

MEMORANDUM

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM: CAROL W. LYNCH, CITY ATTORNEY, and
SHIRI KLIMA, ASSISTANT CITY ATTORNEY**

DATE: AUGUST 3, 2010

SUBJECT: ADOPTING THE CITY CHARTER

REVIEWED: CAROLYN LEHR, CITY MANAGER 

RECOMMENDATIONS

Review and approve the attached draft of the City Charter of the City of Rancho Palos Verdes to propose to the City's voters for adoption at an upcoming election.

BACKGROUND

The City Council stated as one of the City's tactical goals that Staff should provide information about the advantages and disadvantages of becoming a charter city to the City Council by the end of April 2010. Accordingly, a presentation was made to the Council on April 6, 2010. As a result of that meeting, the City Council decided to call a special meeting to occur on June 29, 2010, to hear a comprehensive presentation and discuss the issue of becoming a charter city. At that meeting, the City Attorney's Office gave a presentation to the Council, which was supplemented with a detailed staff report, regarding a variety of areas in which a charter city does or does not have different powers from a general law city, advantages and disadvantages to chartering, and the procedures for becoming a charter city.

Because the entire Council could not attend that special meeting, the Council opted to continue the matter until the next regular City Council meeting on July 6, 2010, so that all of the Members of the City Council would be present to make the determination of whether to proceed with the process of adopting a charter. At that meeting, the Council unanimously determined that the City should initiate the process of drafting a charter and appointed a Council Subcommittee of Mayor Wolowicz and Mayor Pro Tem Long to lead the process of having the charter adopted by the City's voters at a consolidated election that would be held on March 8, 2011.

On July 23, 2010, the Council Subcommittee met with staff and instructed the City Attorney to prepare a simple city charter, similar to the charter of the City of Buena

Park, for the Council's consideration and approval at this meeting. Due to the recent publicity regarding the City of Bell, the City Council Subcommittee requested that the restrictions on Council salaries and reimbursement of expenditures that apply to general law cities continue to be applicable in Rancho Palos Verdes by expressly including them in the City Charter.

DISCUSSION

The proposed City Charter of the City of Rancho Palos Verdes ("City Charter") declares the residents' intent to restore the historic principles of self-governance inherent in the doctrine of home rule by enacting and adopting a city charter, thereby becoming a California charter city. By doing so, the City avails itself of the full power and authority to legislate in municipal affairs, as provided in the California Constitution, and to legislate pursuant to any grant of law.

Additionally, as discussed above, the draft City Charter includes a provision that will continue to restrict City Councilmember compensation, including that of the Mayor, to the limitations in the Government Code regarding the salaries that are paid to council members of general law cities. Pursuant to the limitations set forth in state law for a City with approximately 40,000 residents, Rancho Palos Verdes City Council Members receive a monthly salary of \$400.00.

Secondly, the City Charter includes a provision that will continue to restrict City reimbursement of expenses incurred by City Council Members, including the Mayor, in the performance of their official duties on behalf of the City to the limitations specified in the Government Code for city council members in general law cities.

Compensation and reimbursement changes are not motivating factors for the City Council in proposing that the City become a charter city. Rather, the City Council is interested in providing the many economic benefits to the City that derive from being a charter city, such as not being required to pay prevailing wages in connection with City projects and the ability to protect, to the extent feasible, City revenues from being raided by the State.

Because of the situation in the City of Bell, the City Council wants to assure the public that the City Council does not wish to create a similar opportunity for malfeasance in the City of Rancho Palos Verdes. Thus, the draft charter provides that the restrictions on Council salaries and reimbursement of expenditures that apply to general law cities will continue to be applicable in Rancho Palos Verdes. Because these provisions would be included in the City Charter, any amendments to, or repeal of, these provisions would require a majority vote of the City's voters.

CONCLUSION

The City Attorney recommends that the City Council approve the proposed City Charter of the City of Rancho Palos Verdes, which is attached to this report, and move forward with public education and outreach efforts about chartering so that the charter can be presented at an upcoming election.

Attachment: Proposed City Charter of the City of Rancho Palos Verdes

City Charter of the City of Rancho Palos Verdes

PREAMBLE

We the people of the City of Rancho Palos Verdes declare our intent to restore to our community the historic principles of self governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of our local government will promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Rancho Palos Verdes.

Article I – Municipal Affairs: Generally

Section 100. Municipal Affairs. The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions relating to municipal affairs, without limitation, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California.

Article II – General Laws

Section 100. General Law Powers. In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Article III – Councilmember Compensation and Expenses

Section 100. Councilmember Compensation. All of the members of the City Council, including the Mayor, shall continue to receive as compensation for their services a monthly salary in an amount established in accordance with, and limited by, the provisions of law applicable to the salaries of City Council members in general law cities as set forth in Section 36516 of the Government Code of the State of California or any successor provision thereto.

Section 200. Councilmember Expenses. All of the members of the City Council, including the Mayor, shall continue to be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties as stated in, and limited by, the provisions of law applicable to the reimbursement for expenses of City Council members in general law cities as set forth in Sections 36514.5, 53232.2 and 53232.3 of the Government Code of the State of California or any successor provisions thereto.

Article IV – Interpretation

Section 100. Construction and Interpretation. The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 200. Severability. If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

The electors of the City of Rancho Palos Verdes, by a majority of the votes cast, adopted this Charter of the City of Rancho Palos Verdes at the general municipal election held _____. The results of such election were certified by the City Council of the City of Rancho Palos Verdes through adoption of its Resolution No. _____.