

## **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 JULY 28, 2022**

- I.4 DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE XIX, GENERAL PROVISIONS, FOCUSING ON THE FOLLOWING SECTIONS:
  - 1. SECTION 19, PUBLIC WORKS, CONTRACTS ON BID LIMITS
  - 2. SECTION 19.1, COMPETITIVE BIDDING WHEN NOT REQUIRED ON MAINTENANCE-REPAIR AND MATERIALS UNDER \$5K
  - 3. SECTION 19.7, CONTRACTS, PROGRESS PAYMENTS ON RETENTION PERCENTAGE
  - 4. SECTION 19.9, MUNICIPAL PURCHASES

**CONTACT:** MIKE WITZANSKY, CITY MANAGER

**SAMPLE BALLOT PAMPHLET PROVIDED BY CITY CLERK**

**OFFICIAL BALLOT – CITY OF REDONDO BEACH  
GENERAL MUNICIPAL ELECTION  
MARCH 8, 1983**

**MEASURES SUBMITTED TO VOTE OF VOTERS**

<b>PROPOSITION A:</b> City of Redondo Beach Charter Amendment: Shall Section 9.1, Article IX, of the Charter of the City of Redondo Beach be amended to permit the Mayor and City Council to request information from and refer citizen complaints directly to City department heads and employees?	YES	61 →	<input type="radio"/>
	NO	62 →	<input type="radio"/>
<b>PROPOSITION B:</b> City of Redondo Beach Charter Amendment: Shall Sections 9.2, 9.3, 9.4, and 9.5, Article IX, of the Charter of the City of Redondo Beach be amended to make public meeting and notice requirements consistent with the State open meeting law, the Brown Act?	YES	67 →	<input type="radio"/>
	NO	68 →	<input type="radio"/>
<b>PROPOSITION C:</b> City of Redondo Beach Charter Amendment: Shall Section 14.1, Article XIV, be amended, and Section 14.2, Article XIV, deleted to permit the City Council to consolidate and eliminate City departments and appointive positions?	YES	73 →	<input type="radio"/>
	NO	74 →	<input type="radio"/>

**BALLOT ENDS THIS PAGE**

**BALOTA OFICIAL – CIUDAD DE REDONDO BEACH  
ELECCION MUNICIPAL GENERAL  
8 DE MARZO DE 1983**

**MEDIDAS SOMETIDAS AL VOTO DE LOS VOTANTES**

<b>PROPOSICION A:</b> Enmienda a la Carta Constitucional de Redondo Beach: ¿Será enmendada la Sección 1.1, el Artículo IX, de la Carta Constitucional de la Ciudad de Redondo Beach para permitir que el Alcalde y el Concejo Municipal pidan información y refieran quejas de los ciudadanos directamente a los jefes de departamentos y empleados municipales?	← 61	SI
	← 62	NO
<b>PROPOSICION B:</b> Enmienda a la Carta Constitucional de Redondo Beach: ¿Serán enmendadas las Secciones 9.2, 9.3, 9.4, y 9.5, el Artículo IX, de la Carta Constitucional de la Ciudad de Redondo Beach para que los requisitos de reuniones públicas y el aviso sean consistentes con la ley Estatal de reuniones abiertas, el Decreto Brown?	← 67	SI
	← 68	NO
<b>PROPOSICION C:</b> Enmienda a la Carta Constitucional de Redondo Beach: ¿Será enmendada la Sección 14.1, el Artículo XIV, y será borrada la Sección 14.2, el Artículo XIV, para permitirle al Concejo Municipal que pueda consolidar y eliminar departamentos municipales y posiciones nombradas?	← 73	SI
	← 74	NO

**BALOTA TERMINA ESTA PAGINA**

## PROPOSED CHARTER AMENDMENT A

(New provisions or language added to the existing charter section are shown in **BLACKFACE type**; words and figures deleted from the existing charter section are shown in ~~Strikeout type~~.)

That Section 9.1, Article IX, of the Charter of the City of Redondo Beach be amended to read as follows:

"Sec. 9.1. Departmental interference.

"Neither the City Council, nor any of its members, nor the Mayor of the City shall order or request, directly or indirectly, the appointment of any person to any office or employment, or his removal therefrom by the City Manager, or by any of the elective officers or other department heads in the administrative service of the City. The City Council and the Mayor shall conduct all business with the administrative branch of the municipal government solely through the City Manager. Neither the City Council, nor any members thereof, nor the Mayor shall give orders to any subordinates of the City Manager, either publicly or privately; **provided that the foregoing shall not prevent the City Council, and the members thereof, or the Mayor from:**

"a) **Contacting officers and employees of the City for the purpose of inquiry or obtaining information, or**

"b) **Contacting officers and employees for the purpose of advising said officers and employees of citizen complaints relating to the operation of City government."**

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF PROPOSITION A

Redondo Beach Charter Article IX, Section 9.1 provides that the Mayor and City Council must conduct all business solely through the City Manager. The Charter amendment would permit the Mayor and City Council to contact officers and employees of the City to ask questions, obtain information, or to register citizens' complaints relating to the operation of City government without being in violation of the Charter.

GORDON PHILLIPS  
City Attorney

### **ARGUMENT IN FAVOR OF PROPOSITION A**

Your "YES" vote for Proposition "A" will improve communication, efficiency and responsiveness at City Hall.

Redondo Beach has a Council-Manager form of government. Currently, the Charter requires the Mayor and City Council to conduct all business with the administrative branch of City government solely through the City Manager. Under strict interpretation, even the most routine information requests and complaints must be referred to the City Manager. The City Manager, in turn, refers the matter to an appropriate department or employee for response.

This is an impractical and inefficient way to handle routine business transactions. It discourages and inhibits communication between elected officials and department heads, and unnecessarily involves the City Manager in routine matters.

"Proposition "A" will permit the Mayor and City Council to communicate directly with department heads and City employees to obtain information or refer citizen complaints. It's a common approach to getting the job done and servicing you better.

Vote "YES" on Proposition "A."

BECKY SARGENT  
Chairman and Members of the  
Charter Review Committee

BARBARA J. DOERR  
Mayor and Members of the  
City Council

### **ARGUMENT AGAINST PROPOSITION A**

As per section 12.3 of the Redondo Beach Official Charter, Powers and Duties; "The City Manager shall be the Chief Administrative Officer and the head of the administrative branch of the city government. He shall be responsible directly to the City Council for the proper administration of all affairs of the city, and he shall have power and be required to supervise and direct the activities of all department heads and employees of all the city." This proposition should not be passed for it would disturb the chain-of-command of this organization and intermingle functions, resulting in a very unsystematic way of operating this city. If such lack of organization is permitted to take place it will cost the city time and money and therefore the taxpayer of this city. Vote No on Proposition "A".

CHESTER J. POWELSON  
Business License Inspector

## PROPOSED CHARTER AMENDMENT B

(New provisions or language added to the existing charter section are shown in **BLACKFACE type**; words and figures deleted from the existing charter section are shown in ~~Strikeout type~~.)

That Sections 9.2, 9.3, 9.4, and 9.5, Article IX, of the Charter of the City of Redondo Beach be amended to read as follows:

### "Sec. 9.2. Regular meetings.

"The City Council shall hold regular weekly meetings at such times ~~and places as the City Council may from time to time determine as it shall fix~~ by ordinances or **resolution** and may adjourn or readjourn any regular meeting to a date and time certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes."

### Sec. 9.3. Special meetings.; **emergency meetings.**

~~"Special meetings or emergency meetings may be called at any time by the Mayor, or by three (3) members of the City Council, by written notice, caused to be served by the City Clerk and delivered personally to each member at least four (4) hours before the time specified for the proposed meeting. A special meeting will also be valid without the giving of such written notice if all members of the City Council and the Mayor give their consent in writing to the holding of such meeting and consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted on as are referred to in such written consent or notice, and notice given, as provided in Title 5, Division 2, Part 1, Chapter 9, of the Government Code as it now exists or may hereinafter be amended."~~

### "Sec. 9.4. Place of meetings.

"All meetings shall be ~~held~~ **convened** in the Council Chambers of the City Hall and , but may be thereafter adjourned when necessary or convenient to such other location as may be selected by the City Council. Except as provided by law, all meetings of the City Council shall be open to the public. ~~No citizen shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, provided however, that the City Council shall have the right and privilege to hold and conduct its meetings in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the office of the City Clerk in order that such communications may~~

~~be considered at the next regular meeting of the City Council. If by reason of any public emergency in the city it becomes unsafe or impractical to hold the City Council meetings in the City Hall, then and in that event, the City Council may hold its meetings at such place as is designated by the Mayor or by a majority of the City Council until such condition is alleviated."~~

### "Sec. 9.5. ~~Change of meeting place.~~ Citizen participation.

~~"If by reason of any public emergency in the City it becomes unsafe or impractical to hold the City Council meetings in the City Hall, then and in that event, the City Council may hold its meetings at such place as is designated by the Mayor or by a majority of the City Council until such condition is alleviated."~~

"No citizen shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, provided however, that the City Council shall have the right and privilege to hold and conduct its meetings in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right and privilege to establish a time at which all communications shall be on file in the office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council."

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF  
PROPOSITION B**

Article IX, Section 9.2, and Article IX, Section 9.4 both contain provisions relating to the place of meeting. Section 9.2 provides that the meetings shall be at such place as designated by ordinance, while Section 9.4 specifies that all meetings must be held in Council Chambers of City Hall. Therefore, Sections 9.2 and 9.4 have the possibility of an inherent inconsistency, in that the Council, under Section 9.2, could apparently adopt an ordinance to meet somewhere other than the Council Chambers of City Hall, while Section 9.4 requires the meetings to be held in the Council Chambers.

The proposed Charter amendment deletes the place of meeting provision in Section 9.2, and provides in the amended Section 9.4 that all meetings must be convened in the Council Chambers. However, once convened, the City Council may adjourn the meeting to any other location selected by the Council, if necessary and convenient to the conduct of City business.

Citizen participation in Council meetings is now set forth in current Charter section Article IX, Section 9.4. Proposed amendment Section 9.5 consists of the citizen participation provision now set forth in Section 9.4, giving a separate heading and section in the Charter. There is no change in proposed amendment Section 9.5 from that which presently exist in Section 9.4.

Present Article IX, Section 9.3 now specifies the manner in which special meetings are called.

This is in conflict with the Brown Act, (Title 5, Division 2, Part 1, Chapter 9 of the Government Code). Regardless of any amendment in the Charter, the City is obligated to follow the provisions of the Brown Act as it now exists or may hereafter be amended. The proposed amendment makes the Charter consistent with State law.

**GORDON PHILLIPS**  
City Attorney

**ARGUMENT IN FAVOR OF PROPOSITION B**

Your "YES" vote on Proposition "B" is needed to bring the public meeting provisions of the City Charter into compliance with the State's open meeting law, the Brown Act.

The Ralph M. Brown Act is the State law that insures that local government discussions and decisions take place at open, public meetings for which there has been adequate public notice. According to the City Attorney, the Brown Act pre-empts conflicting and inconsistent Charter provisions.

The City Council has conducted its meetings in accordance with the Brown Act since its adoption, but the conflicting sections of the City Charter have never been corrected.

The City's organic law, the City Charter, should fully embrace the language and spirit of open public meetings for the conduct of City government business.

Vote "YES" on Proposition "B."

**BECKY SARGENT**  
Chairman and Members of the  
Charter Review Committee

**BARBARA J. DOERR**  
Mayor and Members of the  
City Council

## ARGUMENT AGAINST PROPOSITION B

This proposition should not be passed because it would allow the Mayor and the City Council to hold their meetings outside the Council Chamber costing the city and its taxpayers high price. As a citation; The City Council meeting that was adjourned and readjourned at the Seabucket Restaurant in King Harbor on March 6, 1982, leaving the taxpayers with the bill which was totally unreasonable and incompatible with the Redondo Beach Charter Section 9.4, which states that "All meetings shall be held in the Council Chamber of the city hall and shall be open to the public, No citizen shall be denied the right personally or through counsel to present grievances or offer suggestions for the betterment of municipal affairs." I think the City Council Chamber is built for that purpose and we must keep it that way.

Vote No on Proposition "B".

CHESTER J. POWELSON  
Business License Inspector

## PROPOSED CHARTER AMENDMENT C

(New provisions or language added to the existing charter section are shown in **BLACKFACE type**; words and figures deleted from the existing charter section are shown in ~~Strikeout type~~.)

That Sec. 14.1, Article XIV, of the Charter of the City of Redondo Beach be amended to read as follows:

Sec. 14.1. ~~Additional appointive officers. Creation, consolidation, and abolition of City Departments and appointive officers.~~

~~"The City Council may provide by ordinance for the creation of additional departments and appointive officers and may abolish by ordinance such additional departments and/or appointive positions.~~

"The City Council may provide by ordinance for the creation, consolidation, alteration or abolition of departments, divisions and appointive officers, after consideration of the City Manager's recommendation(s) thereon."

That Sec. 14.2, Article XIV, of the Charter of the City of Redondo Beach be deleted.

Sec. 14.2. ~~Combination of positions.~~

~~"The City Council may by ordinance combine the positions of City Engineer, Street Superintendent and Building Official provided, however, that in the event such positions are combined, any person appointed to such a combined position shall have all of the qualifications required of the City Engineer.~~

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF  
PROPOSITION C**

Redondo Beach Charter Article XIV establishes various appointive officers of the City, namely a City Engineer, Street Superintendent, Building Officer, Chief of Police, Chief of Fire Department, and Director of Recreation. Any elimination or consolidation of these departments or positions must now be done by Charter amendment.

The proposed Charter amendment would permit the City Council to consolidate or eliminate these officers or positions by ordinance, after consideration of the City Manager's recommendation.

**GORDON PHILLIPS**  
City Attorney

**ARGUMENT IN FAVOR OF PROPOSITION C**

Your "YES" vote on Proposition "C" is necessary to permit City officials greater flexibility to streamline and combine City operations, and reduce costs.

Proposition 13 sent a message to local government officials to reevaluate their organizations, tighten budgets and live with limited revenues. Across the state, cities have creatively responded to that mandate through reorganization, consolidation of similar departments, reductions in management personnel and the provision of services through contracts with the private sector and government agencies.

The City of Redondo Beach should be permitted and encouraged to fully evaluate such alternatives. But there's a problem. The City Charter only permits the creation of new or additional departments. It does not permit the consolidation or elimination of traditional departments or appointive positions, even when service can be more effectively or economically provided by some alternative organization.

Proposition "C" will permit the City Council to combine and eliminate City departments and appointive positions, but only after consideration of the City Manager's recommendations.

The City Charter should not thwart the mandate of Proposition 13!

Vote "YES" on Proposition "C."

**BECKY SARGENT**  
Chairman and Members of the  
Charter Review Committee

**BARBARA J. DOERR**  
Mayor and Members of the  
City Council