

## 2019 Charter Review Committee – Conceptual Approval List

#	Art.	Section	Title	Issues and Proposed Changes	Substantive /Non-Substantive Change	Fiscal Impact
1	IV	400(b)	Enumerated; number, term and manner of elections; wards	<p><b><u>Issue:</u></b> Language currently does not clarify that Councilmembers are elected <i>and nominated</i> by registered voters from his/her ward.</p> <p><b><u>Positions:</u></b></p> <ul style="list-style-type: none"> <li>• Language should be clarified.</li> </ul> <p><b><u>Recommendation:</u></b> Amend language to clarify that members of the City Council are <i>nominated and</i> elected from voters of the Ward.</p> <p><b><u>Proposed Language:</u></b> “(b) The members of the City Council shall be <i>nominated and</i> elected by wards by the registered voters of the respective wards only. [. . .]”</p> <p><b><u>Vote:</u></b> 14 Affirmative, 1 Negative (July 8, 2019)</p>	N	
2	IV	400(c)-(h)		<p><b><u>Issue:</u></b> A language change to reference consolidation of Mayor and City Council runoff elections with the “statewide general election” brings the Charter into compliance with State law and accommodates any future change in statewide general election dates. An exception is needed to allow Wards 2, 4, and 6 runoff election of November 2, 2021, to occur in an odd-number year. All City Council elections thereafter are transitioning to even-numbered years. Current paragraphs (f), (g), and (h) are outdated and proposed for deletion.</p> <p><b><u>Positions:</u></b></p> <ul style="list-style-type: none"> <li>• Amend Charter to comply with State law.</li> <li>• Wait until outcome of Redondo Beach case vs. State regarding applicability of State law to charter cities.</li> </ul> <p><b><u>Recommendation:</u></b> Amend runoff election language to comply with State law.</p> <p><b><u>Proposed Language:</u></b> “(c) If in an election for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on the <del>first Tuesday following the first Monday of November of that same year</del> <i>same day as the</i></p>	S	

				<p><u>statewide election of that same year, consistent with the general election date set by the State.</u> The two candidates receiving the highest number of votes for the office in the general municipal election shall be declared the candidates for the special election.</p> <p><u>(d) Notwithstanding the paragraph above, if in the June 8, 2021, election for members of the City Council for Wards 2, 4, and 6, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on November 2, 2021. The two candidates receiving the highest number of votes for the office in the June 8, 2021, election shall be declared the candidates for the special election.</u></p> <p>(de) Officials elected at the general municipal election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the general municipal election. Officials elected at any other election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the election.</p> <p>(ef) The qualifications of candidates and electors and the procedure governing general municipal elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.</p> <p><del>(f) Notwithstanding the above, an election shall be held on June 5, 2007, for the purpose of electing members of the City Council from Wards 1, 3, 5, and 7 for terms expiring in June 2011, or until their successors are elected and seated.</del></p> <p><del>(g) Notwithstanding the above, an election shall be held on June 2, 2009, for the purpose of electing members of the City Council from Wards 2, 4, and 6 for terms expiring June 2013, or until their successors are elected and seated.</del></p> <p><del>(h) Notwithstanding the above, an election shall be held on November 3, 2009, for the purpose of electing the Mayor for a term expiring June 2012 or until their successor is elected and seated.</del></p> <p><b><u>Vote:</u></b> 14 Affirmative, 1 Negative (July 8, 2019)</p>		
3	V	500	General municipal elections	<p><b><u>Issue 1:</u></b> The California Voter Participation Act requires local elections to be consolidated with statewide elections; currently, the Charter requires election of City Council members on odd-numbered years, thus contradicting State law.</p>	S	

				<p><b><u>Issue 2:</u></b> The California Voter Participation Act requires local elections to be consolidated with statewide elections; currently, the Charter requires election of the Mayor on the first Tuesday following the first Monday in June of U.S. Presidential election years, thus contradicting State law.</p> <p><b><u>Positions:</u></b></p> <ul style="list-style-type: none"> <li>• Amend charter to comply with State law.</li> <li>• Wait until outcome of Redondo Beach case vs. State regarding applicability of State law to charter cities.</li> </ul> <p><b><u>Recommendation:</u></b> Amend language to provide that City Council elections be held on the same day as statewide primary and general elections beginning in 2022, and to provide that Mayoral elections be held on the same day as statewide primary and general elections.</p> <p><b><u>Proposed Language:</u></b>  <i><u>“On June 8, 2021, an election for Councilmembers to represent Wards 2, 4 and 6 shall be held. Said term shall be for five (5) years and until their respective successors qualify. Beginning in 2026 and thereafter, the Councilmembers’ terms shall be for four (4) years.</u></i></p> <p><i><u>Beginning in 2022, General municipal elections for the election of the members of the City Council and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday following the first Monday in June of each odd numbered year same day as the statewide election, consistent with the primary election date set by the State.</u></i></p> <p><i><u>Beginning in 2012, General municipal elections for the election of the Mayor shall be held on the first Tuesday following the first Monday in June the same day as the statewide election, consistent with the primary election date set by the State in United States Presidential election years.”</u></i></p> <p><b><u>Vote:</u></b> 14 Affirmative, 1 Negative (July 8, 2019)</p>		
4	XIV	1404	Charter, amending	<p><b><u>Issue:</u></b> The Charter should be amended to require the City Council to submit any proposed Charter amendment to a citizen committee (e.g. Charter Review Committee) for review and recommendation prior to placing the Charter amendment on a ballot.</p> <p><b><u>Position(s):</u></b></p> <ul style="list-style-type: none"> <li>• Requiring a citizen committee to review a Charter amendment before placement on a ballot would invite increased citizen participation.</li> </ul>		

				<p><b><u>Recommendation:</u></b> Amend the language of Section 1404 to require the City Council to submit any proposed Charter amendment to a citizen committee (e.g. Charter Review Committee) for review and recommendation prior to placing the Charter amendment on a ballot.</p> <p><b><u>Proposed Language:</u></b>          “This Charter, and any of its provisions, may be amended in accordance with the Constitution and laws of the State of California. <i><u>The City Council must submit any proposed Charter amendment, except for those proposed by voter initiative, to a Charter Review Committee for recommendation before the City Council places the Charter amendment proposal on a ballot.</u></i>”</p> <p><b><u>Vote:</u></b> 12 Affirmative, 2 Negative (August 12, 2019)</p>		
5	IV	404	Vacancies	<p><b><u>Issue:</u></b> The Charter should be amended to require City Council vacancies with more than one year left on its term to be filled by election.</p> <p><b><u>Sub-issue 1:</u></b> A special election should be called to fill vacancies in excess of one year.</p> <p><b><u>Sub-issue 2:</u></b> There should not be a run-off election when filling vacancies.</p> <p><b><u>Sub-issue 3:</u></b> Appointed officials should be prohibited from referencing “incumbent”, “member of the city council”, or other designation indicating incumbency in a future election for the same seat.</p> <p><b><u>Sub-issue 4:</u></b> The phrase “crime of moral turpitude” should be replaced with “a crime related to duties of performing the office.”</p> <p><b><u>Position(s):</u></b></p> <ul style="list-style-type: none"> <li>• This amendment would ensure voters are not denied their right to a duly elected City Council representative for more than one year.</li> <li>• There should be run-off election so that no candidate is elected without more than 50% of the votes.</li> </ul> <p><b><u>Recommendation:</u></b> The Charter should be amended to require City Council vacancies with more than one year left on its term to be filled by special election, without a run-off election; and appointed officials should be prohibited from referencing “incumbent”, “member of the city council”, or other designation indicating incumbency in a future election for the same seat.</p>	S	

**Proposed Language:**

~~“A vacancy in an elective office, from whatever cause arising, except in the event of a successful recall, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.~~

If a member of the City Council or the Mayor is absent from three consecutive regular meetings of the City Council, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, the office of such person shall become vacant.

~~*Within fourteen days from notice of the vacancy, the City Council shall declare the existence of any vacancy in elected office, from whatever cause arising, except in the event of a successful recall. In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.*~~

~~*For vacancies in elected office with no more than one year remaining on the term from declaration of the vacancy, the City Council shall appoint to fill the vacancy for the remaining term within sixty days after such office shall have been declared vacant. In the event the City Council fails to fill such vacancy by appointment within sixty days after such office shall have been declared vacant, the City Council shall cause an election to be held within one hundred twenty days to fill such vacancy.*~~

~~*For vacancies in elected office with more than one year remaining on the term, the City Council shall call a special election for the purpose of filling the vacancy for the remainder of the term. Such special election shall be held within one hundred twenty days after such office shall have been declared vacant.*~~

~~*If in a special election to fill a vacancy for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special runoff election to be held within ninety days. The two candidates receiving the highest number of votes in the special election to fill the vacancy shall be declared the candidates for the special runoff election.*~~

~~*If for any election called pursuant to this section, there is a local or statewide election scheduled within one hundred eighty*~~

				<p><u>days after such office shall have been declared vacant, the City Council shall consolidate the special election with such local or statewide election.</u></p> <p><u>Appointed officials shall not be permitted to reference “incumbent”, “member of the City Council”, or other designation indicating incumbency in a Statement of Qualifications published in the sample ballot materials at the subsequent election for the same seat.</u></p> <p><b><u>Vote:</u></b> 11 Affirmative, 3 Negative (October 21, 2019)</p>		
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