

City of San Bernardino

Public Forum on the City's Charter

February 22, 2016 – Chavez Middle School

February 24, 2016 – San Bernardino High School

February 25, 2016 – San Gorgonio High School

March 3, 2016 – Urbita Elementary School



Charter Public Forum Agenda

- Review the Citizens Charter Committee and its purpose
- Provide an overview of what a charter is and why it is important to review San Bernardino's
- Ask for input on several specific charter issues
- Review next steps and future opportunities for public input



Volunteer Citizens Charter Committee

- Consists of 9 members appointed by Mayor and Common Council
- Responsible for reviewing the current charter and making recommendations 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 5:30 – 8:00 p.m.
 - EDA Board Room, 201 N. E Street
- Meetings are open to the public
- More information on Charter Committee webpage: www.SBCity.org/CharterReview



What Is a Charter?

- Legal document approved by voters
- Defines the City's organization and powers, essential procedures (such as elections)
- Comparable to a state or U.S. Constitution



Why Are We Reviewing the Charter?

- Existing charter language is confusing, sometimes contradictory
 - The Police and Fire Chiefs have two supervisors (Mayor and City Manager)
 - The charter includes requirements for the School District, but the City has no legal authority over the School District
- The charter has required over 200 City Attorney opinions to interpret its ambiguous provisions



Why Are We Reviewing the Charter?

- Many charter elements are highly unusual or not consistent with best practices for operation of a modern city government
 - Most charters provide flexibility to organize City departments and services to maximize efficiency and effectiveness
 - Most charters do not include detailed personnel rules or mandate specific employee job titles and functions



Why Are We Reviewing the Charter?

- The existing charter was identified as a primary contributor to the City's bankruptcy
- San Bernardino's bankruptcy recovery plan requires the charter to be modernized and/or replaced



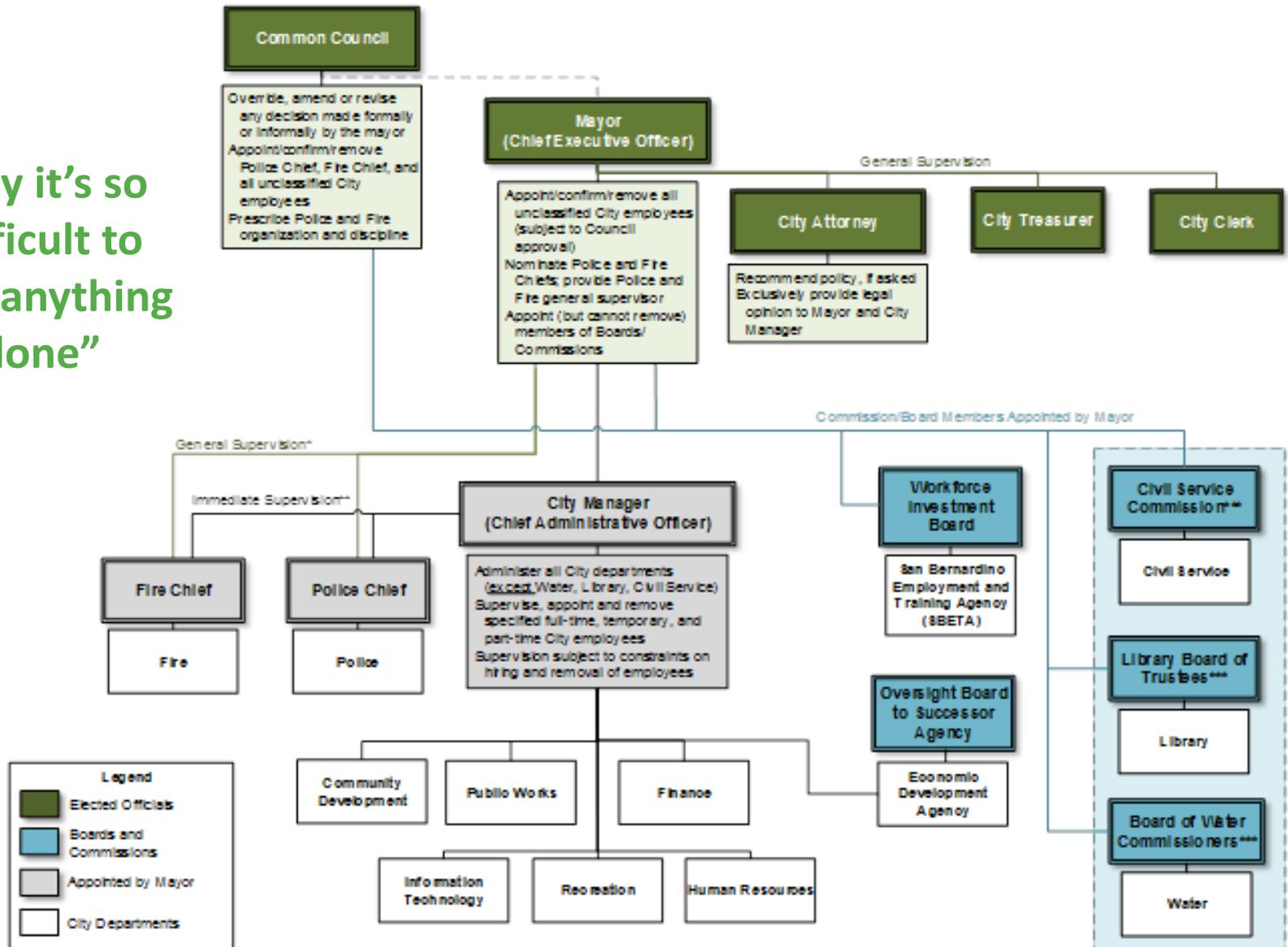
Current Charter Impedes Basic Management and Functioning of City

- No city in California operates like San Bernardino
- Neither a council/manager nor a strong mayor form of government
- Many ambiguities regarding the 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
- Charter basically says everyone is in charge so **NO ONE IS IN CHARGE**



Charter Creates Confusing Reporting Relationships

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

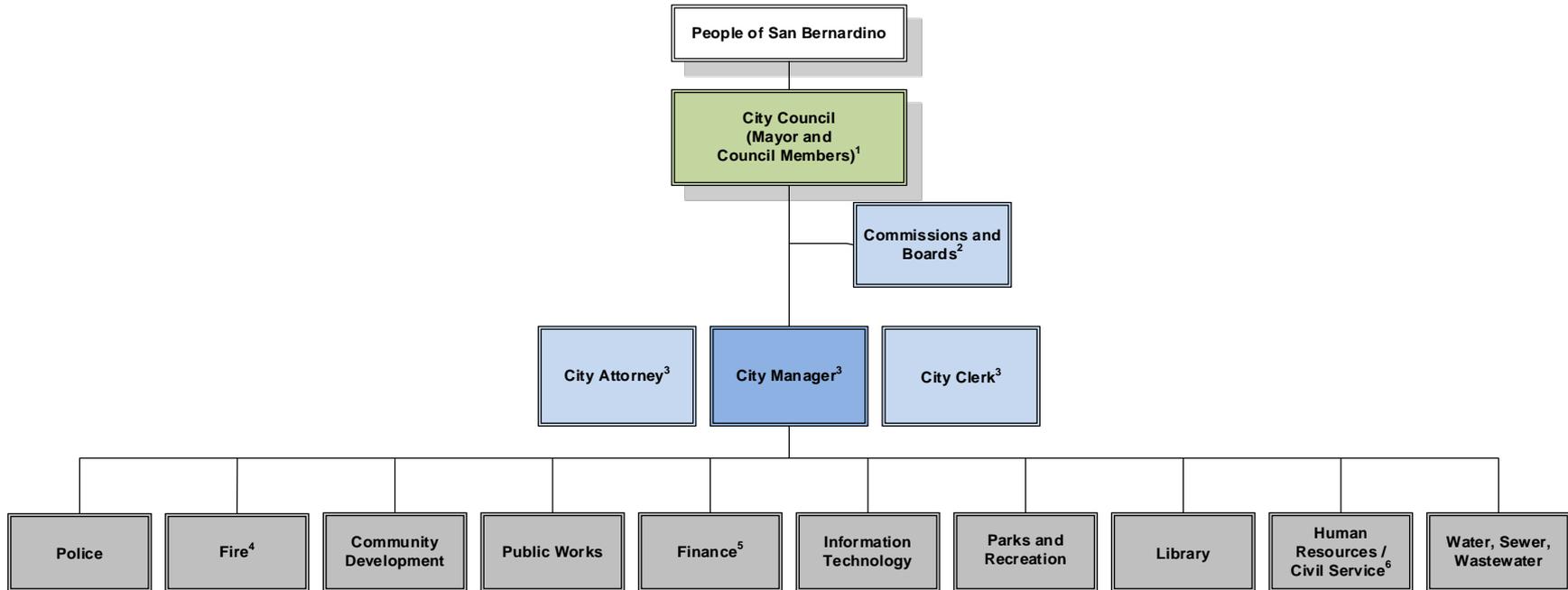


* General supervision in this instance is subjected to constraints on hiring and removal (requires 2/3 Council vote)

** 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

Governance Structure Based on Preliminary Recommendations



¹Shall ensure fundamental services are provided to protect and promote public health, safety and welfare

²All Commissions and Boards would be appointed by and accountable to the City Council with such powers as assigned by the City Council

³Appointed by the City Council as a whole

⁴County contract

⁵Treasury functions assigned to Finance Department, no Charter reference to City Treasurer

⁶Civil Service Department functions for recruitment and testing could be merged with Human Resources.



Suggestions from the Police and Fire Chiefs

- Create a completely new charter that is shorter, simpler, reflects modern-day practices
- Ensure the charter supports a stronger, more effective governance structure, led by strong city manager
- Ensure the charter provides maximum flexibility to make organizational and operational changes in response to community needs



Charter Committee Approach to Charter Review

1. Work from a “best practices” form of government, not the City’s present charter
2. Develop a best practices charter “skeleton” – the key elements or topics that should govern our City
3. Recommend what the City should do with the current charter to achieve “best practices” governance
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 and city governance



Resources Guiding Our Work, continued

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



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

- City Manager responsible for appointment or removal of all department heads
- City Attorney and 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

- Mayor remains elected at large, but with 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



What Do You Think?

- Should the Mayor of San Bernardino be able to vote on matters of City business like the Common Council members?
 - Yes?
 - No?
- Why do you feel that way?



What Do You Think?

- If the Mayor is given the right to vote, how should we avoid the possibility of tie votes?
 - Tie votes stop the City's business (nothing happens)
 - 7 Council members + Mayor = 8 elected officials
 - Best practice is for there to be an odd number of elected officials to avoid tie votes



How Should Tie Votes Be Avoided?

- Decrease the number of wards from 7 to 6 (total of 7 elected officials, including Mayor)
- Increase the number of wards from 7 to 8 (total of 9 elected officials, including Mayor)
- Instead of electing the Mayor directly, have the Mayor be selected from among the 7 Council members
- Add an 8th Council member, to be elected at large
- Maintain the current practice (Mayor can't vote except to break a tie)
- Other ideas?



Visit Charter Break Out Areas

- Learn more about the Committee's preliminary recommendations and share what you think
 - Proposed governance structure, division of roles and responsibilities between the Mayor, Common Council and City Manager
 - Elected vs. appointed City Attorney, City Clerk, City Treasurer
- What do you like about the recommendations?
What are your concerns?



Next Steps

- Committee is planning to recommend a completely new charter
- Public input will be incorporated into specific charter language
- Committee will prepare final report with recommendations to Mayor and Common Council



Timeline

- February: Provide progress report to Mayor and Common Council; complete public forums
- March: Complete details for a new charter document
- April/May: 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
- November 8, 2016: Voters consider Charter ballot measure



How to Stay Informed and Involved

- Visit Charter website:
sbcity.org/CharterReview
- Attend Charter Committee meetings (2nd/4th Tuesdays)
- Ask your friends and neighbors to get involved
- Review the proposed charter once completed
- Provide input to Mayor and Council
- Vote on November 8, 2016!

City Charter
REVIEW

[learn more](#)



Thank You for Your Input!

