

City of San Bernardino

Progress Report from the Charter Committee

Common Council Meeting

September 21, 2015



Agenda

- The need for Charter reform
- Charter Committee role and approach
- Preliminary Committee recommendations for the Charter
- Timeline for completing the Committee's work and next steps

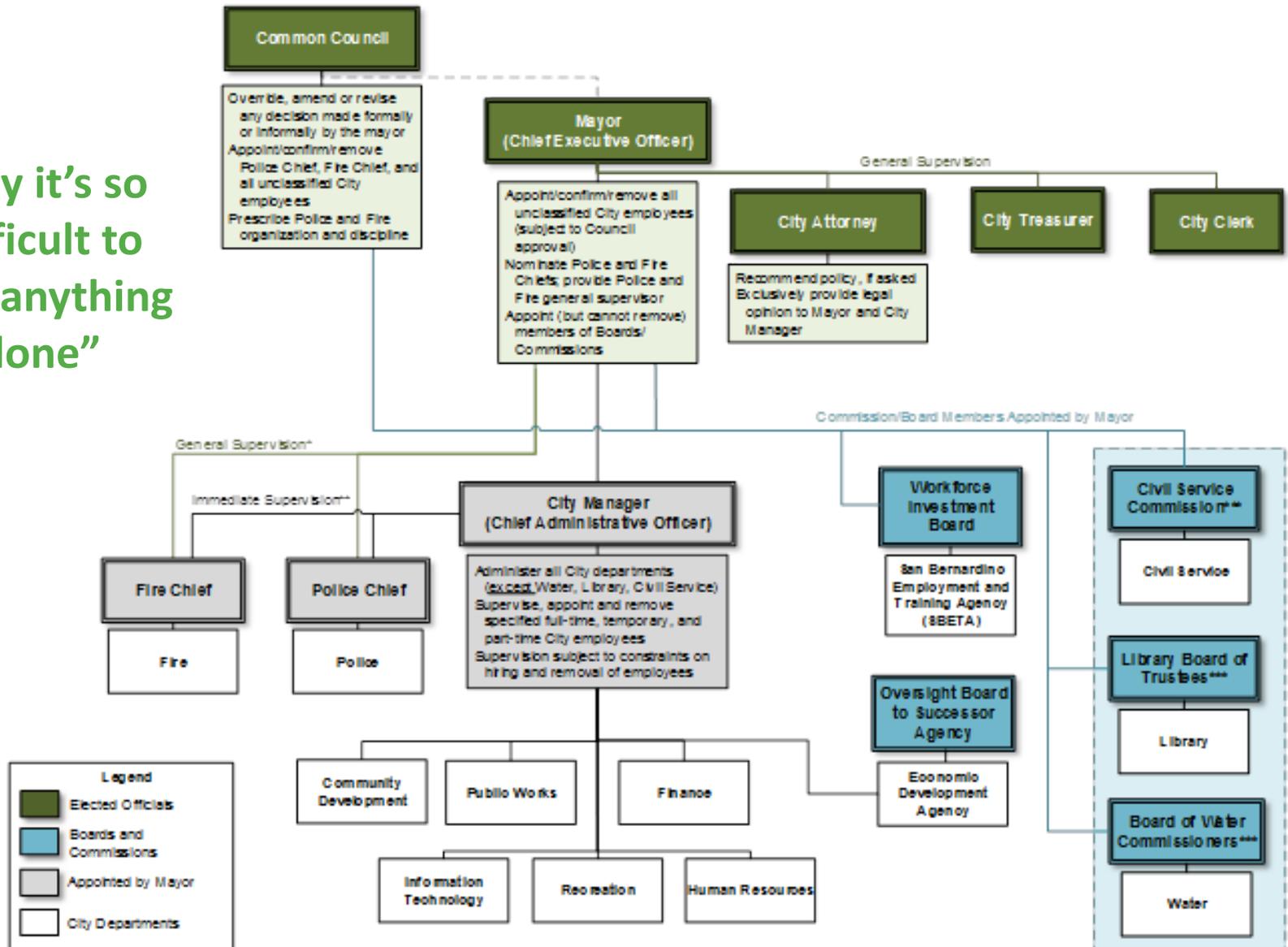
Current Charter Impedes Basic Management and Functioning of City

- No City in California operates like San Bernardino
- Neither a council/manager form of government nor a strong mayor
- Crippling ambiguities with respect to authority of City Manager, Mayor and Common Council
- Elected City Attorney is highly unusual in California cities, and in San Bernardino is vested with right to provide policy recommendations
- Basically everyone is in charge so **NO ONE IS IN CHARGE**



Charter Creates Confusing Reporting Relationships

Why it's so difficult to "get anything done"



* General supervision in this instance is subject to constraints on hiring and removal (requires 2/3 Council vote)

** Immediate supervision has no power to appoint or dismiss Police Chief or Fire Chief

*** Board has authority to hire, terminate, promote, or demote any salaried position within department

Opportunities for Improvement

- San Bernardino's charter has been amended over 25 times, but almost 50 amendments have failed
- The charter has required over 200 City Attorney opinions to interpret its ambiguous provisions
- Modern-era charters are clear, concise, and provide maximum flexibility to elected and appointed officials to operate the government efficiently and effectively



Bankruptcy Recovery Plan Requires Charter Reform

- City governance structure should be proven, clear and transparent
- Operating Practices for Good Government (OPGG) interim operating agreement is a good first step; must be honored and used to demonstrate progress
- Replacement City Charter to be drafted for consideration by voters
- Provides City a chance to set up a proven form and system of governance that supports satisfactory performance as seen in other cities



Good Charters Promote Good Governance



Volunteer Citizens Charter Committee

- Consists of 9 members appointed by Mayor and Common Council
- Responsible for providing advice and recommendations for a new charter to the Mayor and Common Council
- Job is to represent the interests of the City as a whole, not the interests of a particular ward
- Members function independently from whoever appointed them
- Work supported by City Attorney, City Clerk, city staff and professional consultant



Charter Committee, continued

- Meets twice per month
 - 2nd and 4th Tuesday from 5:00 – 7:30 p.m.
 - EDA Board Room, 201 N. E Street
- Meetings are open to the public
- Public input on Charter reform issues
 - Survey – closed September 15
 - Public forums – to be scheduled soon
- More information on Charter Committee webpage: www.SBCity.org/CharterReview



Charter Committee Approach

1. Work from a “best practices” form of government, not the City’s present charter
2. Develop the charter “skeleton” – the key elements or topics that should be addressed by the charter
3. Develop recommendations for specific language for each element or topic
4. Present recommendations to Mayor and Common Council by April-May 2016
5. Potential ballot measure for November 2016 election



Resources Guiding Our Work

- National Civic League Model Charter
- Charters of other cities with populations between 150,000 and 400,000
- San Bernardino's Charter Reform Principles and Objectives
- City's Strategic Plan and Operating Practices for Good Government
- Research on best practices for modern-era charters



Resources Guiding Our Work, continued

- Input from the City's elected officials, department heads, and other interested parties
- Public input



Preliminary Committee Recommendations

- Council-manager form of government
 - Common Council powers limited to legislative and policy making, not administrative or managerial
 - Mayor no longer has independent administrative, appointment or removal powers
 - City Manager functions as chief executive officer, responsible for daily operations
- City Manager appointed by majority vote of Mayor and Common Council (combined)



Preliminary Committee Recommendations

- Mayor has same voting privileges as Common Council members
 - No longer limited to breaking ties
 - Eliminates need for mayoral veto power
 - Eliminates need for Common Council override power
- Means Mayor and Common Council function as one governing body, with one voice



Preliminary Committee Recommendations

- Reduce number of wards from 7 to 6
 - Necessary to ensure an odd number of voting members on the Common Council to avoid tie votes, consistent with best practices
 - Transition plan would be needed for implementation, probably over 2 election cycles
 - Apply best practices from other cities currently in the process of establishing wards



Preliminary Committee Recommendations

- Incorporate recommended roles for City Manager, Common Council and Mayor from the Operating Practices for Good Government into the Charter skeleton
- Examples include:
 - Common Council shall perform its duties in a manner that serves the best interests of the entire City, rather than a particular geographic area or special interest
 - Mayor will be the key “face” and chief spokesperson for City, establish and maintain partnerships and regional leadership, serve as presiding officer at meetings, while fully participating in discussions



Preliminary Committee Recommendations

- City Manager responsible for appointment or removal of all department heads
- City Attorney to be appointed by the Mayor and Common Council, not elected
- City Clerk to be appointed by the Mayor and Common Council, not elected
- Charter will not reference City Treasurer; treasury functions to be delegated to Finance Department



Preliminary Committee Recommendations

- Departments will not be specifically mentioned in the Charter, except as otherwise provided
 - Committee will be reviewing departments currently referenced in the charter
 - May decide to make exceptions based on best practices and department input



Committee's Next Steps

- Incorporate input from Mayor and Common Council into charter skeleton
- Complete discussion on skeleton topics
 - Departments, commissions or other agencies
 - Other topics that should be included such as elections, fiscal matters, etc.
- Consider and compare impacts of becoming a general law city
- Focus on specific language or details for each area
 - Use same resources as those for developing Charter skeleton
 - Emphasize recommended language in National Civic League Model Charter



Timeline

- Oct – Nov: Hold a public forum to gather public input on Charter skeleton; develop details for charter document
- Jan – Feb: Provide another progress report to Mayor and Common Council; complete details for charter document
- March – April: Provide written report and recommendations, including specific charter language to Mayor and Common Council



Timeline, continued

- June -- July: Mayor and Common Council decide on ballot measure to put before voters
 - County Registrar of Voters must receive ballot measure resolution 88 days before election day
 - Deadline: August 1, 2016 Common Council meeting
- November 8, 2016: Voters consider ballot measure to reform Charter



Questions and Comments