

City of San Bernardino

Progress Report from the Charter Committee

Common Council Meeting

February 29, 2016



Agenda

- Charter Committee role and approach
- Review need for charter reform
- Update on activities since the last progress report
- Preliminary Committee recommendations
- Timeline for completing the Committee's work and next steps



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 5:30 – 8:00 p.m.
 - EDA Board Room, 201 N. E Street
- Meetings are open to the public
- Public input on Charter reform issues
 - Public forums – February 10, 22, 24, 25, and March 3
 - Committee Meetings
 - Email: CharterReview@sbcity.org
- 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



Why Charter Reform Is Needed

- Current Charter impedes basic management and functioning of the City
 - Crippling ambiguities with respect to authority of City Manager, Mayor and Common Council
 - “Everyone is in charge, so no one is in charge”
- Bankruptcy recovery plan requires charter reform
- Provides City a chance to set up a proven form and system of governance that supports satisfactory performance, efficiency, effectiveness and accountability



Actions Taken Since September

- Public Education and Outreach
 - Community Survey (July – September)
 - Public Forums
 - Three held in November
 - Additional Public Forums scheduled for Feb/March
 - At least one public forum per ward
 - Committee member presentations to various community groups and organizations



Actions Taken Since September

- Completed the Charter “skeleton”
- Decided to recommend that San Bernardino remain a charter city
- Decided to recommend proposing a completely new charter
- Currently developing specific language for a draft charter



Preliminary Committee Recommendations

- Council-manager form of government
 - City Council composed of the Mayor and six Council members
 - 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



Preliminary Committee Recommendations

- Mayor has same voting privileges as City Council members
 - Continues to be elected at large
 - Continues to be presiding officer at meetings and fully participate in discussions
 - Continues to be City's chief spokesperson
 - Continues role in intergovernmental representation
- Means Mayor and City Council function as one governing body, with one voice



Preliminary Committee Recommendations

- City Council (including Mayor)
 - Appoints City Manager
 - Establishes clear expectations for City Manager and conducts periodic performance evaluations
 - May not interfere with the day to day operation of the City
 - Performs duties and exercises powers to serve best interests of the entire City, not a particular geographic area



Preliminary Committee Recommendations

- Reduce number of wards from 7 to 6
 - Necessary to ensure an odd number of voting members on the 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

- City Manager
 - Sole authority for managing City operations and appointing and directing City staff
 - Accountable for implementing Council goals and policies and the overall performance of the City
 - Responsible for keeping the Council fully informed on important issues and business matters coming before them



Preliminary Committee Recommendations

- City Attorney to be appointed by Council as a whole, not elected
 - Functions as chief legal officer to City Council and City Manager
 - May not be involved in policy formulation
- City Clerk to be appointed by the Council as a whole, not elected
- Charter will not reference City Treasurer; treasury functions to be delegated to Finance Department



Committee Preliminary Recommendations

- Compensation for Mayor and Council
 - Set by Mayor and Council following a public hearing
 - Based on recommendations of an advisory commission that periodically reviews compensation for elected officials
 - Effective date deferred until terms of Council members elected in the next regular election



Preliminary Committee Recommendations

- City Departments will not be referenced in the Charter, unless there is a compelling reason to do so
 - City Council shall ensure fundamental municipal services are provided to protect and promote public health, safety and welfare
 - Council has the authority to create, modify or change departments as needed to ensure efficiency and effectiveness



Preliminary Committee Recommendations

- Charter will provide for a department responsible for water, wastewater and sewer functions, with an oversight Board of Commissioners
- Charter will also provide for a Library Board of Trustees, with powers to be established by Council



Preliminary Committee Recommendations

- Charter shall establish a personnel system
 - Details of the system would be provided in either the Municipal Code or through adopted policies and procedures and negotiated labor agreements
 - References to the Civil Service Board and its duties would be addressed in the Municipal Code



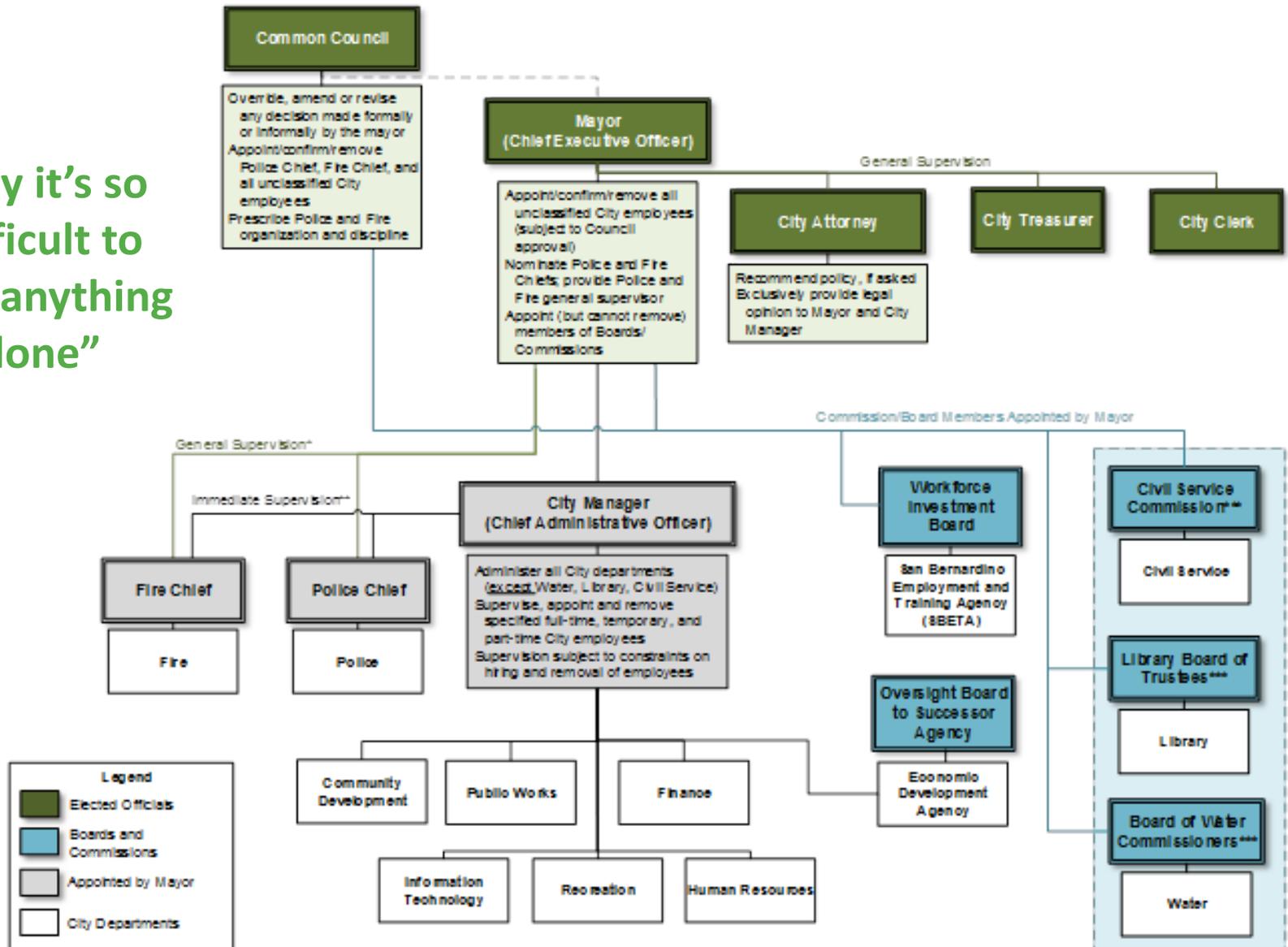
Preliminary Committee Recommendations

- Consolidate municipal elections with the cycle for state and federal elections
 - November of even-numbered years
 - Less expensive
 - Consolidation has positively impacted voter turnout in other cities



From a Governance Structure Like This

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



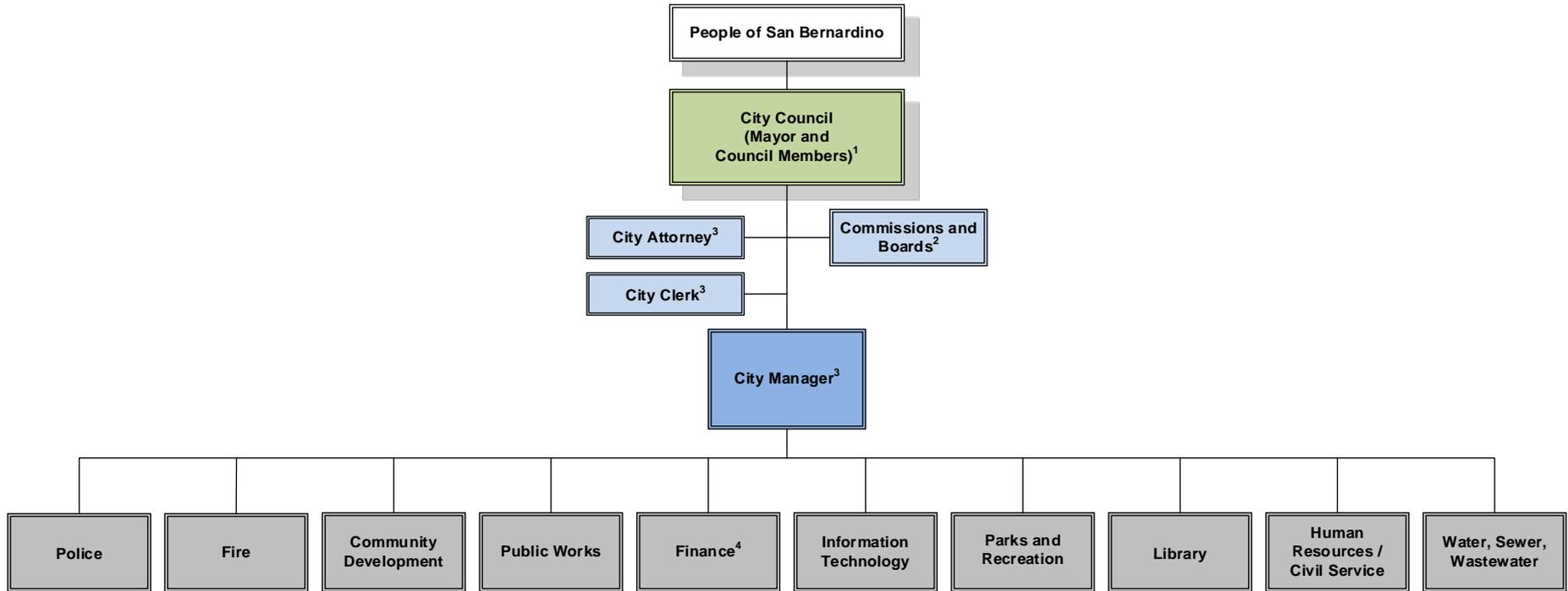
* General supervision in this instance is subject to constraints on hiring and removal (requires 2/3 Council vote)

** 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

To a Governance Structure Like This

(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 and with such powers as assigned by the City Council

³Appointed by the City Council as a whole

⁴Treasury functions assigned to Finance Department, no Charter reference to City Treasurer



Committee's Next Steps

- Consider input from Mayor and Council into the draft charter being prepared
- Continue to consider public input received at public forums and Committee meetings
- Prepare a formal report with the Committee's recommendations for the Mayor and Council to consider in April or early May



Timeline

- February/March: Complete public forums; continue to develop details for charter document
- March: Prepare written report of the Committee's recommendations
- April/May: Present recommendations, including specific charter language to Mayor and Council



Timeline, continued

- May -- July: Mayor and Common Council decide on ballot measure to put before voters
 - Deadline: August 1, 2016 Common Council meeting
- November 8, 2016: Voters consider ballot measure to reform Charter



Questions and Comments