement. City Clerk Manzano confirmed in agreeing with the recommendations made by Moss Adams as the better approach for the position of City Clerk.

Discussion continued regarding the need to clearly specify qualifications for the City Clerk’s position, requiring ten years’ experience in public or private accounting or finance, reducing the required experience to five years, requiring a demonstrated and verifiable work history and education, training and voter vetting of candidates.

Member Maroko offered to do research on “feathering of the nest” and the historical context of why it was

done and when it was done, in reference to the education requirements. Member Maroko requested City Clerk Manzano to research and provide nomination paperwork from the first election in which City Clerk Manzano ran. Member Maroko was interested in verifying the education requirements provided by the nominees during that election.

Motion by Member Maroko, seconded by Member Kilroy, to continue the item to the next meeting of the Charter Review Advisory Committee. The motion carried, unanimously.

There were no public comments on this item.

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

CONTACT: COMMITTEE MEMBER, BOB PINZLER

Chair Strutzenberg distributed copies of his notes relative to this item.

Motion by Member Kilroy, seconded by Member Dawidziak, to receive and file Chair Strutzenberg's report notes for this item. The motion carried, unanimously.

Chair Strutzenberg summarized actions and discussions to date on this item. The summary stated a recommendation to update the Charter to align with current practice of the Office of City Treasurer. Two sides were heard. The first would be to realign the operational ongoing to align with the City Charter. The second was to align the City Charter with what are the operational aspects. The preference was to align the City Charter.

Discussion followed regarding detailing changes in the Charter, the City Treasurer's oversight authority, missing the proposed Charter changes, the need to know the specific language changes in the Charter, determine whether the practice should align with the Charter or vice versa, the need to comply with State law and having the Chair, Member Pinzler, the City Manager and City Attorney meet to discuss some of the remaining issues with the Charter.

City Treasurer Solomon stated the responsibilities should be delegated whether amending the Charter or by some other fashion; referenced the Moss Adams report in terms of the responsibilities of a Finance Director and talked about staff that was moved to the Financial Services Department and other historical changes in the City Treasurer's position.

Discussion followed regarding updating the Charter relative to the City Treasurer's responsibilities, being general in terms of not limiting the City Treasurer to contractual authority but allowing authority over other vendor contracts associated with the operational efficiencies and audit procedures of the City and maintaining an independent investment advisor.

Chair Strutzenberg, Member Pinzler, the City Manager and the City Attorney will meet to prior to the September meeting to discuss recommended changes to the Charter relative to the City Treasurer's duties and responsibilities.

Motion by Member Maroko, seconded by Member Kilroy, to continue the item to the September meeting of the Charter Review Advisory Committee. The motion carried, unanimously.

I.4. DISCUSSION AND POSSIBLE ACTION REGARDING THE POSSIBILITY OF REMOVING RBUSD SCHOOL BOARD FROM THE CITY CHARTER AS DIRECTED BY CITY COUNCIL

CONTACT: CHAIRPERSON, ROLF STRUTZENBERG

Chair Strutzenberg distributed notes regarding this item and discussed prior actions, discussions and proposed Charter changes.

Motion by Member Kilroy, seconded by Member Pinzler, to receive and file Chair Strutzenberg's notes for this item. The motion carried, unanimously.

Discussion followed regarding terms limits, having one ballot question predicated on the result of another and next steps.

Member Maroko left at this juncture (12:01 AM, July 28, 2023).

Discussion followed regarding leaving the decision of whether to be removed from or remain in the Charter up to the School Board itself.

Chair Strutzenberg invited public comments.

Steve Chessen, President, Californians for Electoral Reform, spoke in support of proportional ranked-choice voting and referenced an eComment he submitted prior to the meeting.

There were no other public comments on this item.

Motion by Member Pinzler, seconded by Member Dawidziak, to continue the item to the next meeting of the Charter Review Advisory Committee. The motion carried, unanimously.

I.5. DISCUSSION AND POSSIBLE ACTION REGARDING REVIEWING SECTIONS OF THE CHARTER AND ANYWHERE THAT MENTIONS ANY DERIVATIVE OF THE WORD "PUBLISH". THE SECTIONS ARE AS FOLLOWS:

- ARTICLE VII, SECTION 7.2- REDISTRICTING ORDINANCE, EFFECTIVE DATE
- ARTICLE IX, SECTION 9.15- ORDINANCES, PUBLICATION
- ARTICLE IX, SECTION 9.20- CODIFICATION OF ORDINANCES
- ARTICLE XI, SECTION 11- CITY CLERK
- ARTICLE XVII, SECTION 17.9- BUDGET HEARING AND ADOPTION
- ARTICLE XIX, SECTION 19- PUBLIC WORKS, CONTRACTS
- ARTICLE XIX, SECTION 19.1- COMPETITIVE BIDDING, WHEN NOT REQUIRED
- ARTICLE XIX, SECTION 19.5- LEGAL NOTICES, CONTRACT FOR PUBLICATION
- ARTICLE XXVII, SECTION 27.5- APPLICATION FOR MAJOR CHANGE IN ALLOWABLE LAND USE; CITY REVIEW

CONTACT: ELEANOR MANZANO, CITY CLERK

Motion by Member Pinzler, seconded by Member Dawidziak, to continue the item to the next meeting of the Charter Review Advisory Committee. The motion carried, unanimously.

J. ITEMS FOR DISCUSSION PRIOR TO ACTION - None

J.1. FUTURE AGENDA TOPICS - None

K. MEMBER ITEMS AND REFERRALS TO STAFF - None

L. ADJOURNMENT: 12:04 a.m. on July 28, 2023

There being no further business to come before the Charter Review Advisory Committee, motion by Member Pinzler, seconded by Member Kilroy, to adjourn the meeting at 12:04 a.m. on July 28, 2023, to a Regular meeting to be held at 7:00 p.m. on August 24, 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