

as it chooses. (Section 15) The proposed revision, which was drafted by Member Toomey, a lawyer, would restrict the required Commissions to the Planning Commission and those commissions required by law. It would reduce the number of Commissioners from seven to five, one appointed by the Mayor from each Council district, rather than at large as now permitted. The revision would also abolish all existing boards, whether advisory, administrative or quasi-judicial, but the Council could create new boards after a hearing. Such boards would have a two year lifespan unless renewed by the Council after a hearing for further successive two year periods. One of the five members of the board with an alternate would be appointed by each Council member from residents of the district, with the Mayor selecting one as chairman. Before a board was created or its term renewed, the Council must approve a restrictive mission statement and program of proposed work with an enabling budget allocation. The Committee further recommended the creation of a Public Works Commission, a Public Safety Commission, a Recreation, Cultural and Community Services Commission, a Finance Commission and a Harbor Commission. (Minutes of Committee meeting of August 26, 1995, pp. 2-10)

The Committee's rationale was that there were too many boards and commissions, that they were the result of political appointments and an unneeded expense for the City, using up valuable staff time without producing work commensurate with their cost. Also, because of their perpetual existence and failure to render regular reports, the Council had lost touch with what they were doing, and in some cases a commission had forgotten what it was created to do. It was also agreed that, except for the Planning Commission and those commissions necessary to the City, that boards and commissions should be created by ordinance and not by the Charter and that they should be subject to a sunset clause. Further, it was believed that the new method of appointment would preserve a

balance of representation from each of the Council districts. (Minutes of Committee meetings of July 23, 1994, pp. 2-7, September 24, 1994, pp. 4-7, October 22, 1994, pp. 1-3, January 28, 1995, pp. 1-7)

Although the City Council rejected the proposed revision as impracticable, it decided to obtain a better handle on the work done by the existing boards and commissions. It directed that each board and commission provide the Council by November 21, 1995 with a mission statement, a work program for the next twelve months, a budget, recommendations to accomplish program with less staff assistance and quarterly progress reports. (Minutes of Council meeting of September 26, 1995, p. 10)

IV.

MEASURES CONSIDERED BY COMMITTEE BUT NOT RECOMMENDED FOR THE BALLOT

The following proposed Charter changes were considered by the Committee, but were not recommended to the City Council for inclusion on the ballot for a vote of the People:

A. Appointment of City Attorney, City Clerk and City Treasurer

1. APPOINTMENT OF CITY ATTORNEY

The Committee considered at some length a possible change in the Charter to make the positions of City Attorney, City Clerk and City Treasurer appointive instead of elective as presently provided, but decided not to recommend such change.

Former City Attorney, Gordon Phillips and Councilman Pinzler had recommended that the City Attorney position be made appointive. (Phillips undated letter received May 25, 1994; Pinzler Memorandum dated February 21, 1994, p. 1) It was their belief that in such case the City Council could select the appointee from a large pool of very experienced and qualified applicants, which pool was unavailable to the electorate. They pointed out, further, that all California cities, except Redondo and 9 others, had an appointive City Attorney.

However, City Attorney Goddard, backed by Councilman Colin, argued that the City was best served having an elected City Attorney based on the City's satisfactory experience with this position and on an elected Attorney's obligation to serve the People as his first priority client, rather than being controlled by a majority of the City Council, as would be the case with an appointed Attorney. They believed that the risk of having an incompetent City Attorney elected could be eliminated by increasing the qualifications. After considerable public input and debate among the members, the Committee voted to keep the position of City Attorney elective. (Minutes of Committee meeting, May 18, 1994, pp. 4-8)

Nevertheless, the subject was not laid to rest by said action. At its meeting of May 27, 1995, the Committee debated this matter anew. On motion of Member Dreizler, the Committee then voted to make the City Attorney's office appointive. (Minutes of Committee meeting, May 27, 1995, p. 5-6) At its next meeting on June 24, 1995, however, the Committee reconsidered its action of May 27th last and, on motion of Member Cote, voted to rescind its decision to make the office appointive and to reaffirm its action of May 28, 1994 to retain the office as an elected position. (Draft minutes of Committee meeting, June 24, 1995, pp. 2-4)

2. APPOINTMENT OF CITY TREASURER

There had been some questioning of retaining the City Treasurer as an elective position considering the complexity of safely and effectively managing the large investment portfolio of the City and the presumed necessity of having an experienced financial manager with appropriate credentials occupying the position. The City Treasurer, in addition to investing the surplus funds of the City, is also the cashier of the City, handling its cash flows, and collects City taxes and license fees. (City Charter, sec. 11) The Charter, however, is silent concerning any qualifications, other than residence in the City, for a candidate for City Treasurer. (City Charter, sec. 10.3, 11.1) It was observed that if the Treasurer's position was made appointive, the appointing authority could require the occupant to have professional qualifications such as a college degree or advanced degree in finance, economics or related field and have specific experience in managing large investment portfolios and cash flows.

The Committee considered this subject at its meeting of June 18, 1994 at which then City Treasurer Alice DeLong spoke at length on the duties and structure of her office and argued vigorously for the wisdom of keeping the City Treasurer as an elective office. She stated that 40% of California cities have elected Treasurers, that there was no relationship between the investment success or failure of City Treasurer's statewide on the basis of their election or appointment, that the People are able to judge the qualifications of candidates for the office, and that the City Manager should not interfere with the performance of her duties. After a great deal of public input and debate by the members, it was decided to recommend that the position of City Treasurer remain elective. (Minutes of Committee meeting of June 18, 1994, pp. 6-18, specifically p. 14)

The Committee based its decision largely on the belief that the problem of lack of relevant qualifications could best be solved by amending the Charter to include such qualifications rather than by making the office appointive. After voting to retain the office as an elective position, the Committee directed the City Attorney to study the issue of the Treasurer's qualifications and report back to the Committee at a future meeting. (Minutes of Committee meeting of June 18, 1994, pp. 15-18)

(NOTE: Ernie O'Dell succeeded Alice DeLong as City Treasurer on March 16, 1995 as a result of the General Municipal Election held on March 7, 1995.)

3. APPOINTMENT OF CITY CLERK

The Committee also decided that the position of City Clerk should remain elective. City Clerk John Oliver informed the Committee that the position should remain elective as it provides a system of checks and balances together with an appointed City Manager, elected City Council and elected City Attorney and ensures a fair election process. He was also of the opinion that the electorate would not support changing the position from elected to appointed because they are happy with the system of checks and balances. (Minutes of Committee meeting of June 25, 1994, pp. 7-14)

The Committee was concerned that the City Clerk as financial officer of the City was not required to have a degree or advanced degree in accounting or finance and significant financial management experience which would have been required of an appointive City Clerk with financial duties, but was required to have only 15 units of accounting courses or matching experience. (Section 11, City Charter) However, the Committee recommended solving this problem by transferring the City Clerk's financial duties to the City Manager, thus leaving the incumbent to handle only the normal duties of a City Clerk such as record keeping, election officer and secretary to the

City Council, boards and commissions, and thereby obviating the need to make the Clerk's position appointive. (See Section II D of this report)

B. Qualifications of City Attorney, City Clerk and City Treasurer

The Committee decided not to recommend any changes in the qualifications for the positions of City Attorney, City Clerk and City Treasurer as presently delineated in the Charter, assuming that they remain elective positions and that the City Clerk retains his authority as financial officer of the City.

The Charter now provides that the City Attorney shall have been admitted to the California bar and have engaged in the active practice of law in California for at least five years before appointment or election. (Section 11.2) The City Clerk is required to have 15 units of certain accounting courses and five years experience in municipal accounting. (Section 11) There are no qualifications for City Treasurer. (Section 11.2)

When studying whether to make these three positions appointive rather than elective, the Committee came to a tentative conclusion that the benefits of having them appointed could be obtained by leaving them elective but increasing the qualifications for the positions. (Minutes of Committee meetings, May 28, 1994, pp. 4-10, June 18, 1994, pp. 6-18, June 25, 1994, pp. 7-14) However, after studying this issue independently in depth, the Committee reluctantly concluded that there was no overall advantage in changing the qualifications now established in the Charter.

It was noted that any change in those qualifications must not only be appropriate for the position but must also be objectively ascertainable to be enforceable by the courts. The Committee observed that, so far as it could determine, there were no nationally recognized qualifications for such

positions as elective offices. Further, a review of the charters of 40 other California cities failed to reveal any education or experience requirements where the positions of City Clerk or City Treasurer were elective and further showed that such cities had the same qualifications for an elected City Attorney as did Redondo Beach. (See Memorandum on this subject from Assistant City Attorney Remelmeyer, dated June 24, 1995) Chairman Serena who is a lawyer, also noted that the existing qualification for City Attorney is the same as that for appointment or election of a Judge of the Municipal Court in California. Considering such factors, the Committee believed that the question of the qualifications of a candidate for such an elective position could best be left to the determination of the voters. (Minutes of Committee meetings, May 27, 1995, pp. 2-8, June 18, 1994, pp. 6-18)

C. Roll-Back of Assessment Levels and Restrictions on Further Assessments

The Committee rejected a proposal to roll back existing City assessments to their 1979 level and require a 2/3ds vote of the People on any increases in assessments or any new assessments.

Sal Princiotta had suggested that the Committee consider a Charter amendment to roll back the levy on assessment districts to their 1979 level and to require a two-thirds vote of the people on (1) any increase of the amount of the assessment above such levels as well as (2) on the formation of any new assessment districts or enterprise zones. The reason given therefor was that assessment districts were being used by some cities as a way of increasing taxes beyond the limits permitted by Proposition 13. A letter on this subject from People's Advocate, Inc., founded by Paul Gann, was introduced in support of this suggestion. (Minutes of Committee meeting, May 28, 1994, p. 1; item 8e, agenda Committee meeting, April 22, 1995) After introduction of this proposal at its October 22, 1994 meeting, the Committee referred the matter to the Taxation and Budget Commission for

a recommendation to consider its impact on the City's budget and to the City Attorney's office on the power to create assessment districts. (Minutes of October 22, 1994 meeting, p. 4)

In his report, the City Attorney noted that the City presently had two operative assessment districts, one formed under the 1972 Landscaping and Street Lighting Act which was levied annually by the City Council to pay the costs of street lighting and landscape maintenance. The other assessment district was used to finance the cost of constructing street improvements on Manhattan Beach Boulevard in front of the TRW property, which would be wholly paid for by TRW and that as a matter of law the assessment therefor could not be rolled back to the 1979 level because it would violate the covenants in the bonds issued to finance the improvements. He also observed that the State law regarding assessment districts already contained a provision, the Majority Protest Act of 1931, by which a majority of the affected property owners could defeat a proposed assessment. (Memorandum from Stanley E. Remelmeyer dated October 22, 1994)

The Taxation and Budget Commission rendered its report to the Committee in which it disagreed with both aspects of the proposal. The Commission stated that implementation of the proposal would required a \$1,000,000 cutback in city service levels in addition to the significant reduction in general fund expenditures being contemplated by the City Council to accommodate the rehabilitation of the City's sewer system. The Committee further noted that the City had not abused the use of assessment districts in the past and the Ralph M. Brown Act required a public meeting and public hearing after extensive public notice by which the public would be fully apprised of any assessment proposals in the future. (Report of Budget and Taxation Commission dated January 24, 1995)