

# Management Partners



To: Volunteer Citizen-Based Charter Committee

From: Cathy Standiford, Partner

Subject: Summary of Results from Interviews with Elected Officials

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The Charter Committee is considering elements pertaining to the Mayor and City Council that should be included in the Charter “skeleton.” At its July 14, 2015 meeting, the Charter Committee directed Management Partners to solicit input from the City’s elected officials and city manager to help inform the Committee’s work. The purpose of this memorandum is to summarize the input that has been gathered to date.

## Methodology

The City’s elected officials were contacted to invite them to provide input. Individual interviews were conducted during the week of July 27. Interviews with the city manager and city treasurer are currently pending.

The interviews were designed to gather opinions about the general effectiveness of the City’s current charter, as well opportunities for improvement. Opinions also were sought regarding specific roles, responsibilities and authorities of the elected officials and city manager and other areas that the Charter Committee either has discussed or is scheduled to discuss in the course of its work.

## Interview Results

The following are common themes and points of consensus that emerged during the interviews.

**The existing Charter should be completely revised.** There is strong consensus among the elected officials that San Bernardino’s charter is convoluted and confusing. There is also unanimous agreement the charter should be repealed and a new charter voted on in its place. When asked if there are charter sections that work well and should be retained, most indicated the existing charter should be replaced with a simpler, easier to understand document that reflects best practices for modern municipal governance and clarifies the roles and responsibilities of San Bernardino’s elected and appointed officials. There is strong consensus that all sections should be open for discussion, and if they interfere with the City’s ability to operate efficiently and effectively, they should be recommended for repeal.

**The charter should reflect the Operating Practices for Good Government.** The Operating Practices for Good Government were executed by the Mayor and Common Council in April 2015 to further clarify roles and responsibilities set forth in the current charter. There is strong consensus that the Operating Practices be incorporated into the new charter, and a few elected officials went so far as to suggest the Operating Practices should function as the charter “skeleton.” Others indicated the Operating Practices should be considered a starting point, but should be expanded as necessary to ensure there is no redundancy or overlap in roles and authorities for elected and appointed officials.

**The charter should specify San Bernardino will follow the council-manager form of government, consistent with the principles defined in the Operating Practices for Good Government.** Several participants indicated that the current governance structure, a hybrid of the council-manager and strong-mayor forms, is not effective and contributes to role confusion. There is strong consensus that the Mayor and Common Council should provide policy and legislative direction and should not be involved in administrative or managerial duties. Instead, the city manager should be the chief executive officer responsible for executing the Mayor and Council’s direction and for managing the daily operations of the organization.

**Those interviewed are evenly split in their opinions about the legislative and policy making role of the Mayor.** Half indicated the Mayor should have the same ability to vote on legislative and policy matters as Common Council members. Reasons given for this perspective included the following:

- The Mayor is elected at-large by the people and should therefore be able to represent the people by voting on legislative and policy matters.
- Mayoral voting privileges are more consistent with common practice.
- The intended “checks and balances” outlined by the charter do not work. These include the ability of the Mayor to veto Common Council actions and the ability of the Common Council to override mayoral decisions. If the Mayor can vote there is no need for either veto or override powers and they should be removed from the charter.
- The Mayor and Common Council should function as one legislative and governing body instead of the disjointed governance structure that exists today.
- Concerns about tie votes can be addressed by reducing the number of wards or having the position of Mayor rotate among the members of the Common Council.

Half of those interviewed indicated the Mayor should not have voting privileges, primarily because doing so is perceived to grant the Mayor more authority than the position currently has. Two participants indicated the Mayor also should not have veto powers over Common Council actions. Instead the role of Mayor should be limited to that of a figurehead, presiding officer and “cheerleader” on behalf of the City.

**There is no consensus as to whether the position of Mayor should be full- or part-time.** Four of those interviewed stated the Mayor should continue to be full time, primarily because it allows him or her to represent the City on regional boards and committees. Two participants



stated the position should be part time and that regional responsibilities should be divided among members of the Common Council. Two participants had no opinion on the employment status for Mayor.

**The number of wards should be reduced.** A majority of those interviewed indicated the number of wards should be reduced. This was a common theme expressed by those who indicated the Mayor should have voting privileges, but was echoed by others as well. Most stated voters might find it more palatable to redistrict to six wards instead of four.

**The positions of city attorney and city clerk should be appointed, not elected.** There was universal agreement among all elected officials that these positions should be appointed, with the Mayor and Common Council as the appointing body. Reasons provided include the following.

- The practice of electing a city attorney and city clerk predates the evolution of these municipal functions into modern professions. There are now attorneys who specialize in municipal law. Most city clerks have specific education and training allowing them to become a Certified Municipal Clerk (CMC).
- Appointing the city attorney clarifies the role as legal advisor to the Mayor, Common Council, city manager and other city officers and makes it less likely for the city attorney to set or strongly influence policy.
- An appointed city attorney is consistent with best practices as evidenced by the relatively low number of elected city attorneys in the State of California.
- An appointed city clerk is also consistent with best practices.
- Appointment processes for city attorney and city clerk allow the best candidates to be identified based on skills, education and experience. Election processes tend to identify the candidates best at campaigning, not necessarily those best at performing the required functions.

**If necessary, the city treasurer should be appointed.** Most of those interviewed question the necessity for a city treasurer because the duties involve a level of expertise that already exists in professional Finance Department staff. There is consensus that the treasurer should be eliminated as an elected position, and the duties of treasurer should be delegated to the finance director. (Note: Some cities designate the finance director as the city treasurer either by charter or by municipal code.)

**The city manager should be appointed by the Mayor and Common Council as a whole.** There was unanimous support for changing the charter language to give the Common Council greater involvement in the selection of a city manager, consistent with the council-manager form of government.

**The police chief, fire chief, and all other department heads should be appointed by the city manager, not the Mayor. The city manager also should have the independent authority to appoint or terminate other city employees.** There is unanimous agreement that the power to



appoint or terminate these positions should be delegated to the city manager as the chief executive officer. Several participants indicated the Common Council should not be involved in approving routine personnel matters.

**The Water and Library Departments should come under the purview of the city manager and the Civil Service Department should be eliminated.** Most interview participants stated the Water and Library Departments should come under the authority of the city manager. The Water Board of Commissioners and Library Boards should be retained, but become advisory bodies comparable to the Parks and Recreation Commission or Police Commission. The primary reasons given for converting the Water and Library Departments into “city manager departments” was to consolidate oversight of these departments, generate economies of scale through shared internal support functions and systems, and improve operational efficiency.

There is unanimous agreement the Civil Service Department should be eliminated and the functions reassigned to the Human Resources Department to eliminate the redundancy between the two operations. Some participants stated having a civil service system has become less necessary due to modern collective bargaining laws. (Note: Many of the civil service provisions in the existing charter could be addressed in the City’s municipal code and/or collective bargaining agreements.)

**The charter should provide more flexibility to adjust compensation for members of the Common Council.** There is unanimous agreement that the \$50 per month compensation for Council members is too low. When presented with various alternatives, most stated a preference for giving the Mayor and Common Council the ability to establish their compensation by ordinance, following a public hearing. While everyone agreed that compensation should not be an incentive to run for office, they noted the salary for Council members has not been adjusted in almost 40 years, and may be a factor in attracting quality candidates.

