

1 RESOLUTION No. 2016- R 018

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 CULVER CITY, CALIFORNIA, CALLING AND GIVING NOTICE OF  
5 THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE  
6 HELD IN THE CITY ON TUESDAY, NOVEMBER 8, 2016, FOR  
7 THE SUBMISSION OF FOUR (4) QUESTIONS TO THE VOTERS  
8 RELATING TO PROPOSED AMENDMENTS TO THE CHARTER  
9 OF THE CITY OF CULVER CITY.

10 WHEREAS, at its duly noticed Regular Meeting held on January 13,  
11 2014, the City Council considered the need for a comprehensive review of the City  
12 Charter as required by Section 1900 of said Charter; and,

13 WHEREAS, after full consideration of the matter, including comments  
14 received from the public, the City Council directed the City Manager to place an item  
15 on a future City Council meeting agenda to discuss the formation of and appointment  
16 of members to a City Council Ad Hoc Subcommittee to consider any necessary  
17 amendments to the City Charter; and,

18 WHEREAS, at its duly noticed Regular Meeting held on May 12, 2014,  
19 the City Council created the Ad Hoc Charter Review Subcommittee (Subcommittee)  
20 and appointed Mayor O'Leary and Vice Mayor Weissman thereto; and,

21 WHEREAS, at its duly noticed Regular Meeting held on February 8,  
22 2016, the City Council received the Subcommittee's recommendations for proposed  
23 Charter Amendments and, after full consideration of the matter, including comments  
24 received from the public, the City Council directed the City Manager to bring back to  
25 the City Council for its consideration the necessary resolutions for the calling of an  
26 election on November 8, 2016 for the submission of such proposed Charter  
27 Amendments to the voters; and,

28 WHEREAS, in compliance with the Elections Code, since one of the  
proposed Charter Amendments alters a procedural or substantive protection, right,  
benefit, or employment status of any local government employee or retiree or of any

1 local government employee organization, such proposal shall be submitted to the  
2 voters at the next established statewide general election pursuant to Section 1200 of  
3 the California Elections Code occurring not less than 88 days after the date of the order  
4 of election; and,

5 WHEREAS, the next established statewide general election occurring not  
6 less than 88 days after the date of the order of election shall be held on Tuesday,  
7 November 8, 2016; and,

8 WHEREAS, Section 1501 of the City Charter of the City of Culver City  
9 provides that the City Council may, at its discretion, call an election for any reason  
10 sanctioned by law at any time it deems necessary and that such election shall be  
11 known as a Special Municipal Election; and,

12 WHEREAS, the City Council has determined to submit to the voters at  
13 such Special Municipal Election four (4) questions relating to proposed Charter  
14 Amendments.

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16 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER  
17 CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS  
18 FOLLOWS:

19 SECTION 1. Pursuant to the requirements of the Charter of the  
20 City of Culver City related to Special Municipal Elections, there is called and  
21 ordered to be held in the City of Culver City, California, on Tuesday, November 8,  
22 2016, a Special Municipal Election.

23 SECTION 2. That the City Council, pursuant to its right and  
24 authority, does order submitted to the voters at said Special Municipal Election  
25 the following four (4) questions related to proposed Charter Amendments:  
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**Measure \_\_\_\_\_:**

Shall Section 607 and Section 700 of the Charter of the City of Culver City be amended to change the appointing authority and the reporting responsibilities of the Fire Chief and Police Chief from the City Council to the City Manager? YES \_\_\_\_\_

NO \_\_\_\_\_

**Measure \_\_\_\_\_:**

Shall Section 602 of the Charter of the City of Culver City be amended to provide for the ineligibility of a person who has resigned from the City Council to run for the Office of City Council Member for a period of four years from the date of such resignation? YES \_\_\_\_\_

NO \_\_\_\_\_

**Measure \_\_\_\_\_:**

Shall Section 601 of the Charter of the City of Culver City be amended to change term limits for City Council Members from the current two full terms to three full terms, with such change becoming effective for City Council Members assuming office after November 8, 2016? YES \_\_\_\_\_

NO \_\_\_\_\_

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**Measure \_\_\_\_\_:**

Shall Section 608 of the Charter of the City of Culver City be YES \_\_\_\_\_  
amended to authorize the City Council to determine the dates  
of Regular Meetings of the City Council?

NO \_\_\_\_\_

SECTION 3. That the proposed complete text of the four (4) measures submitted to the voters, amending specific provisions of the Charter of the City of Culver City, is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is, directly or through consolidation with the County of Los Angeles (as such consolidation may be authorized by the City Council), authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

1 SECTION 7. That in all particulars not recited in this resolution, the  
2 election shall be held and conducted as provided by law for holding special  
3 municipal elections.

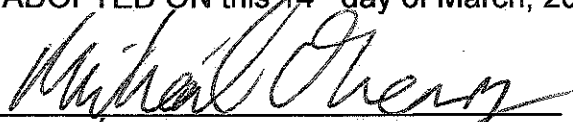
4 SECTION 8. That notice of the time and place of holding the election is  
5 hereby given and the City Clerk is authorized, instructed and directed to give  
6 further or additional notice of the election, in time, form and manner as required  
7 by law.

8 SECTION 9. That the City Clerk shall certify to the passage and adoption  
9 of this Resolution and enter it into the book of original Resolutions.

10 SECTION 10. That pursuant to the City Charter, the City Clerk is  
11 empowered to administer said election and all reasonable and actual election  
12 expenses shall be paid by the City upon presentation of a properly submitted bill.

13 SECTION 11. That the City Clerk is directed to forward copies of all  
14 measures to be voted on at the Special Election to the City Attorney for the  
15 preparation of impartial analyses in compliance with applicable law.

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17 PASSED, APPROVED and ADOPTED ON this 14<sup>th</sup> day of March, 2016.

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20 MICHEAL O'LEARY, MAYOR  
City of Culver City, California

21  
22 ATTEST

23   
24 MARTIN R. COLE, City Clerk

25 Jeremy Green, Deputy City Clerk *for*

26 APPROVED AS TO FORM

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28 CAROL A. SCHWAB, City Attorney

A16-00201

2016-R018

**EXHIBIT "A"**

**TO RESOLUTION NOS. 2016-R\_\_\_; 2016-R\_\_\_; and 2016-R\_\_\_**

**Measure \_\_\_\_\_:**

Shall Section 607 and Section 700 of the Charter of the City of Culver City be amended to change the appointing authority and the reporting responsibilities of the Fire Chief and Police Chief from the City Council to the City Manager, as follows (deletions indicated by strikethrough text; additions indicated by underlined text):

**SECTION 607. POWERS OF THE CITY COUNCIL.**

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and the Constitution. The City Council shall have the power to:

(a) Appoint, suspend, remove and fix the compensation of the City Manager, ~~Fire Chief, Police Chief and City Attorney~~, by a vote of at least three of its members;

(b) Create, modify or abolish any City department, and to prescribe the powers and duties of such departments and their Department Heads;

(c) Review and certify the results of all City elections;

(d) Control all legal business and proceedings, including, but not limited to, the authority to employ other attorneys to take charge of any litigation or other legal matters or to assist the City Attorney in connection with any legal matter, which authority, in whole or in part, may be delegated to the City Attorney; and

(e) Compel the attendance of witnesses, examine them under oath, and compel the production of evidence before it. The City Council may cause subpoenas to be issued in the name of the City and be attested to by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor. Council Members, and any City staff members designated by the City Council, shall have the power to administer oaths in any investigation or proceeding before it.

Additionally, the City Council shall have all other powers consistent with this Charter and the Constitution.

**EXHIBIT "A"**

**TO RESOLUTION NOS. 2016-R\_\_\_; 2016-R\_\_\_; and 2016-R\_\_\_**

**SECTION 700. POWERS AND DUTIES OF CITY MANAGER.**

The City Council shall appoint the City Manager who shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter, by ordinance, resolution or other action of the City Council. The City Manager, or his or her designee, shall:

(a) Appoint, suspend and remove all City employees, including Department Heads, the City Clerk, and the City Treasurer, the Fire Chief, and Police Chief, except as otherwise provided by State law or this Charter;

(b) Direct and supervise the administration of all City departments, except as otherwise provided by this Charter;

(c) Attend all City Council meetings, at which the City Manager shall have the right to take part in discussion, but shall not vote;

(d) Prepare and submit to the City Council an annual budget pursuant to this Charter, and implement the final budget approved by the City Council; and

(e) Perform such other duties as are specified in this Charter, or by ordinance, resolution or other action of the City Council.

EXHIBIT "A"

TO RESOLUTION NOS. 2016-R\_\_\_; 2016-R\_\_\_; and 2016-R\_\_\_

Measure \_\_\_\_\_:

Shall Section 602 of the Charter of the City of Culver City be amended to provide for the ineligibility of a person who has resigned from the City Council to run for the Office of City Council Member for a period of four years from the date of such resignation, as follows (additions indicated by underlined text):

**SECTION 602. ELIGIBILITY.**

Only residents of the City who are lawfully registered voters of the City shall be eligible to hold an elective City office. Candidates for election to any such office must have been lawfully registered voters of the City for the 30 days immediately preceding the filing of their nomination papers.

Residents who have resigned from an elective City office shall not be eligible to hold an elective City office nor be eligible for candidacy for election until four years have elapsed from the date of resignation.



EXHIBIT "A"

TO RESOLUTION NOS. 2016-R \_\_\_; 2016-R \_\_\_; and 2016-R \_\_\_

Measure \_\_\_\_\_:

Shall Section 601 of the Charter of the City of Culver City be amended to change term limits for City Council Members from the current two full terms to three full terms, with such change becoming effective for City Council Members assuming office after November 8, 2016, as follows (deletions indicated by ~~strikethrough~~ text; additions indicated by underlined text):

**SECTION 601. TERM LIMITS.**

No person shall serve more than ~~two~~three consecutive full terms as a Council Member. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Nothing in this provision shall act to bar service as a Council Member after at least two years have elapsed from the Council Member's last full term.

Council Members holding office on or before November 8, 2016 shall not serve more than two consecutive full terms as a Council Member. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Nothing in this provision shall act to bar service as a Council Member after at least two years have elapsed from the Council Member's last full term.

**EXHIBIT "A"**

**TO RESOLUTION NOS. 2016-R\_\_\_; 2016-R\_\_\_; and 2016-R\_\_\_**

**Measure \_\_\_\_\_:**

Shall Section 608 of the Charter of the City of Culver City be amended to authorize the City Council to determine the dates of Regular Meetings of the City Council, as follows (deletions indicated by ~~strikethrough~~ text):

**SECTION 608. CITY COUNCIL MEETINGS.**

The City Council shall hold regular meetings ~~at least twice each month,~~ at such times as it shall fix by ordinance or resolution and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

The Council Chambers of City Hall shall be the primary place of all City Council meetings.

By a vote of at least three of its members, the City Council may order a regular meeting to be held not less than seven days after that date at a place within the City other than the Council Chambers.

The City Council may, upon making a finding that the public interest requires it, order a meeting adjourned to another location within the City and to a time during the same day on which the order is made.

If for any reason it shall be unsafe to meet in the Council Chambers, meetings may be held for the duration of the unsafe condition at a place within the City designated by the Mayor, or by the City Council.

Whenever an order is made to hold a meeting at a place other than the Council Chambers, the City Clerk shall immediately post a copy of the order at a conspicuous location near the outside of the main entrance to the Council Chambers. The order shall remain posted until the meeting is held.