



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, Woodham, Young (Alternate)
Chair Strutzenberg

Members Absent: Narain, Pinzler

Officials Present: Eleanor Manzano, City Clerk
Mike Webb, City Attorney
Lucie Colombo, Deputy Chief City Clerk

C. SALUTE TO THE FLAG

Chair Strutzenberg led in the Salute to the Flag.

D. APPROVE ORDER OF AGENDA

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

E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

E.1. RECEIVE AND FILE BLUE FOLDER ITEMS

In reply to Chair Strutzenberg's question, City Clerk Manzano reported that once Blue Folder Items are emailed to the CRAC, it must go on the City's website.

Chair Strutzenberg asked to pull Item No. I.2., as it was distributed without the express permission of the originator.

Motion by Member Kilroy, seconded by Member Maroko to receive and file Blue Folder Items for I.3., but not for Item No. I.2. The motion carried, unanimously.

F. CONSENT CALENDAR

F.1. APPROVE AFFIDAVIT OF POSTING FOR THE CHARTER REVIEW ADVISORY COMMITTEE REGULAR MEETING OF AUGUST 24, 2023

CONTACT: CITY CLERK ELEANOR MANZANO

F.2. This item was pulled by Chair Strutzenberg for separate consideration.

There were no public comments on the Consent Calendar.

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

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

G. EXCLUDED CONSENT CALENDAR ITEMS

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

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

CONTACT: CITY CLERK ELEANOR MANZANO

Chair Strutzenberg expressed concerns with accuracy of the referenced minutes and noted they are not easily understood.

City Clerk Manzano offered to review the videos and provide more detailed information in the minutes and reported minutes are permanent and videos are retained for twenty years.

Motion by Chair Strutzenberg, seconded by Member Maroko to continue Item No. F.2. to the next meeting of the CRAC to allow corrections to be made to the minutes, adding detail and context. 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 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 reported meeting with Member Dawidziak; felt it would make sense to get guidance; stated that after much discussion, they decided to let the process work out and that there is no need for a specific definition of residency; discussed focusing on creating a process to authenticate residency without having to drag everything through the courts.

Member Dawidziak noted the need to have rules of what people can do; spoke about elected officials needing a higher educational threshold; stated he is not happy having people who sleep on benches representing anyone as they do not represent the City as a whole; talked about ensuring there are qualifications/parameters

for holding office.

Member Maroko noted there are two different criteria, one relative to qualifications for holding office and removing someone from a position.

Member Dawidziak felt that if a person is holding office and circumstances beyond their control force them to move out of their District, the City Council should make the decision relative to removing them from office.

Member Maroko stated that is the existing process; noted there is no need to do anything but felt it would be nice to have a process in the Charter.

Member Dawidziak disagreed and stated it should not be included in the Charter as it is an unlikely event.

Chair Strutzenberg summarized the item for the benefit of new Members and noted the CRAC did not think it necessary to expand the definition of “moral turpitude”.

City Attorney Webb spoke about relying on case law and talked about the current definition of “moral turpitude” as being one that cannot be further clarified; discussed standards to remove an official from office and spoke about using “elector” to address the homeless issue.

Member Dawidziak suggested specifying an elector must have lived in the District for which he/she is running, for no less than one year.

Discussion followed regarding changing the residency requirement to two years, the homeless not representing the City, as a whole, leaving it up to voters to decide and residency requirements for elected officials.

Chair Strutzenberg asked whether a definition of residency can be established by the City Council, by ordinance or resolution and whether it has to be further prescribed within the Charter.

City Attorney Webb stated that theoretically, it could be and commented on the need to define who ceases to be a resident for that section in the Charter.

Chair Strutzenberg talked about the possibility to further define residency by referring to State law or Electoral law.

Member Dawidziak commented on the need for elected representatives to be accessible and that transients cannot be.

Member Kilroy noted that with today’s technology, the unhoused can be incredibly accessible and have all day to be so.

Brief discussion followed regarding the Ojai case.

Member Maroko stated the way it works now is that City Council ultimately decides if someone should be removed from for not being a resident and they decide its definition and context; commented on using the word “inhabitant”; spoke about tenants having an important place in City government and talked about the need for a process where the City Clerk can verify residency and where it cannot, it would trigger the criminal process for fraud against the City. He stated there is no problem with the eligibility part but felt focus should be given to a process for removal.

In reply to Member Kilroy’s question, City Attorney Webb stated there is no State requirement for a City race;

noted the City does not have a definition for resident and in reviewing other definitions such as State law, for clarity, they all conflict with each other.

Member Kilroy noted that the School District verifies residency, all of the time.

Member Dawidziak stated he supports residency requirements and people having a stake in the community and expressed concerns about the proliferation of RV encampments in terms of establishing residency to run for office. He stated he believes the Mayor should be a resident and that everyone representing the City should live in the City.

Discussion followed regarding identifying discrepancies and fixing them.

Member Dawidziak suggested adding a preamble that the basic qualifications for running for office in the City of Redondo Beach is to live within the political boundaries that you will represent.

Discussion followed regarding not including a preamble but adding the basic qualifications for each office under each section.

Chair Strutzenberg wondered if there were another definition that would make it less subjective by City Council, in making a determination.

Member Dawidziak suggested including a specific section dealing with public officials being removed from office, applied across the board.

City Attorney Webb spoke about the different standards for the Mayor, City Council, City Treasurer and City Attorney and stated residency and moral turpitude should remain the same, but it is up to the Committee to determine if “one size fits all” for the different jobs.

None of the Committee Member opposed keeping the definition of “moral turpitude” as is.

In terms of the amount of time required to be considered a resident, discussion followed regarding increasing the residency requirements to 90 days prior to the first day of the filing period.

Member Maroko suggested 90 days prior to the election.

Member Kilroy stressed that the simplest and cleanest thing to do is to change nothing but the number of days.

City Attorney Webb discussed prior discussions with the CRAC regarding establishing definite guidelines; stated the Supreme Court decided that you cannot time base a benefit that is provided to a resident; noted some time limits are alright and offered to research the item further and return to the CRAC for a report.

Member Dawidziak added that running for office is a privilege.

Discussion followed regarding whether there is a General Law equivalent, number of days required to register to vote prior to an election, setting residency requirements from 6 months to one year and being able to see cases where the matter has been challenged.

Chair Strutzenberg mentioned keeping residency requirements the same for all elected offices; stated City Council seems the only position that addresses “ceasing to be a resident of the district from which he was elected” and discussed the Mayor having to maintain residency within the City during his/her term of office.

The CRAC concurred with having the Mayor maintain residency within the City during his/her term of office and Chair Strutzenberg asked to work that into the language of each applicable section.

Discussion followed regarding whether “resident” should be further defined in the Charter, instances where people have various residences, adding a definition for “primary residence”, requiring that to be considered a resident one needs to be registered to vote; avoiding infringing on someone’s right to hold office and the differences between registered voters and electors.

Member Kilroy advised against specifying that someone has to be a registered voter any x number of days before nomination and used the case of Julian Stern as an example.

Member Dawidziak suggested adding language defining voter as “a U.S. Citizen, at or beyond the age of majority in the State of California”.

Member Maroko referenced a Blue Folder Item from the February 23, 2023, CRAC meeting; noted it lists various models; stated he liked the San Diego model best and highlighted elements of it; reported the San Diego model would be his recommendation; mentioned speaking with Councilmember Nehrenheim about it and focusing on intent and talked about the need for an affirmation under penalty of perjury.

City Attorney Webb disagreed with that approach because perjury is the most unprosecuted crime and there is a system, already in place, to deal specifically with residency questions with the appeal to the Attorney General. He reported that adding a criminal process would complicate and lengthen the process.

Chair Strutzenberg discussed adding a time requirement to being a registered voter other than at the time of filing and noted it is different from residency.

Member Kilroy suggested leaving it as is, noting that adding a time period to residency requirements is sufficient.

Chair Strutzenberg requested a copy of the Charter and City Clerk Manzano agreed to email it.

Discussion followed regarding considering using “elector” rather than “registered voter”, changing the 30 days of residency to six months to a year, enhancing the definition of “resident” and “residency” and the definition of “residency” in the Election code.

City Attorney Webb urged the Committee to review the different definitions and noted “residency” is currently not defined at all, within the Charter. He referenced other materials to review including a sampling of Attorney General opinions and Charter LBG provisions.

Member Maroko spoke about getting a wider forum so that people will know the Committee is talking about this issue and getting feedback from City Council about the different options being considered.

City Attorney Webb stated the public will not care about this until they really care about this and reported the Committee’s task is to develop recommendations for City Council to consider.

Member Kilroy spoke in favor of exploring the subject further and adopting something that is already in the Election or Government codes.

City Attorney Webb referenced Blue Folder Items for the CRAC meeting of February 23, 2023 and urged the Committee to review it.

Discussion followed regarding including the residency information in each section or as a separate “catch all”

section.

Chair Strutzenberg noted that being registered to vote does not apply to being appointed.

Discussion followed regarding requiring that an appointee is a registered voter.

Alternate Member Young agreed that the requirements should be across the board for both elected and appointed officials.

Discussion followed regarding leaving the voter registration requirement for appointments to City Council's discretion, leaving the requirements the same as what it takes to run for office, adding a requirement to maintain a registered voter status while in office and addressing voluntary and involuntary changes in voter registration statuses.

In reply to Member Kilroy's question, City Attorney Webb stated that City Council's decisions are subject to challenge in the Courts. Member Kilroy suggested leaving the issue as is, in the Charter.

Discussion followed regarding having a cure period rather than seeking a judicial review, challenges with requiring that elected officials maintain a registered voter status, preparing for worst-case scenarios, inactive voters and the City Clerk's process for verification of voter status.

City Clerk Manzano reported that her office checks voter status when applicants first pull their papers, routinely.

Chair Strutzenberg felt that maintaining a registered voter status does not need to be in the Charter and mentioned it would be curing a problem that does not exist.

Member Dawidziak felt that it should be in the Charter.

Member Maroko spoke about School Board members falling under the same category and commented on the need for consistency.

There were no public comments on this item.

Motion by Member Maroko, seconded by Member Kilroy to continue Item No. I.1. to the next meeting of the CRAC. The motion carried, unanimously.

Member Maroko suggested changing the order of items in the next agenda to allow equal discussion time for each item.

It was noted that the order of the agenda can be changed during the beginning of meetings.

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

CONTACT: COMMITTEE MEMBER BOB PINZLER

City Attorney Webb noted the Blue Folder Item for this item was pulled; reported that Consulting Counsel Colantuono has been online since 7:00 p.m. to discuss any changes the Committee may have questions about; added that he has additional information about the Long Beach model and confirmed that Long Beach City Prosecutor Doug Haubert will attend the next Committee meeting in person, on September 28, 2023 and suggested that, since the item was changed, it be continued to next month.

Consulting Counsel Colantuono, via Zoom, referenced Charter language changes the Committee asked for at prior meetings; noted he has no objection to the draft being made publicly available, that it is an understanding of what the Committee discussed at its last meeting and felt no need to treat it as something other than a public record.

City Attorney Webb stated Consulting Counsel Colantuono has prepared the draft language and noted he was requested to provide a legal opinion, which is outside the scope of which he was hired.

Member Dawidziak stated he objects to the Chair obtaining information that he is expected to discuss and that he has not seen.

City Attorney Webb suggested dismissing Consulting Counsel Colantuono and having him return when the Committee is ready to discuss the matter.

Chair Strutzenberg apologized for the misunderstanding.

Member Dawidziak asked that those on Zoom be identified so that the Committee is aware of who is on.

Discussion followed regarding the scope of the contract with Consulting Counsel Colantuono.

Consulting Counsel Colantuono left the meeting.

Member Maroko stated it would be nice to know that Consulting Counsel Colantuono is on so that the agenda can be rearranged appropriately.

City Attorney Webb referenced a PowerPoint presentation on how changes will impact and change the City Prosecutor and City Attorney's office.

Chair Strutzenberg felt that was a policy decision and noted that policy is not under the domain of the City Attorney.

City Attorney Webb stated that Member Pinzler indicated there is no evidence that the Long Beach model would be any better.

Members of the Committee expressed their interest in hearing City Attorney Webb's presentation.

Chair Strutzenberg clarified that he will be speaking on matters of policy, not matters of law.

City Attorney Webb spoke about the City of Long Beach having a Prosecution Law Division and a Municipal Law Division; suggested the job has become demanding and may be worth exploring and proceeded with narrating a PowerPoint presentation on how changes to the Charter will impact the Redondo Beach City Attorney's office.

City Attorney Webb discussed the Los Angeles County City Prosecutor jurisdictions, spoke about voters wanting more local control in their cities; addressed misdemeanor caseload; felt that residents are not looking for "average", but they are looking for "better"; stated the Committee needs to consider the level of service residents want and suggested not rejecting it simply because of size. He continued with the PowerPoint presentation addressing community based projects and enhanced response to homelessness; reported that the Long Beach model may make more sense because of prosecution new challenges including Propositions 47 and 64 and the State reclassifying certain felonies to misdemeanors, bodycam review as well as others and noted that in the future, it will be a very demanding job to get the same level of public safety as before.

City Attorney Webb addressed civil new challenges and reasons it may not cost more than hiring Outside Counsel.

Member Kilroy asked about the possibility of hiring two Deputy Attorneys to work under an elected City Attorney; one with prosecutorial responsibilities and the other responsible for civil cases.

City Attorney Webb spoke about the benefits of the more senior person setting policy for focusing on whatever aspect of the job; stated there will be more people running for it; commented on the need for checks and balances and noted he has not tailored his opinion to any personal outcome he would want to see and that his job is to protect residents and taxpayers.

Member Woodham requested information regarding the cost of the various models; stated he understands the arguments for and against having elected versus appointed City officials but noted the importance of knowing the costs for the various models.

City Attorney Webb talked about the high costs of hiring outside counsel; spoke about savings from litigation matters done inhouse; noted his hourly rate is less than outside counsel and offered to show a sample model with associated costs.

Member Maroko requested copies of the PowerPoint presentation.

Discussion followed regarding including PERS and longevity in the City Attorney stated and City Attorney Webb confirmed it is fully loaded and commented on the processes and legal costs in Hermosa Beach and Manhattan Beach.

Discussion followed regarding differences in demographics between Long Beach and Redondo Beach and the timing for the item being put to the ballot.

Chair Strutzenberg spoke about a request for election information and City Attorney Webb reported he informed Chair Strutzenberg that it is not part of the discussion as City Council removed it and Chair Strutzenberg felt the information is incomplete as the report does not mention primary elections.

City Attorney Webb stated he would be happy to speak with Chair Strutzenberg during School Board elections, about that.

There were no public comments on this item.

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

I.3. 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 Maroko thanked City Clerk Manzano for the 1965 ballot proposals; mentioned a robust discussion at the Council as to why they needed to add the accounting requirements and stated he is still in favor of keeping it in the Charter.

Discussion followed regarding making additional changes to the Charter.

Member Dawidziak spoke in favor of adding stringency especially relative to education requirements.

City Clerk Manzano noted that Blue Folder Items from the meeting of 6/22/23 includes her recommendations for changes to the Charter.

Discussion followed regarding taking action on the matter versus continuing it to the next meeting, changes made through the CRAC's review, getting a clean copy of the Charter and a red line version, differences between the 6/22/23 version of recommendations and the 7/27/23 version, the possibility of requiring more experience rather than stricter education requirements, ensuring the information is verifiable and requirements for becoming a Certified Municipal Clerk.

There were no public comments on this item.

Member Maroko volunteered to work on a reconciliation and have Member Pinzler review it prior to returning with a report to the CRAC.

Member Dawidziak asked that the report be provided in the agenda packet for that meeting.

Motion by Member Maroko, seconded by Member Dawidziak to keep the education requirements and continue the item to the next CRAC meeting to allow Member Maroko to reconcile the recommendations, consult with Member Pinzler and return with a report. 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 reported there has been no further action on this matter by the School Board.

Discussion followed regarding the City Attorney meeting with the School Board Attorney.

City Attorney Webb reported that several dates have been set but canceled and reported they have proposed dates in September, and he will need to check his calendar to confirm them.

Chair Strutzenberg invited public comments.

Steve Chessin, via Zoom, suggested making a formal request to the School Board to determine if they would like to be removed from the Charter and that the Committee take no action on this matter until the City Attorney and School Board Attorney meet to provide the Committee with input and offered recommendations relative to term limits.

There were no other public comments on this item.

Motion by Member Kilroy, seconded by Member Dawidziak to continue this item to the September meeting of the CRAC to allow for the City Attorney and School Board Attorney to meet. 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: CITY CLERK ELEANOR MANZANO

City Clerk Manzano spoke about increasing costs to publish notices in newspapers; reported the Committee asked her to reach out to surrounding cities; referenced a survey and found that the majority of cities surveyed post notices in local newspapers, on city websites and around City Hall. She added that the City of Arcadia changed their Charter to no longer require notices to be published in the newspaper.

City Attorney Webb indicated he will need to research whether that is legal.

Member Kilroy talked about whether there is a minimum circulation requirement.

Member Dawidziak suggested that publication on the City's website might be sufficient.

Discussion followed regarding giving the most notice for the most important things the City does, benefits of having a third party publish the notice, expanding notice to as many people as possible, the need to define "publish" in the context of 2023.

There were no public comments on this item.

Motion by Member Dawidziak, seconded by Member Kilroy to direct the City Attorney to research the limitations relative to publishing public notices and return to the Committee with a report in October. The motion carried, unanimously.

J. ITEMS FOR DISCUSSION PRIOR TO ACTION

J.1. FUTURE AGENDA TOPICS

Member Maroko stated he would like to revisit Article 15.

Member Kilroy reported that yesterday was the 10th Anniversary of the passing of John Parsons and commented on his love of and support of Redondo Beach and asked to adjourn in his memory.

Chair Strutzenberg requested adding the following documents for the September meeting under City Treasurer:

- July 1, 2014 City Council meeting minutes, agenda and Attachments for Item No. N.4., including any Blue Folder Items
- July 15, 2014 City Council meeting minutes, agenda and Attachments for Item No. N.1.
- Regarding Measure CT, the ballot language for the election of November 4, 2014, the impartial analysis and arguments in favor and against as well as the actual Charter language change

K. MEMBER ITEMS AND REFERRALS TO STAFF - None

L. ADJOURNMENT: 11:46 p.m.

There being no further business to come before the Charter Review Advisory Committee, motion by Member Maroko, seconded by Member Kilroy, to adjourn the meeting at 11:46 p.m., in memory of John Parsons, to a Regular meeting to be held at 7:00 p.m. on September 28, 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