



# CITY OF CARSON

## Legislation Text

File #: 2018-404, Version: 1

### Report to Mayor and City Council

Tuesday, July 03, 2018

Special Orders of the Day

#### **SUBJECT:**

**PUBLIC HEARING OF THE PROPOSED ADOPTION OF A CITY CHARTER AND  
UPDATE AND RECOMMENDATIONS FROM THE COMMITTEE OF THE PROPOSED  
CITY CHARTER (CITY COUNCIL)**

#### **I. SUMMARY**

On May 1, 2018, the City Council appointed a Committee of the Proposed City Charter which has been meeting every Monday night to discuss the content of a proposed city charter and to formulate recommendations for submission to the City Council. Seven Committee meetings have occurred since May and additional Committee meetings are planned in July. This report details the discussions and recommendations from the Committee's meetings since the June 5, 2018 public hearing on the proposed adoption of a city charter and allows for further public comment. Before the Council is also a proposed draft charter, attached as Exhibit No. 1. A number of the key elements of the charter have been discussed and recommended by the Committee. A summary table of the key issues and Committee recommendations to the City Council is attached as Exhibit No. 2.

Under Govt. Code Section 34458(b), the City Council is required to hold two public hearings on the matter of the proposal of a charter and on the content of the proposed charter. The two public hearings must be at least 30 days apart, with at least one of the public hearings held outside of normal business hours. The first statutory public hearing was held on May 29, 2018. This public hearing, on July 3, 2018, serves as the second public hearing to meet the State law requirements.

Beyond state law requirements, the City Council also held an additional hearing on June 5, 2018, and has scheduled a further additional hearing on the matter of the proposed city charter for July 17 and for July 31, 2018. The Committee will be meeting on July 9th, 16th and 23<sup>rd</sup>.

#### **II. RECOMMENDATION**

OPEN the Public Hearing; TAKE public testimony then CLOSE the Public Hearing and discuss content of the proposed charter.

### **III. ALTERNATIVES**

None.

### **IV. BACKGROUND**

Since the second hearing on the proposed city charter, the committee has discussed and voted on various issues including the City's authority over economic development and land use, the selection method and compensation for the city clerk and city treasurer, term limits for elected public officials, compensation for council, mobilehome park zones and the prohibition of dispensaries and further regulation of cannabis.

#### **A. Powers of the City**

##### **i. Economic Development (Section 207)**

On June 11, 2018 the Committee voted to recommend inclusion of the drafted economic development provisions in the proposed city charter. The City's need for flexibility in the area for economic development is a driving force for exploring the option of becoming a charter city. The City's central location, major industries and employers, and significant undeveloped properties give it special development opportunities. However, the State's 2011 dissolution of redevelopment agencies pursuant to ABx1 26 severely restricted the City's general law authority to undertake economic development.

The City's previous redevelopment program was essential to redeveloping the many vacant, contaminated, and blighted parcels scarred by decades of oil and gas production, refuse dumps and landfills, auto dismantling centers, and other similar uses. It is important that the City have the authority under the proposed charter to accomplish the City's economic development goals. Section 207 of the proposed city charter details the City's goals and objectives for economic development and establishes guidelines for the City's exercise of its authority.

##### **ii. Land Use (Section 208)**

The Committee also voted to recommend inclusion of the drafted land use authority provisions in the proposed city charter. The City's need for flexibility in the area for land use regulation is also a driving force for exploring the option of becoming a charter city. The City seeks to be a balanced community, that provides employment opportunities, retail services, recreational activities, and quality neighborhoods, and that serves the needs of those who reside, work and recreate in the City. The provisions in Section 208 of the proposed city charter provide guidelines for addressing public nuisances, granting land use entitlements, preserving mobilehome parks, and the mitigation of impacts of development, among other issues.

The proposed city charter provides for but does not require strict compliance with the City's general plan for long-term growth. This is similar to the charter for the City of Huntington Beach ("HB"), which recently prevailed in the Court of Appeals based on the charter city's

same plenary authority. In that case, *Kennedy Commission v. City of Huntington Beach*, 16 Cal. App. 5<sup>th</sup> 841, HB's general plan had a housing element that included some of its required affordable housing allocation in a specific plan area. Subsequently, in response to citizen complaints and a very beneficial opportunity for development, HB sought to amend that specific plan area to only include some of that allotted housing, and intended to provide for the remaining allocation in a different area of the city. A court action was brought against HB, to challenge its authority to amend the specific plan area in a manner that was inconsistent with its general plan. However, because HB is a charter city, and because the HB charter does not require strict compliance with the general plan, the court found that HB has plenary authority to take such action.

General law cities are prohibited from adopting zoning regulations that are inconsistent with their general plan. Therefore, any proposed zoning regulations that are inconsistent with the general plan would require amendment to the general plan and undergoing the process for doing so. This consistency requirement does not apply to charter cities, unless explicitly included in the charter. The applicable provision in the proposed city charter for the City of Carson, as well as the other proposed land use provision, allow the City to exercise its land use authority for the benefit of the Carson community with significant support for such authority and a reduced risk of litigation based on the City's authority to regulate land uses within its boundaries.

### iii. Cannabis Regulation (Section 210)

The City's Cannabis Ordinance (Ordinance No. 17-1637) does not permit the retail sales of cannabis in the City. At the June 25<sup>th</sup> meeting, the Committee voted to further strengthen the ordinance by recommending that the Charter prohibit any and all retail sale of cannabis within the City by recommending inclusion of the drafted cannabis regulation provisions in the proposed city charter. Additionally, the proposed charter provision would prohibit any cannabis operations beyond the four operation centers authorized by Ordinance No. 17-1637, except by a supermajority vote of the City Council and a majority vote of the voters in a general municipal election.

## **B. Officers and Employees (Sections 501 and 502)**

On June 18, 2018, the Committee voted to recommend keeping the positions of the City Clerk and City Treasurer as elected offices, and to provide for their compensation at a rate that is at least 10% higher than their highest paid subordinate, as well as for an additional 5% premium for having a certification for their respective fields. On June 25, 2018, the Committee voted to eliminate longevity pay for the City Clerk and City Treasurer, but to allow the presently serving officers to complete their terms of service under their existing compensation arrangements. Currently, by Resolution No. 15-027, longevity pay for the City Clerk and City Treasurer is:

- After 15 years of service credit 2½ percent of their prevailing pay rate as longevity pay
- After 20 years of service credit 2½ percent of their prevailing pay rate as longevity pay

- After 30 years of service credit 2½ percent of their prevailing pay rate as longevity pay
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### **C. City Attorney (Section 406)**

On June 25, 2018, the Committee conducted a vote on the issues of an elected vs. appointed and an in-house vs. contracted City Attorney. A motion was made to continue to contract out Carson's city attorney services and a friendly amendment was made to go out to bid for those services every five years. The motion failed by a 3/2/3/3 vote (yes/no/abstain/absent). The committee deferred the recommendation on this section to the City Council.

### **D. City Council Districts**

On June 11 and June 18, 2018, the Committee discussed the issue of changing election of the city council members from at large elections to elections by or from districts. The Committee discussed the requirements for districting as well as the pros and cons of council districts. The Committee decided not to make a recommendation on districting due to the City's receipt of a letter threatening litigation against the City on the matter.

### Informational Materials

A series of informational handouts are available to the Committee and the public concerning the various issues being discussed for the proposed city charter. All of these handouts are available on the City's Website, <http://ci.carson.ca.us/>. The following are the handouts available to date:

<u>Date</u>	<u>Handout</u>
5/7	Responses to Committee Questions from the Meetings
5/14	Benefits and Disadvantages to becoming a Charter City
5/21	Consideration of Proposed City Charter Provisions
6/4	City Council Compensation
6/4	City Clerk/ City Treasurer
6/4	Project Labor Agreements
6/4	Council Districts
6/11	Powers of the City - Sections 207, 208 and 210
6/18	City Attorney Information
6/18	Sample Language for Clerk and Treasurer Compensation
6/25	Civil Service Commission
6/25	Rent Control

6/25 Commissions, Committees. and Boards

6/25 Draft Charter to Date

#### Next Public Hearing

The next public hearing of the City Council on the proposed Charter is scheduled for July 17, 2018.

#### Public Outreach

In an ongoing effort to increase public participation, staff has coordinated a second flyer distribution to all households in Carson. The flyer advertises all of the July meetings dates related to this matter. The flyer will be distributed to all city parks, community center counters and City Hall front counter and is attached as Exhibit No. 3.

#### Additional Committee Meetings

The Charter Committee will be holding three additional public workshops on the proposed charter on July 9<sup>th</sup>, July 16<sup>th</sup> and July 23<sup>rd</sup>. The meetings are held at the Community Center from 6:00 p.m. to 8:30 p.m.

### **V. FISCAL IMPACT**

None.

### **VI. EXHIBITS**

1. Draft of a Proposed City Charter based on Charter Committee Recommendations (pp. 6-66)
2. Key Issues and Recommendations from Committee of the Proposed City Charter (pp. 67-68)
3. Community Flyer (pp. 69-70)

1.

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