

COMMUNICATIONS
FROM CHARTER
COMMITTEE MEMBERS

Communications regarding Survey Questions was received by Brenda Green on Friday September 27, 2013 at 5:43 P.M.

Brenda:

Hi there. Here are the two suggestions I had for Ernesto's prevailing wage survey.

- 1) Can we please add a request for back up on the figures? Ernesto mentioned that many were treating this as a public records request, so I imagine this will come automatically. I want to be clear on how they accounted for the numbers.
- 2) The question I wanted to add was one that is more anecdotal then statistical. "Please describe any issues/successes you had in relation to prevailing wage."

Thanks to you both and have a great weekend.

Communications regarding Governance was received by Brenda Green on Tuesday October 01, 2013 at 10:04 P.M.

Hi Brenda:

Here are my ideas on governance. The city charter from which the edited idea was taken is in italics at the end of the section; they are all available online. These are all cities of a size similar to Costa Mesa. The attached map is a voting percent map of Costa Mesa.

The sentence below relates to Public Works contracts and relates to ideas expressed at the last meeting.

No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the City in excess of one thousand dollars without the affirmative vote of at least five members of the Council provided that, the Council may by ordinance authorize the City Manager to enter into contracts and incur obligations on behalf of the City not in excess of ten thousand dollars.

Form of Government

Council Manager form of government.

Elections

Stay as is – within the laws of the State. *All the charters*

Composition

Districts

The Councilmembers shall be elected at the general municipal election by districts. The Councilmembers shall be recalled by districts.

No later than December 31st of the third year following the year in which each decennial federal census is taken, commencing with the **2010** census, the Council shall by ordinance divide the City into seven Council districts. Any such redistricting shall become effective as of the next general election of Councilmembers immediately following the effective date of said ordinance.

In establishing and modifying district boundaries, the Council shall ensure that the districts continue to be as nearly equal in population as may be according to the census, taking into consideration topography, geography, cohesiveness, contiguity, integrity and compactness of territory of the districts, as well as existing communities of interest as defined in California Constitution Article XXI, section 2(d)(4), and shall utilize easily understood district boundaries such as major traffic arteries and geographic boundaries to the extent they are consistent with communities of interest.

Notwithstanding the foregoing paragraph, no change in the boundary or location of any district by redistricting may result in the residences of two sitting Council members being located in the same district.

Each Councilmember shall be elected by the electors within a Council district, must have resided in the District in which he or she is elected for a period of not less than **one year** immediately preceding the date he or she files a declaration of candidacy for the office of Councilmember, must continue to reside therein during his or her incumbency, and shall be removed from office upon ceasing to be such resident. *Berkeley and Ventura*

In the event that no candidate for Councilmember receives at least 40% of the votes cast for that office, then there shall be a runoff election between the two candidates receiving the most votes, which runoff election shall be held on the first Tuesday after the first Monday in February of the odd numbered year following the initial election. No other issues shall appear on the ballot of any runoff election. The successful candidate in any runoff election shall assume office on March 1, after the election results have been declared by the Council.

Should any provision of this section be held invalid, the remainder of this section shall not be affected thereby, and such word, phrase, sentence, part, section, subsection, or other portion shall be severable, and the remaining provisions of this section shall remain in full force and effect.

The voters hereby declare that they would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more, subsections, sentences, clauses or phrases had been declared invalid. *Berkeley*

Irvine, Huntington Beach, Santa Ana and several others use the "ward" method.

Terms

The members of said Council shall be known as Councilmembers, and their terms of office shall be four years commencing on the second Tuesday in January following their election.

Five members of the Council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings. *Richmond*

4 Years

The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof.

Two (2) and three (3) council members shall be elected alternately at the General Municipal Election each even-numbered year. *Roseville*

Term Limits

No council member shall serve more than two (2) consecutive four (4) year terms. *Several charters*. No person who has held an elective office, or acted as an elected officer for more than two years of a term to which some other person was elected shall be elected to an elective office more than two consecutive subsequent terms.

Assumption of Office

At such meeting following the regular election of November 2014, the councilmember with the greatest seniority on the council shall be seated as mayor, and The council member who received the highest number of votes in the latest election with the second greatest seniority on the council shall be seated as vice mayor. Thereafter, the positions of mayor and vice mayor shall rotate annually, at the regular meeting held closest to the anniversary date of the last previous rotation, or in election years, at the meeting at which newly elected councilmembers assume office. The position of mayor shall be assumed by the councilmember who served as mayor pro tem vice mayor for the previous year. The position of mayor pro tem vice mayor shall be seated as vice mayor assumed by the councilmember with the next greatest seniority on the council who has not previously served. Seniority shall be determined by the length of time served on the council. Councilmembers who are re-elected are deemed to be continuing members and seniority shall be measured from the date of first joining the council, except that a previous term separated by a period of years shall not be counted. If a councilmember declines to serve, is unable to serve, or resigns as mayor or vice mayor, the next senior member of the council shall assume the position. In the event of a tie in seniority, or upon any failure of the foregoing procedure, the mayor or

vice mayor shall be selected by lot and/or drawing. The vice mayor's term of office shall commence upon his or her assumption of office and continue until the election, qualification and assumption of office of his or her successor following the next general municipal election. Upon the termination of a councilmember's term of office as vice mayor, he or she shall be seated as mayor. The mayor's term of office shall commence upon his or her assumption of office and continue until the assumption of his or her successor following the next general municipal election. *Roseville*

Eligibility/Qualifications

Compensation

The Mayor and each Councilmember shall receive the compensation heretofore fixed by Charter until changed by Charter amendment or ordinance. Such compensation fixed by ordinance shall not exceed the amount, which the City Council of a general law city, of comparable population, can prescribe under the provisions of State law. In addition, the Mayor and each Councilmember shall receive reimbursement for itemized routine and ordinary expenses incurred in official duty or such reasonable and adequate, as identified in the city's Administrative Rules, in an amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of routine and ordinary expenses imposed upon them by virtue of their office. *Vallejo, Santa Ana*

The Council may provide in the Administrative Code for reductions to such amounts by reason of absences from meetings. *Ventura*

The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, members shall receive such reasonable and adequate amounts as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other out-of-pocket expenditures and costs imposed upon them by virtue of their serving on the City Council. *Downey*

[I do not see any other City Council receiving health insurance benefits, but it is allowed by State government code. In light of the ACA, I recommend they purchase their own insurance.]

Vacancies

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body. *Hayward*

If the unexpired term is less than one year, the remaining members of the Council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall

be filled only at a regular meeting of the Council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the Council by any Councilmember by placement on the agenda. Should the Council fail to fill any vacancy within 60 days after its occurrence, the Council shall, within 10 days, order a special municipal election, to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days or less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by the Council nor by special election, but at said regularly occurring election.

If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by the Council within ten days after the occurrence of the vacancy and to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days nor less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by special election, but at said regularly occurring election.

If at any municipal election the required number of Councilmembers be not elected by reason of a tie vote among any of the candidates therefor, then the Council, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office. In such case the person so appointed shall hold office, subject to the provisions of the Recall, to and including the (DATE) following the next general municipal election. *Berkeley*

Appointments/Removals/Recalls

Berkeley has a very detailed process.

Presiding Officer

Same as current powers.

Powers

All powers of the City shall be vested in the Council, subject to the provisions of this Charter and to the Constitution of the State of California. **The Council may establish the method by which any of such powers may be exercised.** *Hayward*

Regular Meetings

Stay the same

Special Meetings

Stay the same

Place

Stay the same

Quorum

Quorum is 4 of 7/

Public Participation

Stay the same

Adoption of Ordinances and Resolution

Stay the same

Interference with Performance of Duties of City Manager

Stay the same

Ordinances

Stay the same

Charter Review and Amendments

At least every ten (10) years, the City council shall appoint a citizen commission of not less than nine (9) members whose charge shall be to review the charter and present, or cause to be presented, to the City council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the City council.

Code of Ethics:

Create and abide by a Code of Ethics. *Santa Ana*

City of Costa Mesa

