

ATTACHMENT M



FY 2018 INCOME LIMITS DOCUMENTATION SYSTEM

HUD.gov [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2018 Income Limits Summary

Selecting any of the buttons labeled "Explanation" will display detailed calculation steps for each of the various parameters.

FY 2018 Income Limit Area	Median Family Income Explanation	FY 2018 Income Limit Category	Persons in Family						
			1	2	3	4	5	6	7
Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area	\$69,300	Very Low (50%) Income Limits (\$) Explanation	33,950	38,800	43,650	48,450	52,350	56,250	60,100
		Extremely Low Income Limits (\$)* Explanation	20,350	23,250	26,150	29,050	31,400	33,740	38,060
		Low (80%) Income Limits (\$) Explanation	54,250	62,000	69,750	77,500	83,700	89,900	96,100

NOTE: Los Angeles County is part of the **Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area**, so all information presented here applies to all of the **Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area**. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the **Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area**.

The **Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area** contains the following areas: Los Angeles County, CA;

8/21/2019

FY 2018 Income Limits Documentation System – Summary for Los Angeles County, California

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2018 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2018 [Fair Market Rent documentation system](#).

For last year's Median Family Income and Income Limits, please see here:

FY2017 Median Family Income and Income Limits for Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area

Select a different county or county equivalent in California:

Inyo County	▲
Kern County	▲
Kings County	▲
Lake County	▲
Lassen County	▲
Los Angeles County	▼
Select county or county equivalent	

Select any FY2018 HUD Metropolitan FMR Area's Income Limits:

Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area	▼
Select HMFA Income Limits Area	

Or press below to start over and select a different state:

Select a new state

[Update URL For bookmarking or E-Mailing](#)

Prepared by the [Economic and Market Analysis Division](#), HUD.

ATTACHMENT N**City Charter section 630 CITY TREASURER.**

It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer. He shall comply with all provisions of law governing the deposit and securing of public funds. He shall also comply with all the provisions of the general laws of the State governing the handling of such trust funds as may come into his possession. He shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into his possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. He shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report he shall file with the City Council.

The City Treasurer may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided by the City Council.

ATTACHMENT O**City Charter section 610 THE MAYOR.**

The Mayor shall preside at the meetings of the City Council, and in case of his absence or inability to act, the City Council shall appoint a Mayor Pro Tempore, who shall serve only until such time as the Mayor returns and is able to act, and for such period shall have all the powers and duties of the Mayor. The Mayor shall be a member of the City Council for all purposes and shall have all the rights, powers and duties of a member of the City Council in addition to those powers and duties conferred upon him by virtue of his office as Mayor. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the City Council or to members of the City Council shall be interpreted to include the Mayor as a member of the City Council. The Mayor shall sign all warrants drawn on the City Treasury, and shall sign all written contracts required by ordinance to be approved by the City Council and all conveyances made up or entered into by said City. The Mayor shall have the power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The Mayor is authorized to acknowledge the execution of all instruments executed by said City that are required to be acknowledged.

ATTACHMENT P**City Charter section 601 ELIGIBILITY FOR ELECTIVE OFFICE.**

No person shall be eligible to hold any elective office in this City unless he be a resident and elector therein and shall have resided in such City for at least thirty (30) days next preceding the date of his filing of nomination papers. If an elective officer shall cease to possess any of the qualifications for office herein set forth, or shall be convicted of a crime involving moral turpitude, or shall resign, or be adjudged an incompetent, his office shall immediately become vacant. In case a member of the City Council or Board of Education absents himself from all regular meetings of the body to which he shall belong, for a period of sixty (60) days consecutively, from and after the last regular meeting of such body attended by said member, unless by the expressed permission of such body duly recorded in its official minutes, his office shall automatically become vacant and the same shall be filled as in case of other vacancies.

ATTACHMENT Q

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

5007865

CITY OF TORRANCE
FINANCE DEPT. ACCOUNTS PAYABLE
3031 TORRANCE BLVD
TORRANCE, CA 90503

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE DAILY BREEZE, a newspaper of general circulation, printed and published in the City of Torrance*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 10, 1974, Case Number SWC7146. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

08/13/2019, 08/20/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Torrance, California
On this 21st day of August, 2019.

Pauline Fernandez

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington.

(Space below for use of County Clerk Only)

Legal No. **0011300649**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Torrance City Council in the City Council Chambers of City Hall at 3031 Torrance Blvd., Torrance, California on Tuesday, August 27, 2019, no earlier than 7:00 p.m. on the following matter:

A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CITY CHARTER. THE CITY COUNCIL WILL CONSIDER AND RECEIVE COMMENTS FROM THE COMMUNITY ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER.

The City Charter can be viewed in the City Clerk's Office or online at <https://www.codepublishing.com/CA/Torrance/#!/TorranceCH.html>. Background information on the City Charter and proposed amendments can be found in City Council Agenda Item 9D from the City Council Meeting of July 23, 2019, which can be viewed in the City Clerk's Office or online at: https://torrance.granicus.com/MetaViewer.php?view_id=8&clip_id=13584&meta_id=304563

This Public Hearing fulfills the requirements of California Government Code § 34458(b) for the first public hearing to consider the amendment of the City Charter. If the City Council approves further consideration of the proposed amendments to the City Charter, then a second noticed public hearing will be held as required by law.

Pursuant to California Public Resources Code section 21065 and California Environmental Quality Act Guidelines section 15061(b)(3) this action is exempt from the California Environmental Quality Act.

All interested persons have the right and are invited to attend this meeting and express their opinion. You may provide verbal or written testimony at the public hearing. You may also submit written testimony in advance of the public hearing to the City Clerk if you are unable to attend.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Manager's Office at (310) 618-5880. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

For further information, contact the Office of the City Attorney at (310) 618-5810.

REBECCA POIRIER
CITY CLERK

Pub Aug 13, 20, 2019 (21) DB (11300649)

ATTACHMENT R

AFFIDAVIT OF AGENDA POSTING

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Michelle Pena, in compliance with Government Code 54954.2(a) DO HEREBY AFFIRM that a copy of the Notice of Public Hearing to consider proposed amendments to the City Charter for August 27, 2019, was conspicuously posted on the City Clerk's bulletin board, 3301 Torrance Boulevard, Torrance, California at the time and date indicated below.

POSTED:

Time: 4:40 pm

Date: August 5, 2019

By: M. Peña

Michelle Pena
Deputy City Clerk I

AFFIDAVIT OF AGENDA POSTING

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Leallani Stewart, in compliance with Government Code 54954.2(a) DO HEREBY AFFIRM that a copy of the Notice of Public Hearing to consider proposed amendments to the City Charter for August 27, 2019, was conspicuously posted on the Katy Geissert Civic Center Library's bulletin board, 3301 Torrance Boulevard, Torrance, California at the time and date indicated below.

POSTED:

Time: 4:46 p.m.

Date: 8/5/2019

By: Leallani Stewart, Administrative Assistant

AFFIDAVIT OF AGENDA POSTING

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Jean Jordan, in compliance with Government Code 54954.2(a) DO
HEREBY AFFIRM that a copy of the Notice of Public Hearing to
consider proposed amendments to the City Charter for August 27,
2019, was conspicuously posted in the Torrance Cultural Arts Center
Kiosk, 3330 Civic Center Drive, Torrance, California at the time and
date indicated below.

POSTED:

Time: 8:30am

Date: August 6, 2019

By: Jean Jordan

Jean Jordan
Box Office Manager

ATTACHMENT S

Sullivan, Patrick

From: [REDACTED]
Sent: Thursday, July 25, 2019 12:02 PM
To: Chen, George; Furey, Pat; Goodrich, Tim; Griffiths, Mike; Herring, Milton; Mattucci, Aurelio; Rizzo, Geoffrey
Cc: Jackson, LeRoy; Sullivan, Patrick; Poirier, Rebecca
Subject: CORRECTION to earlier email

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Dear Mayor and Council Members,

I noticed a scribner's error in my earlier email to you in the last paragraph.

Obviously, the purpose of my email was reconsideration of your actions. The last paragraph should read:

I respectfully ask that you please reconsider and plan on having all of the Charter Amendments on the NOVEMBER 2020 BALLOT! PLEASE make the correction.

Thank You
 Sandi Monda

-----Original Message-----

From: [REDACTED]
To: GChen <GChen@TorranceCA.Gov>; PFurey <PFurey@TorranceCA.Gov>; TGoodrich <TGoodrich@TorranceCA.Gov>; MGriffiths <MGriffiths@TorranceCA.Gov>; MHerring <MHerring@TorranceCA.Gov>; AMattucci <AMattucci@TorranceCA.Gov>; GRizzo <GRizzo@TorranceCA.Gov>
Cc: LJackson <LJackson@TorranceCA.gov>; PSullivan <PSullivan@TorranceCA.gov>; RPoirier <RPoirier@TorranceCA.Gov>
Sent: Thu, Jul 25, 2019 11:07 am
Subject: CHARTER AMENDMENTS

f

Gentlemen.....please grab the reins and hold your horses!

At the beginning of Item 9D on Tuesday night, I'm pretty sure I heard the following comments which I'm paraphrasing:

It's in our best interest to take our time with this.

Need to give the community more time to respond

In the interest of public involvement, would still be in our purview to go out in the community to speak to various groups, clubs.

March 2020 deadline is just too tight. We need to look at that November date. Gives us time to hold as many meetings as we need.

I'm not sure when those feelings changed to where now you're looking at the March 2020 election for some or all of the City's Charter amendments being included on that ballot and with the first public hearing to be held August 20th or 27th!
You're giving notice to the residents on even the 27th only 3-4 week notice....or less!

Please consider:

#1 The amendments to be considered are from the 1940's, 50's, 70's, 80's; the latest being June of last year regarding District Elections. What's the hurry? Is there a back story?

#2 Holding IMPORTANT meetings as this during the summer, during vacation periods, could exclude residents who would like to personally express their three meeting opinion on their City Charter!

#3 Moving these hearing to meet the November 2020 election would allow plenty of time to schedule two or more dates for public hearings, plenty of time (almost a year!) to advertise and promote the hearings, plenty of time for HOA's to have meetings with their members, and/or invite councilmembers to their meetings during the year, and show complete transparency by you as our elected representatives.

We are talking about our City Charter, a document that could last who knows how long.....another 70 years?

I respectfully ask that you please reconsider and plan on having all of the Charter Amendments on the March 2020 ballot. Please give the residents of Torrance every opportunity to make their opinions known. I would hope that doing the hearings later, perhaps residents will not be intimidated and will attend those meetings!

Sandi Monda

Sullivan, Patrick

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, August 08, 2019 7:45 AM
To: Sullivan, Patrick
Subject: FW: SETHA EMAIL - Proposed City Charter Amendments

From: John Bailey [REDACTED]
Sent: Wednesday, August 07, 2019 11:47 AM
To: Furey, Pat <PFurey@TorranceCA.gov>; Mattucci, Aurelio <AMattucci@TorranceCA.gov>; Rizzo, Geoffrey <GRizzo@TorranceCA.gov>; Chen, George <GChen@TorranceCA.gov>; Griffiths, Mike <MGriffiths@TorranceCA.gov>; Herring, Milton <MHerring@TorranceCA.gov>; Goodrich, Tim <TGoodrich@TorranceCA.gov>
Cc: Jackson, LeRoy <LJACKSON@TorranceCA.gov>; Poirier, Rebecca <RPoirier@TorranceCA.gov>; Chaparyan, Aram <AChaparyan@TorranceCA.gov>
Subject: SETHA EMAIL - Proposed City Charter Amendments

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

Mayor Furey and Honorable Councilmembers,

Once again, the questions have come up of whether those filling the Torrance city clerk and city treasurer roles should be elected or appointed and should the salaries and benefits of the Torrance councilmembers be increased. Since this is not a health, welfare or safety issue, let us not rush to put the questions to the voters on the March 2020 ballot. Would you not expect the voter turnout to be higher in the November 2020 election?

City Clerk and City Treasurer

If you want to ask voters if they want to change the city clerk and treasurer from elected to appointed positions, will the City Council or the Manager make the appointments. Will supplemental minimum qualifications including education and experience be included in the charter amendment? Will the two positions combined? Is it possible to obtain the history of the Charter and Compensation Committee that met a number of years ago so we can determine why the Committee did not make any changes?

Proposed Increase in Salary and Benefits

In agenda item #9 of the July 23, 2019 meeting, the pay scale for charter city council members includes Glendale, Santa Clarita and Long Beach which do not meet the requirements of being listed. Is it possible to see an updated list to include both salaries and benefits for all those cities including footnotes of where the information was obtained? In addition, a more detailed report

on the Torrance councilmembers including both salaries and benefits paid in the last 8 years. Is it possible to get more detailed information on the salaries and benefits including when they were established and what the salaries would be if cost of living allowances were applied to the salaries?

If you have any questions, please let me know.

Regards,

John Bailey, President
Southeast Torrance Homeowners' Association, Inc. (SETHA)

ATTACHMENT T

Council Meeting of
July 23, 2019

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Attorney – Consider and give direction on potential City Charter amendments.

Expenditure: None.

RECOMMENDATION:

Recommendation of the City Attorney that the City Council:

- 1) Consider the methods to amend the City Charter and give direction to staff on the method the City Council prefers
- 2) Direct staff on potential timelines and election dates
- 3) Direct staff on potential amendments to the City Charter

BACKGROUND:

There are two types of cities under California law: general law cities and charter cities. General law cities are bound by the State of California's general law as found in the California Constitution and the California Government Code, even with respect to municipal affairs. Municipal affairs are matters which a Charter city has control. A statewide concern is a matter over which the legislature has control.

Charter cities are governed by a charter, approved by the electorate, which operates as the "constitution" of the city. The California Constitution authorizes the adoption of a city charter. Cal. Const. art XI, §3(a). Charter cities have the power to regulate municipal affairs, including the creation and regulation of a police force, subgovernment within the city, the conduct of city elections, and dealings with municipal offices and employees. Cal. Const. art XI, §5(b). Essentially, Charter cities are subject only to conflicting provisions in the California Constitution or the United States Constitution and state law that preempts local laws on matters of statewide concern. Additional information from the League of California Cities on the differences between General law cities and Charter cities is attached as Attachment A.

The City of Torrance was a general law city from 1921 until 1946. The original Torrance City Charter was voted on and ratified by the qualified electors at an election held August 20, 1946, and filed with the Secretary of State January 7, 1947. From 1948 to 1966, the City Charter was amended as follows:

**MATERIAL AVAILABLE
MONDAY**

9D

Election Date	Filed With Secretary Of State	Subject Matter Amended
April 13, 1948	January 7, 1949	<p>CHARTER AMENDMENT NO. 1 AMEND LANGUAGE CREATING BOARD OF EDUCATION</p> <p>CHARTER AMENDMENT NO. 2 ADOPTS CITY MANAGER FORM OF GOVERNMENT</p> <p>CHARTER AMENDMENT NO. 3 MAKES IT UNLAWFUL TO PLAY "DRAW POKER" IN CITY</p>
April 11, 1950	March 20, 1951	<p>CHARTER AMENDMENT NO. 2 REQUIRES CITY MANAGER TO APPROVE ALL PAYMENTS</p> <p>CHARTER AMENDMENT NO. 3 REQUIRES RESIDENCE FOR ALL EMPLOYEES AND OFFICIALS WITH EXCEPTIONS</p> <p>CHARTER AMENDMENT NO. 4 EMPLOYEES AND OFFICIALS MUST TAKE OATH AFFIRMING LOYALTY TO USA</p> <p>CHARTER AMENDMENT NO. 5 SETS FORTH LOCATION OF CITY COUNCIL MEETINGS WITHIN CITY LIMITS</p> <p>CHARTER AMENDMENT NO. 6 ESTABLISHES CONDITONS FOR RULE BY ORDINANCE</p> <p>CHARTER AMENDMENT NO. 11 DEFINES ELIGIBILITY AND POWERS OF CITY ATTORNEY</p> <p>CHARTER AMENDMENT NO. 12 SETS TERMS FOR FILING CLAIM AGAINST THE CITY</p> <p>CHARTER AMENDMENT NO. 14 ESTABLISHES CITY COURT, JUDGE & JURISDICTION</p>

Election Date	Filed With Secretary Of State	Subject Matter Amended
April 10, 1956	January 10, 1957	<p>CHARTER AMENDMENT NO. 1 SALARY FOR CITY COUNCIL, CLERK & TREASURER</p> <p>CHARTER AMENDMENT NO. 2 APPOINTED ASSISTANT OR DEPUTY CITY ATTORNEYS</p> <p>CHARTER AMENDMENT NO. 3 EXPENDITURES GREATER THAN \$2000 AWARDED TO LOWEST BIDDER</p> <p>CHARTER AMENDMENT NO. 4 CONDITIONS FOR BRINGING SUIT OR FILING CLAIMS AGAINST THE CITY</p> <p>CHARTER AMENDMENT NO. 5 TERMS & CONDITIONS FOR AWARD OF FRANCHISE</p> <p>CHARTER AMENDMENT NO. 6 SET TERMS FOR ADOPTING AN ORDINANCE</p> <p>CHARTER AMENDMENT NO. 7 REDEFINE DUTIES OF CITY CLERK; CREATE OFFICE OF DIRECTOR OF FINANCE</p> <p>CHARTER AMENDMENT NO. 8 REDEFINE DUTIES OF CITY TREASURER</p>
October 29, 1957	February 5, 1958	<p>CHARTER AMENDMENT NO. 1 CREATE AIRPORT FUND</p> <p>CHARTER AMENDMENT NO. 2 ESTABLISH ELECTIVE MAYOR AND SIX MEMBER CITY COUNCIL</p>
April 10, 1962	April 26, 1962	<p>CHARTER AMENDMENT NO. 1 AIRPORT FUND/FACILITIES</p> <p>CHARTER AMENDMENT NO. 2 SCHOOL BOARD OF EDUCATION</p> <p>CHARTER AMENDMENT NO. 3 CIVIL SERVICE SYSTEM</p>

Election Date	Filed With Secretary Of State	Subject Matter Amended
April 14, 1964	May 11, 1964	CHARTER AMENDMENT NO. 1 FULL-TIME SALARIED CITY CLERK
April 12, 1966	May 25, 1966	CHARTER AMENDMENT NO. C PROHIBIT BREAST EXPOSURE

On April 17, 1973 the qualified electors of the City of Torrance approved and ratified an amended, recodified and renumbered City Charter, which was adopted in the Assembly by Assembly Concurrent Resolution No. 19 on August 9, 1973; adopted by the Senate August 13, 1973; filed with the Secretary of State on August 13, 1973 at 3:00 P.M. The City Clerk recorded said Charter in the Office of the County Recorder on September 7, 1973 at 2:47 P.M., Document No. 4140; File No. F2507. The Charter was subsequently amended as follows:

Election Date	Filed With Secretary Of State	Subject Matter Amended
November 5, 1974	January 9, 1975	<p>PROPOSITION VV CHARTER AMENDMENT NO. 1 ELECTIVE OFFICE VACANCIES</p> <p>PROPOSITION WW CHARTER AMENDMENT NO. 2 GENERAL MUNICIPAL ELECTION IN MARCH OF EACH EVEN YEAR</p> <p>PROPOSITION XX CHARTER AMENDMENT NO. 3 COUNCIL COMPENSATION; CLERK AND TREASURER DUTIES AND COMPENSATION</p> <p>PROPOSITION YY CHARTER AMENDMENT NO. 4 POWERS & DUTIES OF CITY MANAGER; COUNCIL ACTION ON BUDGET; DEMANDS & AUDITS</p>

Election Date	Filed With Secretary Of State	Subject Matter Amended
March 2, 1976	April 2, 1976	<p>CHARTER AMENDMENT NO. 1 30 DAY RESIDENCY FOR CITY ELECTIVE OFFICE CANDIDATES</p> <p>CHARTER AMENDMENT NO. 2 30 DAY RESIDENCY FOR BOARD OF EDUCATION CANDIDATES</p> <p>CHARTER AMENDMENT NO. 3 ALLOW CITY COUNCIL TO SET SALARY FOR CITY CLERK AND TREASURER</p> <p>CHARTER AMENDMENT NO. 4 REPEALS REQUIREMENT OF RESIDENCY FOR CITY EMPLOYEES</p> <p>CHARTER AMENDMENT NO. 5 ALLOWS CITY COUNCIL TO SET DOLLAR LIMIT ABOVE WHICH PUBLIC WORKS CONTRACTS MUST BE OFFERED TO COMPETITIVE BID</p>
November 2, 1976	March 25, 1977	<p>CHARTER AMENDMENT NO. 1 (PROPOSITION V): TERM LIMITS (2) FOR MAYOR</p>
Election Date	Filed With Secretary Of State	Subject Matter Amended
March 7, 1978	March 27, 1978	<p>CHARTER AMENDMENT NO. 1 CODIFY DUTIES OF CITY CLERK</p> <p>CHARTER AMENDMENT NO. 2 REQUIRES MAYOR TO SIGN ONLY CONTRACTS THAT ARE REQUIRED BY ORDINANCE TO BE APPROVED BY THE CITY COUNCIL</p> <p>CHARTER AMENDMENT NO. 3 SPECIAL MEETINGS CALLED PER STATE LAW NOTICE REQUIREMENTS</p> <p>CHARTER AMENDMENT NO. 4 REPEALS SECTION 941 (INVALIDITY) OF CITY CHARTER</p> <p>CHARTER AMENDMENT NO. 5 SETS TIME LIMITS FOR CLAIMS/ACTIONS AGAINST THE CITY</p>

		<p>CHARTER AMENDMENT NO. 6 ALLOWS CITY CODE VIOLATIONS TO BE PROSECUTED BOTH CIVILLY AND CRIMINALLY</p> <p>CHARTER AMENDMENT NO. 7 PAY CITY COUNCIL ON SAME DATE AS CITY EMPLOYEES</p>
November 8, 1988	May 1, 1989	<p>PROPOSITION QQ: CHARTER AMENDMENT ALLOWS COUNCIL TO SET VIOLATION OF AN ORDINANCE AS MISDEMEANOR OR INFRACTION</p> <p>PROPOSITION RR: CHARTER AMENDMENT ALLOWS COUNCIL TO DECIDE TO PUBLISH AN ORDINANCE IN FULL OR IN SUMMARY</p>

Amended As Follows

Ordinance No.	Date Adopted	Subject Matter Amended
3829	June 19, 2018	COUNCIL MEMBERS ELECTED BY-DISTRICT INSTEAD OF AT-LARGE

ANALYSIS:

There are three potential ways that a vote of the people may modify a Charter: (1) by proposal of the City Council pursuant to Government Code § 34458, (2) by a Charter Commission chosen by the voters pursuant to Government Code § 34451, or (3) by initiative (requires a petition signed by 15 percent of the registered voters in the city) pursuant to Government Code § 9255 et seq.¹

Procedure for the City Council method pursuant to Government Code § 34458

Prior to submitting the Charter amendment to the voters, the City Council must hold at least two public hearings. The City must publish notice in the newspaper once a week for two successive weeks. Additionally, the City must post the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second public hearing must be held at least 30 days after the first public hearing. One of the public hearings must be held outside of normal business hours. The City Council

¹ If a State law preempts the language of a Charter, the governing body is not required to amend the Charter via a vote of the people, but may bring the Charter in conformity with State law via ordinance.

cannot vote on whether to submit the Charter amendment to the voters until 21 days after the second hearing. For most Charter amendments, the City Council may submit the Charter amendment to the voters at the next regularly scheduled general municipal election pursuant to Section 1301, or at any established statewide general or statewide primary election pursuant to Section 1200 or 1201, occurring not less than 88 days after the date of the order of election. Government Code § 34457, Elections Code § 1415. But, any Charter amendment that proposes to alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization must be held at the statewide general election. Elections Code § 1415.

Procedure for Charter Commission method pursuant to Government Code § 34451

An election for choosing Charter commissioners may be called by a majority vote of the City Council or upon presentation of a petition signed by not less than 15 percent of the registered voters of the city. Government Code § 34452. The election may be held at any general or special election. There would be two questions on the ballot: (1) Shall a charter commission be elected to propose a new charter? and (2) The candidates for charter commissioner. Government Code § 34453. If the answer to the first question is yes, then the 15 candidates with the highest vote totals form as a Charter commission. The charter commission may propose amendments to the Charter and submit that to the City Clerk. Government Code § 34455. The proposed Charter shall be submitted at the next statewide general election, provided that there are at least 95 days before that election. Government Code § 34457, Elections Code § 1200.

Timelines and Election Dates

The timelines of the meetings will depend on which method the City Council chooses to amend the Charter. If the City Council decides to amend the Charter by City Council action, then the City Council can suggest meeting dates taking into consideration the public notice requirements listed above. If the City Council chooses to amend the Charter by a Charter Commission, then City Council can give direction to staff to prepare for a Charter Commission election.

The election dates will be dependent upon the method that the City Council chooses to amend the Charter, either by the City Council or a Charter Commission. For almost all amendments to the Charter, the election can occur at the next regularly scheduled general municipal election (March 3, 2020) or at any established statewide general election (November 5, 2020) or statewide primary election (coincides with our municipal election of March 3, 2020 pursuant to Charter section 510). But, any amendments that impact employment rights, benefits, or employment status must occur at the statewide general election.

Potential Charter Amendments

There are several sections of the Charter that the City Council or Charter Commission could look at amending:

1. Charter section 603 requires the City Council to fill a vacancy in an elective office within 30 days or call an election. This is a very tight timeline to announce a

vacancy, receive applications, conduct interviews, and then schedule an appointment for a City Council meeting. Government Code section 36512 allows 60 days for an appointment. The City Council or Charter Commission could choose to follow the Government Code or choose its own time period to fill vacancies.

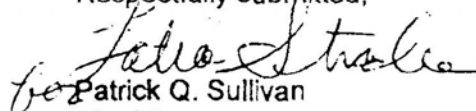
2. Charter section 640 allows an election to be held to make the City Clerk or City Treasurer appointed officials instead of elected officials.
3. Charter section 910 deals with the City Manager. There are a couple of provisions in Section 910 that the City Council or Charter Commission could look at amending. First, the removal process in the Charter is very complicated. If this Charter section was amended, then the City Council would need to look at entering into an employment contract with the City Manager. Second, the Charter provides that the City Manager can only accumulate 30 days of vacation leave and sick leave. This requires the City Manager to cash out or defer (into deferred compensation or a retirement health savings plan) all hours of vacation leave and sick leave over 30 days. This restriction requires the City of Torrance to carry a disability insurance plan for the City Manager. This could be an issue for recruitment in the future.
4. The City Attorney is covered by the Civil Service System. This is very unusual in California local government. The City Council or Charter Commission could amend this section and make the City Attorney an at-will employee. If this Charter section was amended, then the City Council would need to look at entering into an employment contract with the City Attorney.
5. Charter section 1310 lists the following Appointive Officers: City Attorney, City Engineer, Street Superintendent, Park Superintendent, Transportation Superintendent, Chief of Police, Chief of the Fire Department, and Building Inspector which according to the Charter are all appointed by the City Council. However, with the exception of the City Manager and City Attorney and the Finance Director who is appointed after recommendation by the City Manager, the City Council no longer appoints these other employees, as this section of the Charter was preempted when the Charter was amended to indicate a City Manager form of government. This section should be updated.
6. Charter section 604 sets City Council compensation at \$100.00 per month. The City Council or Charter Commission could amend this section to change the amount of City Council compensation. The City Council or Charter Commission could also amend section 610 of the Charter to allow a differential for the Mayor's compensation.
7. Another possibility is consolidating the positions of City Treasurer and Finance Director. There are many cities that combine the two positions.
8. Any other areas of the Charter that the City Council or Charter Commission wants to modify.
9. The City Clerk and the City Attorney have noticed that there are some previous amendments to the Charter that were adopted by the voters, but do not seem to be codified. We will need to research whether those Charter Amendments were just not codified correctly or if the election results were not sent to the legislature.

CONCLUSION:

The City Attorney seeks direction from the City Council on:

1. The method of Charter Amendment the City Council would prefer - City Council or Charter Commission;
2. Potential timelines and election dates; and
3. Potential amendments to the City Charter.

Respectfully submitted,


Patrick Q. Sullivan
City Attorney

Attachment:

- A. League of California Cities information on General law v Charter cities

NOTED:



LeRoy J. Jackson
City Manager

Charter Cities: A Quick Summary for the Press and Researchers

The following summary was drafted by the League of California Cities' legal staff, in an attempt to give the press and research communities a primer on some frequently asked questions regarding charter cities.

Charter Cities vs. General Law Cities – The Basics

The California Constitution gives cities the power to become charter cities.¹ The benefit of becoming a charter city is that charter cities have supreme authority over "municipal affairs."² In other words, a charter city's law concerning a municipal affair will trump a state law governing the same topic.³

Cities that have not adopted a charter are general law cities. General law cities are bound by the state's general law, even with respect to municipal affairs. Of California's 478 cities, 108 of them are charter cities.

The charter city provision of the State Constitution, commonly referred to as the "home-rule" provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs.⁴ The home-rule provision allows charter cities to conduct their own business and control their own affairs.⁵ A charter maximizes local control.

A city charter, in effect a city's constitution, need not set out every municipal affair the city would like to govern. So long as the charter contains a declaration that the city intends to avail itself of the full power provided by the California Constitution, any city ordinance that regulates a municipal affair will govern over a general law of the state.⁶

Defining 'Municipal Affairs'

Determining what is and is not a "municipal affair" is not always straightforward. The California Constitution does not define "municipal affair." It does, however, set out a nonexclusive list of four "core" categories that are, by definition, municipal affairs.⁷

These categories are 1) regulation of the "city police force"; 2) "subgovernment in all or part of a city"; 3) "conduct of city elections"; and 4) "the manner in which . . . municipal officers [are] elected."⁸ Beyond this list, it is up to the courts to determine what is and is not a municipal affair.

To determine if a matter is a municipal affair, a court will ask whether there are good reasons, grounded on statewide interests, for the state law to preempt a local law.⁹ In other words, courts

¹ Cal. Const. art. XI, § 3(a).

² Cal. Const. art. XI, § 5(a).

³ *Johnson v. Bradley*, 4 Cal. 4th 389, 399 (1992).

⁴ *Fragley v. Phelan*, 126 Cal. 383, 387 (1899).

⁵ *Id.*

⁶ There are some exceptions to this rule. For example, a charter city is bound by the Public Contract Code unless the city's charter expressly exempts the city from the Code's provisions or a city ordinance conflicts with a provision in the Code. See Cal. Pub. Cont. Code § 1100.7.

⁷ Cal. Const. art. XI, § 5(b); *Johnson*, 4 Cal. 4th at 398.

⁸ Cal. Const. art. XI, § 5(b).

⁹ *Johnson*, 4 Cal. 4th at 405.

will ask whether there is a need for "paramount state control" in the particular area of law.¹⁰ The Legislature's intent when enacting a specific law is not determinative.¹¹

The concept of "municipal affairs" is fluid and may change over time.¹² Issues that are municipal affairs today could become areas of statewide concern in the future.¹³ Nonetheless, there are some areas that courts have consistently classified as municipal affairs. These include:

- Municipal election matters¹⁴
- Land use and zoning decisions (with some exceptions)¹⁵
- How a city spends its tax dollars¹⁶
- Municipal contracts, provided the charter or a city ordinance exempts the city from the Public Contract Code, and the subject matter of the bid constitutes a municipal affair.¹⁷ Thus, a charter may exempt a city from the State's competitive bidding statutes.

Likewise, there are some areas that courts have consistently classified as areas of statewide concern, including:

- Traffic and vehicle regulation¹⁸
- Tort claims against a governmental entity¹⁹
- Regulation of school systems²⁰

How to Become a Charter City

To become a charter city, a city must adopt a charter. There are two ways to adopt a charter:

- The city's voters elect a charter commission.²¹ The commission has the responsibility of drafting and debating the charter.
- The governing board of the city, on its own motion, drafts the charter.²²

In either case, the charter is not adopted by the city until it is ratified by a majority vote of the city's voters.²³

For more information about charter cities, please visit the "Charter Cities" section of the League's Web site at <http://www.cacities.org/chartercities>.

¹⁰ *Id.* at 400.

¹¹ *Id.* at 405.

¹² *Cal. Fed. Savings & Loan Ass'n v. City of Los Angeles*, 54 Cal. 3d 1, 16 (1991); *Isaac v. City of Los Angeles*, 66 Cal. App. 4th 586, 599 (1998).

¹³ *Isaac*, 66 Cal. App. 4th at 599.

¹⁴ *Mackey v. Thiel*, 262 Cal. App. 2d 362, 365 (1968).

¹⁵ See *Brougher v. Bd. of Pub. Works*, 205 Cal. 426, 440 (1928).

¹⁶ *Johnson*, 4 Cal. 4th at 407.

¹⁷ Pub. Cont. Code § 1100.7; *R & A Vending Services, Inc. v. City of Los Angeles*, 172 Cal. App. 3d 1188, 1191 (1985); *Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.*, 71 Cal. App. 4th 38, 51 (1998).

¹⁸ Cal. Veh. Code § 21.

¹⁹ *Helbach v. City of Long Beach*, 50 Cal. App. 2d 242, 247 (1942).

²⁰ *Whisman v. San Francisco Unified Sch. Dist.*, 86 Cal. App. 3d 782, 789 (1978).

²¹ Cal. Gov't Code § 34451.

²² Cal. Gov't Code § 34458.

²³ Cal. Gov't Code §§ 34457, 34462.

HISTORY OF MUNICIPAL HOME RULE

The desire for home rule is an important part of the history of California. There is a common misconception among even some California city officials that only charter cities possess home rule powers. Both general law and charter cities possess home rule. This document describes the historical evolution of the constitutional municipal home rule doctrine in California in three separate stages. The tension between cities and the state has been with us since the dawn of statehood, and it has manifested itself in various state constitutional amendments over time that reiterate how home rule is really the birthright of every California city.

Before Home Rule — 1850–1879

City governments already existed when California became a state in 1850. In some areas they took the form of the Mexican *alcades* (who embodied the role of mayor, judge, and sheriff) or local legislative bodies like the 15-member assembly created in San Francisco before it was declared illegal by a military governor in June 1849 when he called the first Constitutional Convention.¹ The 1849 California Constitution gave the Legislature the exclusive power to establish cities and to enlarge or restrict city powers.² This naturally led to extensive state involvement in city affairs, including the appointment of special commissions to actually manage the property and funds of Sacramento, San Jose, and San Francisco, as well as other legislation directing cities to pay special claims of parties that provided political inducements to the Legislature.³

All Cities Granted Inherent Home Rule Powers to Legislate Without Legislative Grant of Authority — 1879

State meddling in city affairs in those first 30 years caused the deep resentment throughout the state that ultimately led to the 1879 Constitutional Convention. During that convention, delegates borrowed heavily from the home rule provisions of the constitution of Missouri, the first state to grant home rule powers to its cities. Incorporating that constitution's provisions almost verbatim, the California Constitution of 1879 banned special legislation, banned special act incorporations, and granted the power to frame freeholder charters to communities with at least 100,000 people.⁴ The 1879 Constitution also took the power to impose local taxes away from the Legislature with the intention "to bring matters of a local concern home to the people."⁵

In addition to these changes, the most significant home rule provision in the 1879 amendments was article XI, section 11 (now art. XI, § 7), which provides a general grant of inherent home rule power to every city — general and charter cities alike — to "make or enforce within its limits all local, police, sanitary, and other ordinances or regulations not in conflict with the general laws." Sometimes this provision of the California Constitution is called the police power. The California Supreme Court declared later that the drafters' intent was " ... to emancipate municipal governments from the authority and control formerly exercised over them by the Legislature."⁶

The 1879 home rule amendment finally freed cities from the need to seek specific state legislation to authorize their legislative acts on traditional municipal matters. Since the constitution empowered them to act without prior permission of the Legislature, cities instead simply had to inquire whether a proposed ordinance conflicted with a general state law. Years later the California Court of Appeal described the effect of this amendment: "[t]he constitution has, by direct grant, vested in them [cities] plenary power to

provide and enforce such ... regulations as they determine shall be necessary for the health, peace, comfort and happiness of their inhabitants, provided such regulations do not conflict with the general law. And the Legislature has no authority to limit the exercise of the power thus directly conferred upon cities, counties and towns by the organic law.⁷

Former California Supreme Court Associate Justice and Hastings College of the Law Professor Joseph Grodin, in his authoritative study of the California Constitution, explains how section 7 changed everything for cities and counties:

- Section 7 presents the most widely used of the home rule provisions of the California Constitution. In contrast to sections 4 and 5, it applies equally to all cities and counties, regardless of their charter status. Section 7 empowers cities and counties to use their general authority, called their police power, to control and regulate any matter or activity that is otherwise an appropriate subject for governmental concern.
- The drafters intended that local authorities "ought to be left to do all those things that in their judgment are necessary to be done, and that are not in conflict with the general laws of the state." The decision was made then not to restrict local governments narrowly to those specified powers that are overtly granted to them by the legislature *but to allow them to exercise whatever powers appeared necessary, without the need to request legislative authorization before taking action.*⁸ (Emphasis added.)

In summary, under article XI, section 7, all cities are free to legislate on a matter unless it conflicts with a general law of the state and is, therefore, said to be preempted by the state law. What constitutes a conflict? The California Supreme Court articulated the basic analysis in upholding the validity of a city ordinance banning medical marijuana dispensaries and cultivation. In summary, it said:

- Cities have constitutionally granted powers to regulate land use and other traditional local matters. Absent a clear indication of preemptive intent from the Legislature, local regulations are not preempted.
- A local law conflicts with a general state law if the local legislation (1) duplicates the state law, (2) contradicts the state law (i.e., requires what state law forbids or prohibits what state law requires), or (3) enters an area that is fully occupied by general state law. A local ordinance does not conflict with state law if it is reasonably possible to comply with both the state and local laws.
- The courts are reluctant to infer legislative intent to preempt local regulations, and there is a presumption of validity of the local ordinance against an attack of state preemption when there is a significant local interest to be served that may differ from one locality to another.⁹

Voter Approved Charters Allowed to Trump State Law Over Municipal Affairs — 1896–1914

While the 1879 Constitution gave all cities basic home rule powers subject to conflicting state laws, over the following decade it became clear that cities needed the ability to engage in certain core municipal functions despite the conflicting general laws of the state. The 1896 Constitution introduced the concept of municipal affairs. The authority to adopt a charter is found in section 3 of article XI, which also contains this provision in subparagraph (a) explaining the status of the charter vis-à-vis state law: "The provisions of a charter are the law of the State and have the force and effect of legislative enactments." In 1899, the California Supreme Court explained that provisions relating to charter cities "were enacted upon the principle that the municipality itself knew better what it wanted and needed than the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs."¹⁰

The 75 years of constitutional history leading to the authorization for voters to approve city charters that could, depending on the subject, supersede the general laws of the state, was explained by the California Supreme Court in 1992:

- [I]n 1896 article XI was amended in two significant respects. Former section 6 was revised to read as follows: "Cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of the constitution, except in municipal affairs, shall be subject to and controlled by general laws." (emphasis added.) In addition, former section 8 was adopted, allowing consolidated charter city and county governments to regulate "the manner in which, the times at which, and the terms for which the several county officers shall be elected ... [and] for their compensation"
- "What was the good to be gained by this amendment? The answer is common, every-day history. It was to prevent existing provisions of charters from being frittered away by general laws. It was to enable municipalities to conduct their own business and control their own affairs to the fullest possible extent in their own way. It was enacted upon the principle that the municipality itself knew better what it wanted and needed than the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs. ... This amendment, then, was intended to give municipalities the sole right to regulate, control, and govern their internal conduct independent of general laws"
- [A]rticle XI [in 1914] was revised to give charter cities the power "to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws." (Former section 8 of the same article was likewise amended by the insertion of a similar provision: "It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to all other matters they shall be subject to general laws."¹¹

In addition to the jurisdiction granted in subdivision (a) of section 5 of article XI to make and enforce all ordinances and regulations concerning municipal affairs, subdivision (b) of section 5 of article XI specifically identifies four subjects that can be included in a charter: (1) a city police force; (2) subgovernment in all or part of the city; (3) conduct of city elections; and (4) election, appointment, removal, and compensation of municipal officers and employees whose compensation is paid by the city.¹²

The California Constitution provides no definition of what is or is not a municipal affair. The California Supreme Court noted that "the constitutional concept of municipal affairs is not a fixed or static quantity ... [but one that] changes with the changing conditions upon which it is to operate ... our cases display a growing recognition that home rule is a means of adjusting the political relationship between state and local governments in discrete areas of conflict."¹³ What was once a matter of local concern can later become a matter of statewide concern, controlled by the general laws of the state.¹⁴ The Court also made it clear that this is a legal matter of state constitutional interpretation for the courts and not solely a factual one.¹⁵

Home Rule Authority Granted to All Cities over Public Works, Utilities and Public Property, Improvements and Funds — 1911–1970

Until 1911, it was believed that only charter cities could operate a public utility, so the Legislature proposed and the people enacted section 9 (formerly section 19) of article XI, providing broad plenary authority to any city to "establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communications."¹⁶ The section allows cities to provide similar services in other cities with their consent.

In 1970, voters further amended this section to effectively allow cities to issue franchises to persons or corporations to provide such services " ... upon conditions and under regulations that the city may prescribe under its organic law." These franchise powers must be construed, however, in conjunction with the broad authority over such activities granted to both the Legislature and the Public Utilities Commission by article XII. On the distribution of powers between the state and cities on this subject, however, article XII, section 8 is quite clear:

- A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power of the Commission. This section does not affect the power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of *any* city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law. (Emphasis added.)

Finally, general law and charter cities alike are protected by the provisions of article XI, section 11, subdivision (a), of the California Constitution that prohibits just the types of special commissions to control local property and funds that so outraged Californians prior to the 1879 Constitutional Convention. It states: "the Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions." This provision was one of the two constitutional limitations on the power of the Legislature over cities and counties that compelled the California Supreme Court to strike down a 2000 state law that attempted to delegate final decisions in public safety labor negotiations to a private arbitration panel.¹⁷

California Home Rule Today

Today the California Constitution authorizes both general law and charter cities to: (1) make and enforce all local laws and regulations not in conflict with general state laws (art. XI, § 7); (2) to establish, purchase, and operate public works and utilities or franchise others to do so (art. XI, § 9); and to be free from state legislation delegating to a private person or body control over city property, funds, tax levies and municipal functions (art. XI, § 11).

Cities with voter-approved charters have additional home rule authority or supremacy over their municipal affairs, police, subgovernments, city elections, and their elected and appointed city officials and employees (art. XI, § 5). The provisions of a city charter and the ordinances adopted by a charter city prevail over general state law in areas that a court determines are municipal affairs, including the specific areas enumerated in section 5, subdivision (b) of article XI.¹⁸ As to matters of statewide concern, however, charter cities remain subject to state law.¹⁹ Therefore, whether a charter city may act independent of state general law in a particular domain, including the specific areas enumerated in section 5, subdivision (b) of article XI, depends upon a court's determination of whether it is a municipal affair or a matter of statewide concern.

Endnotes

- 1 See Detweiler, *Home Rule: An Historical Perspective* (Jan. 1997) Western City, at page 15.
- 2 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 394-395.
- 3 See Thomas, *California Cities and the Constitution of 1879: General Laws and Municipal Affairs* (1980) 7 Hastings Const. L. Q. 642.
- 4 See Detweiler, *supra* note 1, at p. 16.
- 5 *People v. Martin* (1882) 60 Cal. 153; See Cal. Const., art. XIII, § 24, subd. (b).
- 6 *People v. Hoge* (1880) 55 Cal. 612, 618.
- 7 *In re Walter Ackerman* (1907) 6 Cal.App. 5, 9-10.
- 8 Grodin et al., *The Cal. State Constitution: A Reference Guide* (1993) pp. 192 (citing remarks of Mr. Eli Blackmer during debates at the California constitutional convention).
- 9 *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, 742-744. It is worthy of note that this case involves the regulatory legislation of a charter city, the City of Riverside, since charter cities as well as general law cities exercise home rule under the inherent police power granted to all cities by article XI, section 7. In other words, the City of Riverside did not rely on its status as a charter city under article XI, section 5, but rather on its home rule authority under article XI, section 7.
- 10 *Fragley v. Phelan* (1899) 126 Cal. 383, 387.
- 11 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 395-397. (Emphasis in original) Empty brackets [] denote omitted language from the Supreme Court opinion.
- 12 In some cases, the courts have narrowly construed the subject matter described in section 5, subdivision (b) of article XI. See, e.g., *Baggett v. Gates* (1982) 32 Cal.3d 128 (applying the Public Safety Officers Procedural Bill of Rights to charter cities because it was limited to providing "procedural safeguards" to police officers and did not interfere with a charter city's authority to set compensation).
- 13 *State Building and Construction Trades Council of California v. City of Vista* (2012) 54 Cal.4th 547, 557.
- 14 *Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 61, *California Fed. Sav. & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 13 (rejecting static and compartmentalized description of "municipal affairs" in favor of a more dialectical one); *Codding Enterprises v. City of Merced* (1974) 42 Cal.App.3d 375, 377.
- 15 *State Building and Construction Trades Council of California v. City of Vista*, *supra*, 54 Cal.4th at 558.
- 16 *California Apartment Association v. City of Stockton* (2000) 80 Cal.App.4th 699, 707.
- 17 *County of Riverside v. Superior Court* (2003) 30 Cal.4th 278.
- 18 Cal. Const., art. XI, § 5; *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal.3d 296, 315.
- 19 *Bishop v. City of San Jose*, *supra*, 1 Cal.3d at p. 61.

General Law City v. Charter City

Characteristic	General Law City	Charter City
Ability to Govern Municipal Affairs	Bound by the state's general law, regardless of whether the subject concerns a municipal affair.	Has supreme authority over "municipal affairs." Cal. Const. art. XI, § 5(b).
Form of Government	State law describes the city's form of government. For example, Government Code section 36501 authorizes general law cities be governed by a city council of five members, a city clerk, a city treasurer, a police chief, a fire chief and any subordinate officers or employees as required by law. City electors may adopt ordinance which provides for a different number of council members. Cal. Gov't section 34871. The Government Code also authorizes the "city manager" form of government. Cal. Gov't Code § 34851.	Charter can provide for any form of government including the "strong mayor," and "city manager" forms. See Cal. Const. art. XI, § 5(b); Cal. Gov't Code § 34450 <i>et seq.</i>
Elections Generally	Municipal elections conducted in accordance with the California Elections Code. Cal. Elec. Code §§ 10101 <i>et seq.</i>	Not bound by the California Elections Code. May establish own election dates, rules, and procedures. See Cal. Const. art. XI, § 5(b); Cal. Elec. Code §§ 10101 <i>et seq.</i>
Methods of Elections	Generally holds at-large elections whereby voters vote for any candidate on the ballot. Cities may also choose to elect the city council "by" or "from" districts, so long as the election system has been established by ordinance and approved by the voters. Cal. Gov't Code § 34871. Mayor may be elected by the city council or by vote of the people. Cal. Gov't Code §§ 34902.	May establish procedures for selecting officers. May hold at-large or district elections. See Cal. Const. art. XI, § 5(b).
City Council Member Qualifications	<p>Minimum qualifications are:</p> <ol style="list-style-type: none"> 1. United States citizen 2. At least 18 years old 3. Registered voter 4. Resident of the city at least 15 days prior to the election and throughout his or her term 5. If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected. <p>Cal. Elec. Code § 321; Cal. Gov't Code §§ 34882, 36502; 87 Cal. Op. Att'y Gen. 30 (2004).</p>	Can establish own criteria for city office provided it does not violate the U.S. Constitution. Cal. Const. art. XI, § 5(b), 82 Cal. Op. Att'y Gen. 6, 8 (1999).

Characteristic	General Law City	Charter City
Public Funds for Candidate In Municipal Elections	No public officer shall expend and no candidate shall accept public money for the purpose of seeking elected office. Cal. Gov't Code § 85300.	Public financing of election campaigns is lawful. <i>Johnson v. Bradley</i> , 4 Cal. 4th 389 (1992).
Term Limits	May provide for term limits. Cal. Gov't Code § 36502(b).	May provide for term limits. Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36502 (b).
Vacancies and Termination of Office	An office becomes vacant in several instances including death, resignation, removal for failure to perform official duties, electorate irregularities, absence from meetings without permission, and upon non-residency. Cal. Gov't Code §§ 1770, 36502, 36513.	May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions. Cal. Const. art. XI, § 5(b).
Council Member Compensation and Expense Reimbursement	Salary-ceiling is set by city population and salary increases set by state law except for compensation established by city electors. See Cal. Gov't Code § 36516. If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.	May establish council members' salaries. See Cal. Const. art. XI, § 5(b). If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.
Legislative Authority	Ordinances may not be passed within five days of introduction unless they are urgency ordinances. Cal. Gov't Code § 36934. Ordinances may only be passed at a regular meeting, and must be read in full at time of introduction and passage except when, after reading the title, further reading is waived. Cal. Gov't Code § 36934.	May establish procedures for enacting local ordinances. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Resolutions	May establish rules regarding the procedures for adopting, amending or repealing resolutions.	May establish procedures for adopting, amending or repealing resolutions. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Quorum and Voting Requirements	A majority of the city council constitutes a quorum for transaction of business. Cal. Gov't Code § 36810. All ordinances, resolutions, and orders for the payment of money require a recorded majority vote of the total membership of the city council. Cal. Gov't Code § 36936. Specific legislation requires supermajority votes for certain actions.	May establish own procedures and quorum requirements. However, certain legislation requiring supermajority votes is applicable to charter cities. For example, see California Code of Civil Procedure section 1245.240 requiring a vote of two-thirds of all the members of the governing body unless a greater vote is required by charter.

Characteristic	General Law City	Charter City
<p>Rules Governing Procedure and Decorum</p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p> <p>May provide provisions related to ethics, conflicts, campaign financing and incompatibility of office.</p>
<p>Personnel Matters</p>	<p>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</p> <p>May have "civil service" system, which includes comprehensive procedures for recruitment, hiring, testing and promotion. See Cal. Gov't Code § 45000 <i>et seq.</i></p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, § 10(b).</p>	<p>May establish standards, requirements, and procedures, including compensation, terms and conditions of employment for personnel. See Cal. Const. art. XI, § 5(b).</p> <p>Procedures set forth in Meyers-Milias-Brown Act (Cal. Gov't Code § 3500) apply, but note, "[T]here is a clear distinction between the <i>substance</i> of a public employee labor issue and the <i>procedure</i> by which it is resolved. Thus there is no question that 'salaries of local employees of a charter city constitute municipal affairs and are not subject to general laws.'" <i>Voters for Responsible Retirement v. Board of Supervisors</i>, 8 Cal.4th 765, 781 (1994).</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, section 10(b).</p>
<p>Contracting Services</p>	<p>Authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity. See Cal. Gov't Code § 37103; <i>Carruth v. City of Madera</i>, 233 Cal. App. 2d 688 (1965).</p>	<p>Full authority to contract consistent with charter.</p> <p>May transfer some of its functions to the county including tax collection, assessment collection and sale of property for non-payment of taxes and assessments. Cal. Gov't Code §§ 51330, 51334, 51335.</p>

Characteristic	General Law City	Charter City
Public Contracts	<p>Competitive bidding required for public works contracts over \$5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.</p> <p>Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov't Code § 4526.</p>	<p>Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see <i>R & A Vending Services, Inc. v. City of Los Angeles</i>, 172 Cal. App. 3d 1188 (1985); <i>Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.</i>, 71 Cal. App. 4th 38 (1998).</p>
Payment of Prevailing Wages	<p>In general, prevailing wages must be paid on public works projects over \$1,000. Cal. Lab. Code § 1771. Higher thresholds apply (\$15,000 or \$25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).</p>	<p>Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. <i>Vial v. City of San Diego</i>, 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. The California Supreme Court currently has before them a case that will provide the opportunity to decide whether prevailing wage is a municipal affair or whether it has become a matter of statewide concern.</p>

Characteristic	General Law City	Charter City
Finance and Taxing Power	<p>May impose the same kinds of taxes and assessment as charter cities. See Cal. Gov't Code § 37100.5.</p> <p>Imposition of taxes and assessments subject to Proposition 218. Cal. Const. art. XIII C.</p> <p>Examples of common forms used in assessment district financing include:</p> <ul style="list-style-type: none"> • Improvement Act of 1911. Cal. Sts. & High. Code § 22500 <i>et seq.</i>. • Municipal Improvement Act of 1913. See Cal. Sts. & High. Code §§ 10000 <i>et seq.</i>. • Improvement Bond Act of 1915. Cal. Sts. & High. Code §§ 8500 <i>et seq.</i>. • Landscaping and Lighting Act of 1972. Cal. Sts. & High. Code §§ 22500 <i>et seq.</i>. • Benefit Assessment Act of 1982. Cal. Gov't Code §§ 54703 <i>et seq.</i>. <p>May impose business license taxes for regulatory purposes, revenue purposes, or both. See Cal. Gov't Code § 37101.</p> <p>May not impose real property transfer tax. See Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; <i>but see</i> authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. & Tax. Code § 11911(a), (c).</p>	<p>Have the power to tax.</p> <p>Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by case basis.</p> <p>Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIII C, § 2, and own charter limitations</p> <p>May proceed under a general assessment law, or enact local assessment laws and then elect to proceed under the local law. See <i>J.W. Jones Companies v. City of San Diego</i>, 157 Cal. App. 3d 745 (1984).</p> <p>May impose business license taxes for any purpose unless limited by state or federal constitutions, or city charter. See Cal. Const. art. XI, § 5.</p> <p>May impose real property transfer tax; does not violate either Cal. Const. art. XIII A or California Government Code section 53725. See <i>Cohn v. City of Oakland</i>, 223 Cal. App. 3d 261 (1990); <i>Fielder v. City of Los Angeles</i>, 14 Cal. App. 4th 137 (1993).</p>
Streets & Sidewalks	<p>State has preempted entire field of traffic control. Cal. Veh. Code § 21.</p>	<p>State has preempted entire field of traffic control. Cal. Veh. Code § 21.</p>
Penalties & Cost Recovery	<p>May impose fines, penalties and forfeitures, with a fine not exceeding \$1,000. Cal. Gov't Code § 36901.</p>	<p>May enact ordinances providing for various penalties so long as such penalties do not exceed any maximum limits set by the charter. <i>County of Los Angeles v. City of Los Angeles</i>, 219 Cal. App. 2d 838, 844 (1963).</p>

Characteristic	General Law City	Charter City
Public Utilities/Franchises	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); Cal. Gov't Code § 39732; Cal. Pub. Util. Code § 10002.</p> <p>May grant franchises to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city to allow use of city streets for such purposes. The grant of franchises can be done through a bidding process, under the Broughton Act, Cal. Pub. Util. Code §§ 6001-6092, or without a bidding process under the Franchise Act of 1937, Cal. Pub. Util. Code §§ 6201-6302.</p>	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); <i>Cal. Apartment Ass'n v. City of Stockton</i>, 80 Cal. App. 4th 699 (2000).</p> <p>May establish conditions and regulations on the granting of franchises to use city streets to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city.</p> <p>Franchise Act of 1937 is not applicable if charter provides. Cal. Pub. Util. Code § 6205.</p>
Zoning	<p>Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65860.</p>	<p>Zoning ordinances are not required to be consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803.</p>

Charter Cities

Adelanto	Lemoore
Alameda	Lindsay
Albany	Loma Linda
Alhambra	Long Beach
Anaheim	Los Alamitos
Arcadia	Los Angeles
Bakersfield	Marina
Bell	Marysville
Berkeley	Merced
Big Bear Lake	Modesto
Buena Park	Monterey
Burbank	Mountain View
Carlsbad	Napa
Cerritos	Needles
Chico	Newport Beach
Chula Vista	Norco
Compton	Oakland
Culver City	Oceanside
Cypress	Oroville
Del Mar	Pacific Grove
Desert Hot Springs	Palm Desert
Dinuba	Palm Springs
Downey	Palmdale
El Cajon	Palo Alto
El Centro	Pasadena
Eureka	Petaluma
Exeter	Piedmont
Folsom	Placentia
Fortuna	Pomona
Fresno	Port Hueneme
Gilroy	Porterville
Glendale	Rancho Mirage
Grass Valley	Redondo Beach
Hayward	Redwood City
Huntington Beach	Richmond
Indian Wells	Riverside
Industry	Roseville
Inglewood	Sacramento
Irvine	Salinas
Irwindale	San Bernardino
King City	San Diego
Kingsburg	San Francisco
Lancaster	San Jose
La Quinta	San Leandro

San Luis Obispo
San Marcos
San Mateo
San Rafael
San Ramon
Sand City
Santa Ana
Santa Barbara
Santa Clara
Santa Cruz
Santa Maria
Santa Monica
Santa Rosa
Santee
Seal Beach
Shafter
Signal Hill

Solvang
Stockton
Sunnyvale
Temple City
Torrance
Truckee
Tulare
Vallejo
Ventura
Vernon
Victorville
Visalia
Vista
Watsonville
Whittier
Woodlake

Total Cities: 121

Council Meeting of
July 23, 2019

SUPPLEMENTAL #1

Honorable Mayor and Member
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Supplemental Material to Council Agenda Item 9D

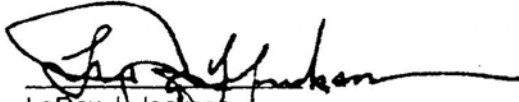
This supplemental was prepared at the request of Councilmember Goodrich to provide a summary of pay and benefits for Mayor and City Council members at cities with population of 100,000 to 200,000 and comparable cities which are cities used for salary surveys during labor negotiations. The comparable cities are similar in size and scope of services to the City of Torrance.

Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 
Aram Chaparyan
Assistant City Manager

CONCUR:


LeRoy J. Jackson
City Manager

Attachment:

- A) Survey of Cities with Population of 100,000 to 200,000 and Comparable Cities

Cities with Population of 100k to 200k

Survey Agency	Population	Classification	Charter or General Law City?	Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)
Burbank	107,149	Councilmember	Charter	\$15,480	\$15,480	\$12,775	\$28,255
Norwalk	107,546	Councilmember	General Law	\$7,900	\$7,900	\$6,810	\$14,710
West Covina	108,245	Councilmember	General Law	\$9,180	\$9,180	\$2,167	\$11,347
Inglewood	113,559	Councilmember	Charter	\$60,660	\$60,660	\$48,061	\$108,721
Downey	114,146	Councilmember	Charter	\$9,406	\$9,406	N/A	\$9,406
El Monte	117,204	Councilmember	General Law	\$8,784	\$8,784	\$25,567	\$34,351
Pasadena	144,388	Councilmember	General Law	\$17,619	\$17,619	\$23,516	\$41,135
Pomona	155,687	Councilmember	Charter	\$9,732	\$9,732	\$9,182	\$18,914
Palmdale	158,905	Councilmember	Charter	\$11,628	\$11,628	\$17,207	\$28,835
Lancaster	161,485	Councilmember	Charter	\$7,338	\$7,338	\$28,574	\$35,912
Glendale	205,536	Councilmember	Charter	\$18,562	\$18,562	\$37,154	\$55,716
Santa Clarita	216,589	Councilmember	General Law	\$24,190	\$24,190	\$1,814	\$26,004
Long Beach	478,561	Councilmember	Charter	\$35,197	\$35,197	\$26,143	\$61,340
Torrance	149,245	Councilmember	Charter	\$1,200	\$1,200	\$5,411	\$6,611
			Median	\$11,628	\$11,628	\$20,362	\$28,835
			Average	\$18,129	\$18,129	\$19,914	\$36,511
				Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)
Burbank	107,149	Mayor	Charter	\$15,480	\$15,480	\$1,611	\$17,091
Norwalk	107,546	Mayor	General Law	\$11,411	\$11,411	\$8,704	\$20,115
West Covina	108,245	Mayor	General Law	\$7,360	\$7,360	\$20,986	\$28,346
Inglewood	113,559	Mayor	Charter	\$111,303	\$111,303	\$17,057	\$128,360
Downey	114,146	Mayor	Charter	\$9,406	\$9,406	N/A	\$9,406
El Monte	117,204	Mayor	General Law	\$8,784	\$8,784	\$19,233	\$28,017
Pasadena	144,388	Mayor	General Law	\$26,426	\$26,426	\$22,088	\$48,514
Pomona	155,687	Mayor	Charter	\$19,476	\$19,476	\$4,820	\$24,295
Palmdale	158,905	Mayor	Charter	\$17,700	\$17,700	\$21,837	\$39,537
Lancaster	161,485	Mayor	Charter	\$7,932	\$7,932	\$1,879	\$9,811
Glendale	205,536	Mayor	Charter	\$18,537	\$18,537	\$37,154	\$55,691
Santa Clarita	216,589	Mayor	General Law	\$24,190	\$24,190	\$19,503	\$43,693
Torrance	149,245	Mayor	Charter	\$1,200	\$1,200	\$1,193	\$2,393
			Median	\$16,590	\$16,590	\$19,233	\$28,181
			Average	\$23,167	\$23,167	\$15,897	\$37,740
				Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)

Attachment A

Comparable Cities

Survey Agency	Population	Classification	Charter or General Law City	Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)
Burbank	107,149	Councilmember	Charter	\$15,480	\$15,480	\$12,775	\$28,255
Glendale	205,536	Councilmember	Charter	\$18,562	\$18,562	\$37,154	\$55,716
Long Beach	478,561	Councilmember	Charter	\$35,197	\$35,197	\$26,143	\$61,340
Pasadena	144,388	Councilmember	General Law	\$17,619	\$17,619	\$23,516	\$41,135
Pomona	155,687	Councilmember	Charter	\$9,732	\$9,732	\$9,182	\$18,914
Santa Monica	92,416	Councilmember	Charter	\$17,507	\$17,507	\$35,456	\$52,963
Torrance	149,245	Councilmember	Charter	\$1,200	\$1,200	\$5,411	\$6,611
			Median	\$17,507	\$17,507	\$23,516	\$41,135
			Average	\$16,471	\$16,471	\$21,377	\$37,848
				Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)

Burbank	107,149	Mayor	Charter	\$15,480	\$15,480	\$1,611	\$17,091
Glendale	205,536	Mayor	Charter	\$18,537	\$18,537	\$37,154	\$55,691
Long Beach	478,561	Mayor	Charter	\$140,770	\$140,770	\$43,498	\$184,268
Pasadena	144,388	Mayor	General Law	\$26,426	\$26,426	\$22,088	\$48,514
Pomona	155,687	Mayor	Charter	\$19,476	\$19,476	\$4,820	\$24,295
Santa Monica	92,416	Mayor	Charter	\$17,963	\$17,963	\$36,037	\$54,000
Torrance	149,245	Mayor	Charter	\$1,200	\$1,200	\$1,193	\$2,393
			Median	\$18,537	\$18,537	\$22,088	\$48,514
			Average	\$34,264	\$34,264	\$20,914	\$55,179
				Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)

Council Meeting of
October 1, 2019

Supplemental #1

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

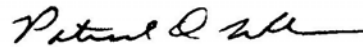
Members of the Council:

SUBJECT: City Attorney – Supplemental Material for Agenda Item 10A

Councilman Rizzo asked whether appointments in other cities for an appointed City Clerk or an appointed City Treasurer were made by the City Council or by the City Manager. Attachment A is a list of Elected versus Appointed City Clerks and it includes whether they are appointed by the City Council or City Manager. Staff has been unable to find a similar list for City Treasurers. Several articles and other city agenda items state that approximately 24% of City Clerks are elected and approximately 32% of City Treasurers are elected, but staff could not find a source for those percentages.

Attachment B is correspondence received concerning this agenda item.

Respectfully submitted,



Patrick Q. Sullivan
City Attorney

NOTED:



LeRoy J. Jackson, City Manager

- Attachments: A. List of Elected vs. Appointed City Clerks
B. Correspondence

SUPPLEMENTAL MATERIAL

ATTACHMENT A

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Adelanto	32,511	Charter	Appointed	
Agoura Hills	20,625	General Law	Appointed	City Manager
Alameda	75,988	Charter	Appointed	
Albany	18,472	Charter	Appointed	City Manager
Alhambra	84,697	Charter	Appointed	
Aliso Viejo	49,951	General Law	Appointed	City Manager
Alturas	2,668	General Law	Appointed	
Amador	179	General Law	Appointed	
American Canyon	20,001	General Law	Appointed	City Manager
Anaheim	348,305	Charter	Appointed	
Anderson	10,361	General Law	Appointed	City Manager
Angels City	3,726	General Law	Elected	
Antioch	106,455	General Law	Elected	N/A
Apple Valley	70,755	General Law	Appointed	
Arcadia	57,500	Charter	Elected	N/A
Arcata	17,734	General Law	Appointed	
Arroyo Grande	17,334	General Law	Appointed	City Manager
Artesia	16,776	General Law	Appointed	
Arvin	20,226	General Law	Appointed	City Manager
Atascadero	28,675	General Law	Elected	City Manager
Atherton	6,917	General Law	Appointed	
Atwater	29,050	General Law	Elected	N/A
Auburn	13,804	General Law	Elected	
Avalon	3,820	General Law	Appointed	
Avenal	13,239	General Law	Appointed	
Azusa	48,385	General Law	Elected	N/A
Bakersfield	367,315	Charter	Appointed	City Manager
Baldwin Park	76,715	General Law	Elected	N/A
Banning	30,325	General Law	Appointed	
Barstow	23,292	General Law	Elected	N/A
Beaumont	40,876	General Law	Elected	
Bell	35,972	Charter	Appointed	
Bell Gardens	42,667	General Law	Appointed	
Bellflower	77,741	General Law	Appointed	
Belmont	26,559	General Law	Elected	N/A
Belvedere	2,094	General Law	Appointed	
Benicia	27,454	General Law	Elected	
Berkeley	117,372	Charter	Appointed	City Manager
Beverly Hills	34,677	General Law	Appointed	City Council
Big Bear Lake	5,121	Charter	Appointed	City Manager
Biggs	1,684	General Law	Appointed	City Administrator
Bishop	3,875	General Law	Appointed	
Blue Lake	1,251	General Law	Appointed	City Council
Blythe	18,992	General Law	Elected	
Bradbury	1,082	General Law	Appointed	
Brawley	25,897	General Law	Appointed	City Manager
Brea	42,397	General Law	Appointed	Administrative Services Director

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Brentwood	54,741	General Law	Appointed	
Brisbane	4,431	General Law	Appointed	
Buellton	4,893	General Law	Appointed	
Buena Park	82,344	Charter	Appointed	City Council
Burbank	105,543	Charter	Elected	N/A
Burlingame	29,685	General Law	Appointed	
Calabasas	23,943	General Law	Appointed	Administrative Services Director
Calexico	40,564	General Law	Appointed	City Manager
California City	13,276	General Law	Appointed	
Calimesa	8,231	General Law	Appointed	City Manager
Calipatria	7,517	General Law	Elected	City Council
Calistoga	5,224	General Law	Appointed	City Manager
Camarillo	66,752	General Law	Appointed	City Manager
Campbell	41,993	General Law	Appointed	
Canyon Lake	10,826	General Law	Appointed	City Manager
Capitola	10,136	General Law	Appointed	City Manager
Carlsbad	110,169	Charter	Elected	n/a
Carmel-by-the-Sea	3,722	General Law	Appointed	
Carpinteria	13,442	General Law	Appointed	
Carson	92,636	General Law	Elected	
Cathedral City	52,595	General Law	Elected	
Ceres	46,463	General Law	Appointed	City Manager
Cerritos	49,741	Charter	Appointed	City Council
Chico	88,389	Charter	Appointed	
Chino	81,747	General Law	Appointed	
Chino Hills	76,131	General Law	Appointed	City Manager
Chowchilla	18,971	General Law	Appointed	City Manager
Chula Vista	256,139	Charter	Appointed	City Council
Citrus Heights	84,544	General Law	Appointed	
Claremont	35,920	General Law	Appointed	City Manager
Clayton	11,200	General Law	Appointed	City Manager
Clearlake	15,194	General Law	Elected	
Cloverdale	8,641	General Law	Appointed	
Clovis	102,188	General Law	Appointed	City Council/Manager
Coachella	43,633	General Law	Elected	
Coalinga	16,467	General Law	Elected	
Colfax	1,998	General Law	Appointed	City Manager
Colma	1,470	General Law	Appointed	
Colton	53,057	General Law	Elected	
Colusa	6,171	General Law	Elected	N/A
Commerce	13,003	General Law	Appointed	
Compton	98,082	Charter	Elected	
Concord	124,656	General Law	Appointed	
Corcoran	22,515	General Law	Appointed	
Corning	7,598	General Law	Elected	City Council/Manager
Corona	159,132	General Law	Appointed	City Manager
Coronado	23,419	General Law	Appointed	