



7:00 PM – ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

A Regular Meeting of the Charter Review Advisory Committee was called to order by Vice Chair Narain 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

Members Absent: Chair Strutzenberg

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

C. SALUTE TO THE FLAG

Member Pinzler led in the Salute to the Flag.

D. APPROVE ORDER OF AGENDA

Member Pinzler asked for an explanation regarding the lack of items under Items Continued from Previous Agendas and noted there were items continued from the previous agenda that had history behind them.

City Clerk Manzano reported this agenda was based on direction from City Council at its last meeting and noted the need to defer to the City Attorney.

City Attorney Webb stated he asked the City Clerk for the draft minutes from City Council's last meeting; reported that City Council's motion did not include those items; talked about the definition of "residence" and "publish"; stated City Council made it clear they would like a written report; announced the Commission has until May 2024 to return with a report to City Council; noted there are five more meetings of the CRAC left; addressed the School Board and selection of a new CRAC Chair and confirmed it is up to the CRAC to decide whether to place election of a new Chair on a future agenda.

In reply to Member Dawidziak's question, City Attorney Webb, the items continued to the next CRAC agenda were not included in the motion of what City Council wanted the Committee to work on.

Member Dawidziak opined City Council's motion had nothing to do with what was continued from the last CRAC meeting.

City Attorney Webb indicated the Committee can give direction to place those items back on the next agenda.

Member Maroko noted the backup material under the various positions should have been attached to the report.

City Attorney Webb stated the Committee can access the backup material by looking at reports from prior months; spoke about removing the, “at will” under the Deputy City Clerk and encouraged the CRAC to change the pace of the Committee to be able to address the specific items Council requested.

Discussion followed regarding making the backup material available and the possibility of referencing or providing lines to items and their corresponding backup materials,

There were no public comments.

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

E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

E.1. RECEIVE AND FILE BLUE FOLDER ITEMS

City Clerk Manzano listed items included in Blue Folder Items.

Motion by Member Pinzler, seconded by Member Maroko, to receive and file Blue Folder Items. The motion carried, unanimously, with Chair Strutzenberg, absent.

F. CONSENT CALENDAR

F.1. APPROVE AFFIDAVIT OF POSTING FOR THE CHARTER REVIEW ADVISORY COMMITTEE ADJOURNED REGULAR MEETING OF NOVEMBER 30, 2023

CONTACT: CITY CLERK ELEANOR MANZANO

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**
- **AUGUST 24, 2023 REGULAR MEETING**
- **SEPTEMBER 28, 2023 REGULAR MEETING**

CONTACT: CITY CLERK ELEANOR MANZANO

Member Maroko pulled the minutes of June 22, 2023 and September 28, 2023 from the Consent Calendar for separate discussion.

City Clerk Manzano announced that Chair Strutzenberg submitted changes to the August 24, 2023 and staff will review them and incorporate them as appropriate.

Discussion followed regarding continuing the August 24, 2023 meeting minutes until the Committee can review the changes submitted by Chair Strutzenberg.

Vice Chair Narain called for public comments.

Rolf Strutzenberg, via Zoom, discussed the changes he proposed for the minutes of August 24, 2023 and June 22, 2023

City Clerk Manzano reported that staff will review the August 24, 2023 and June 22, 2023 minutes and incorporate the appropriate changes for the Committee to review at its next meeting.

Motion by Member Pinzler, seconded by Member Maroko to continue the minutes of August 24, 2023 to the next CRAC meeting. The motion carried, unanimously, with Chair Strutzenberg, absent.

Motion by Member Maroko, seconded by Member Woodham to approve Item No. F.1. and the CRAC minutes of May 25, 2023 and July 27, 2023, as presented. The motion carried, unanimously, with Chair Strutzenberg, absent.

Motion by Vice Chair Narain, seconded by Member Maroko to continue the minutes of June 22, 2023 to the next CRAC meeting. The motion carried, unanimously, with Chair Strutzenberg, absent.

G. EXCLUDED CONSENT CALENDAR ITEMS

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

· SEPTEMBER 28, 2023 REGULAR MEETING

In reply to Member Maroko's question, City Clerk Manzano talked about the minute format and item is moved, out of order, on the agenda. She added that she will verify if the format was followed and make changes, as needed.

There were no public comments on this item.

Motion by Vice Chair Narain, seconded by Member Maroko to approve the minutes of September 28, 2023, as presented. The motion carried, unanimously, with Chair Strutzenberg, absent.

H. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

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

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

I. ITEMS CONTINUED FROM PREVIOUS AGENDA

J. ITEMS FOR DISCUSSION PRIOR TO ACTION

J.1. DISCUSSION AND POSSIBLE ACTION PER CITY COUNCIL'S DIRECTION REGARDING A CHARTER AMENDMENT ON THE CITY CLERK POSITION, FOR PLACEMENT ON THE MARCH 2025 BALLOT

Member Maroko asked for clarity relative to City Council direction.

City Attorney Webb spoke about City Council being frustrated regarding the lack of a report, CRAC Members expressing their different "takes" and the fact that it did not address what City Council had requested and cautioned the Committee about not finishing the five tasks they set in time.

City Clerk Manzano noted inclusion of the attachments presented to City Council; spoke about changes in the status to the position of the Deputy City Clerk from a Civil Servant to an At-will employee; reported that in speaking to the City Manager, he recommended to add that the City Clerk is part of the exit interview when

audits are completed, as well as part of Moss Adams in terms of providing a check and balance of expenditures. She added those changes will be ready for the Committee' review at its next meeting, prior to presenting it to City Council and will be in the materials for the item, 72 hours prior to the meeting.

Member Maroko understood that City Council would choose the election cycle in which to place the items.

City Clerk Manzano reported City Council decided to place the items on the March 2025 election.

Member Dawidziak questioned whether it would be wise to have Deputy City Clerk that is not at-will.

Member Pinzler stated that whether it is at-will or elected would change the date of when to hold the election.

Member Maroko added that City Council wants it on the March 2025 election, they can strike that provision as well.

Member Dawidziak spoke about having an Assistant City Clerk.

City Attorney Webb spoke about a change in the status of a position.

There were no public comments on this item.

Motion by Member Pinzler, seconded by Member Maroko to continue this item to the next meeting of the CRAC. The motion carried, unanimously, with Chair Strutzenberg, absent.

J.2. DISCUSSION AND POSSIBLE ACTION PER CITY COUNCIL'S DIRECTION REGARDING A CHARTER AMENDMENT ON THE CITY TREASURER POSITION, FOR PLACEMENT ON THE MARCH 2025 BALLOT

City Treasurer Solomon explained the inclusion of the 1981 and 1982 budgets.

City Attorney Webb stated he had taken issue with violations of the Charter; spoke about City Treasurer's ability to do his/her job when the position is full time or part time and discussed changing the Charter duties or changing the Department operations.

City Treasurer Solomon explained the inclusion of the 2005 and 2006 budgets which included adding context for the Committee and talked about moving several members of the Treasurer's Department to the Financial Services Department; referenced Decision Package 44 of the 2005/2006 budget and thanked the City Clerk for her help in getting the documents.

Member Dawidziak questioned why there was not summary.

City Treasurer Solomon added there was a question as to whether or not moving members of the Treasurer's Department to Finance Services was legally required; stated the City Attorney reported it was not and noted he wanted to add context to the information for the City Attorney.

City Attorney Webb indicated that he wanted to provide the items researched by the Finance Director; reported the two items involved moving financial duties from the City Clerk's office and moving three positions from the City Treasurer's office. He found there is no requirement under GASB or other accounting standards.

Member Dawidziak alleged it was contrary to the Charter's intent.

City Attorney Webb spoke about there being a total of three positions in the Treasurer's office; reported the

City Treasurer was given an option at the time and commented on using care when claiming there has been a Charter violation.

Member Dawidziak added that the wording does not match with the practice.

Member Pinzler stated its very quaint to look back at 1980/1981 and noted that things have changed since then.

Member Dawidziak asserted the person who inhabits the office can judge the workload and determine whether the job can be done, as instructed and stated the people who decide the duties are those who vote on the words. He added that the people had an opportunity from 1982 to 1994 to change the Charter and did not.

City Attorney Webb explained the choices are to either change the resources or change the language and talked about purchasing limits as an example.

City Treasurer Solomon read from the City Council minutes of June 14, 2005 meeting relative to the Charter providing that the Treasurer supervises Assistants/Deputies and other employees assigned to him and that the court will interfere if the budget eliminates positions that prevent an elected official from carrying out legally mandated duties. City Treasurer Solomon spoke about Decision Package 44 aligning with the budget; addressed a new staffing level and noted a position of Senior Auditor was eliminated as part of a budget realignment in 2009 and 2010, which brought the staffing down to the current staffing level of two people.

Additionally, he addressed the 2013/2014 budget noting it speaks to the then City Treasurer and “rightsizing” the Department to reaffirm, reform and resize, deemphasizing the tactical function; reported that led to Measure CT and stated that it did not address roles and responsibilities.

In response to Member Pinzler’s question regarding whether the City had a Finance Director in 1994, City Clerk Manzano reported the Finance Department was under the City Clerk’s office.

City Treasurer Solomon stated it would make sense that, as the tactical functions of the City Treasurer’s office are being performed now by the Financial Services Department, it would be appropriate, in the current time, context and with the current staffing and the current layout, that it would remain that way, and then convincing the voters in such a way and having the Council prepare things in such a way that with your consultation as well, this is the right way to go. Should that fail, it does not seem that the Treasurer’s Department could carry out those functions absent those personnel, as those personnel are performing those functions.

In reply to Member Dawidziak’s question, City Treasure Solomon reiterated the need to reword the Charter in order for it to align with tactical functions. He added there have been suggestions to have the Municipal Code better define the roles and responsibilities there and have examples of how to have that described in an ordinance rather than making the Finance Director part of the Charter.

City Attorney Webb encouraged the Committee to discuss Items No. A through G, talk with City Treasurer Solomon and decide who will be responsible for what duties.

Member Pinzler spoke about setting responsibilities by ordinance and noted that at some point in the future, if something changes, it can be done by ordinance instead of a Charter change.

City Attorney Webb stated it does not necessarily have to be by ordinance, adding that it could be tasked to the City Manager and that would be a conversation to have with City Manager Witzansky. He reported that anything that is written in the Charter is going to be set in stone until the voters approve it.

Member Pinzler stated the advantage of having an ordinance is that there will be at least, two meetings to

discuss it.

City Attorney Webb asserted changes to the City Treasurer's position should not be made by anyone but the voters; stated at the other extreme, it would be left up to the City Manager and a middle ground would be to leave to direct that it be done by ordinance, which gives greater power to City Council. He added that whether that is appropriate or not in a Council/Manager form of government, would be up to the CRAC and that the Committee's task is to recommend the desired Charter amendments.

City Treasurer Solomon reported the A through F items, are going to incorporate, in conversation with the Finance Director and with the City Manager, similar to what has been done with the City Clerk's office, those duties and allowing for a review or audit or some other variation of that language of those duties rather than performing those duties and consideration of what has been done, historically. He discussed having an internal auditor within the Treasurer's Department and talked about maintaining the oversight and assigning those duties through a Charter change, ordinance, or some other means, specifically.

Member Maroko wondered whether City staff follows ordinances and suggested an ordinance would offer guidelines but would be subject to the whims of staff.

City Treasurer Solomon noted the Treasurer's Department would have the ability to go in and perform that audit to be certain that those functions are being performed according to the requirements. He added that in his review, that would be the most logical fix.

Member Dawidziak felt discussions should focus on the Charter and not personalities and focus on what to put before the voters for the duties of the City Treasurer and stated the City Treasurer would be tasked to follow them.

City Treasurer Solomon listed the items he will bring back for the CRAC to consider, in consultation with the City Manager and the City Attorney.

Member Maroko suggested the City Treasurer provide recommendations as to whether changes should be made via an ordinance versus directly into the Charter.

There were no public comments on this item.

Motion by Member Maroko, seconded by Member Pinzler to continue this item to the next meeting of the CRAC. The motion carried, unanimously, with Chair Strutzenberg, absent.

J.3. DISCUSSION AND POSSIBLE ACTION PER CITY COUNCIL'S DIRECTION REGARDING A CHARTER AMENDMENT ON WHETHER THE CITY ATTORNEY POSITION SHOULD BE SPLIT INTO CITY PROSECUTOR AND CIVIL ATTORNEY, FOR PLACEMENT ON THE MARCH 2025 BALLOT

City Attorney Webb reported that City Council rejected placing this item on the March 2024 ballot and listed possible actions for the Committee to take.

Member Pinzler felt that the Committee spent a reasonable amount of time discussing this matter and came to the conclusion that it was not right for Redondo Beach and that the Committee should present it as a written report as to why it is not right.

Member Maroko stated that what he got from the Council discussion was twofold: One was to split the positions into City Prosecutor and City Attorney and the other that they would accept having both positions as elected versus appointed.

City Attorney Webb reported that City Council specifically directed this to be on the March 2025 election and “elected” cannot not removed them. He added that does not mean it cannot be removed in the future; commented on Council deciding the City Prosecutor should always be elected but the City Attorney could be elected or appointed and indicated this is only concerning the splitting of the position. He offered to work on appropriate language; stated he would not look at the budgets but rather existing language and the language for the Long Beach model and noted he would need to research duties that can and cannot be assigned and return to the CRAC in time to have a robust discussion.

Member Pinzler believed the report should include the reason why the Committee did not want to recommend splitting the City Attorney position.

Discussion followed regarding financial considerations in connection with splitting the position.

Member Dawidziak questioned how this would translate into a budget issue and spoke about needing to have an idea if there would be additional costs.

Member Pinzler talked about having the flexibility to move people from one Department to another if needed and felt that with two elected positions that would not be possible.

City Attorney Webb reported that when he gave the presentation, he showed factors that would cost money and factors that would save money; spoke about not having an attorney to review public records requests; noted the number of public records requests have dramatically increased and discussed the need to outsource to outside counsel at high rates and avoiding lawsuits.

Member Woodham discussed elevating an Assistant City Attorney to a City Prosecutor.

City Attorney Webb spoke about unknown costs and addressed clerical positions and providing an impartial analysis; reported the Legal Department is one of the few that is rented to other cities and discussed services to Hermosa Beach.

Member Pinzler talked about the possibility of turning the Department into a profit center.

City Attorney Webb continued noting that even if there is a change in November of next year that still does not undo all of the bills, all the changes in law that were put in place and spoke about Proposition 47 including new categories of crimes that were felonies that are now misdemeanors.

Member Pinzler stated the history with Long Beach is that the Prosecutor and the City Attorney do not always agree and there have been conflicts between the two.

City Attorney Webb claimed that the City Prosecutor makes a lot less than the City Attorney and noted the reason for that is in part, historical; believed it is better to set them, evenly; discussed changes through time and felt that, to be effective, the prosecution side is going to be needing to constantly do it, whether it's Gang Injunction or Bull Market. He added that on the civil side, he cannot remember a time when the City was constantly being forced to sue the State over them trying to take control from cities; spoke about minimizing the need for outside counsel and asserted that the more an in-house attorney can do, the less it will cost the City.

City Attorney Webb spoke about having a choice of being a City Attorney or City Prosecutor; reported this will be on the ballot when his successor is being chosen and commented on possible effective dates.

Discussion followed regarding examples of the City Attorney and City Prosecutor having differences of opinions.

City Attorney Webb reported the only area where he would have some concerns would be in the Fair Political Practices Act and spoke about City Council having relationships with counsel.

Member Pinzler noted in the Long Beach case, the City Prosecutor has a relationship with the Council.

City Attorney Webb stated they would have to, especially at budget time.

Member Pinzler stated that were City Attorney Webb be an elected Prosecutor, he would have a line to Council that is different than he had as an employee of an elected City Attorney.

City Attorney Webb responded that the line is different because in criminal cases, the Prosecutor does not represent the City of Redondo Beach other than being elected and trying to solve public problems involving public safety and by nature, it is a different relationship.

Member Pinzler spoke about generating a written report; suggested Members the of the Committee could work on this for the next meeting to review the majority opinion.

Brief discussion followed regarding the availability of the September CRAC minutes.

City Attorney Webb mentioned a summary of why the Committee did not recommend splitting the position of City Attorney and confirmed the Committee does not need anything from him at this item.

Member Pinzler offered to generate a draft report for the Committee to consider at the next meeting.

There were no public comments on this item.

Motion by Member Pinzler, seconded by Member Maroko to continue this item to the next meeting of the CRAC with the goal of having a draft report to City Council for the CRAC to discuss. The motion carried, unanimously, with Chair Strutzenberg, absent.

J.4. DISCUSSION AND POSSIBLE ACTION PER CITY COUNCIL'S DIRECTION REGARDING A CHARTER AMENDMENT ON THE RBUSD SCHOOL BOARD, FOR PLACEMENT ON THE MARCH 2025 BALLOT

City Attorney Webb suggested continuing this item to the next meeting after determining the outcome of J.5.

There were no public comments on this item.

Motion by Vice Chair Narain, seconded by Member Maroko to continue this item to the next meeting of the CRAC. The motion carried, unanimously, with Chair Strutzenberg, absent.

Amended Motion by Member Kilroy, seconded by Member Maroko to continue Item No. J.4. to the February 2024 CRAC meeting. The motion carried, unanimously, with Chair Strutzenberg, absent.

J.5. DISCUSSION AND POSSIBLE ACTION PER CITY COUNCIL'S DIRECTION REGARDING A CHARTER AMENDMENT ON CITY COUNCIL TERM LIMITS, FOR PLACEMENT ON THE MARCH 2025 BALLOT

Member Kilroy questioned the origin of this direction.

Member Maroko spoke about City Council's discussion of the Manhattan Beach model.

Member Kilroy noted that personally, he is philosophically against term limits in the respect that as a voter, it takes away his choice as to who he wants to represent him and used the Transit Center as an example.

City Attorney Webb mentioned problems when Council switches direction or when institutional knowledge is lost and noted that often, the same ideas resurface.

Member Kilroy added it ends in shifting power to staff and thought three terms provides a reasonable alternative.

Member Pinzler stated he would be interested in finding out City Council's response if it was made only perspective: that it cannot be enjoyed by current Council but only future Council Members.

Discussion followed regarding the Democratic process and it being the best system, today, the pros and cons of term limits, recommending to place the item on the ballot and let the voters decide, the possibility of capping term limits for other elected positions in the City for increased consistency, whether placing this item on the ballot is a proper use of limited resources and advising the School Board of the recommendations with an inquiry as to whether they would like to join.

Member Dawidziak opined the people of Redondo Beach would be suspicious with trying to set term limits.

Member Maroko suggested developing a list of pros and cons.

City Manager Webb spoke about having an instant runoff and noted it will probably not serve the incumbents well.

Members of the Committee agreed with the need to generate a response to City Council.

Member Pinzler said that if there is a minority, it should be included in the report.

There were no public comments on this item.

Motion by Member Kilroy, seconded by Member Maroko to continue this item to the next meeting of the CRAC. The motion carried, unanimously, with Chair Strutzenberg, absent.

Motion by Member Kilroy, seconded by Maroko to reopen Item No. J.4. The motion carried, unanimously, with Chair Strutzenberg, absent.

K. MEMBER ITEMS AND REFERRALS TO STAFF

Motion by Member Pinzler, seconded by Member Kilroy to direct staff to add the history of each item as a backup, to the next agenda and including discussions regarding "publish" and "residency".

Member Maroko suggested addressing "publish" at a later date.

Discussion followed regarding the status of the General Plan.

Amended motion by Member Maroko, seconded by Member to direct staff to add the history of each item as a backup, to the next agenda and schedule discussions regarding "publish" and "residency" to the February 2024 agenda. The motion carried, unanimously, with Chair Strutzenberg, absent.

L. ADJOURNMENT:

There being no further business to come before the Charter Review Advisory Committee, motion by Member Kilroy, seconded by Member Dawidziak, to adjourn the meeting at 9:34 p.m., to a Special meeting to be held at 7:00 p.m. on January 25, 2024, in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California. The motion carried with Member Maroko, absent.

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

Respectfully submitted,

DocuSigned by:

Eleanor Manzano

72E2AC716C214CE

Eleanor Manzano, City Clerk