

Adopted
 12/05/23
 Najarian/Devine
 All Ayes

RESOLUTION NO. 23-189

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA
 AUTHORIZING PLACING ON THE BALLOT THE QUESTION OF AMENDING THE
 CHARTER OF THE CITY OF GLENDALE TO ALLOW FOR THE COUNCIL TO PRESCRIBE
 THE STANDARDS AND PROCEDURES FOR AWARDING CITY CONTRACTS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE, that it does hereby authorize placing on the ballot for submission to the City electorate the following charter amendment, the full text of such amendment is set forth herein:

CHARTER AMENDMENT NO. ___ Shall City Charter be amended to allow the council to establish by ordinance the standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, such as compensation paid for performance of such work?	YES	
	NO	

Article VI, Sec. 9

Sec 9. Contracts requiring ~~competitive bids.~~

The council shall by ordinance establish standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, including, but not limited to, compensation paid for performance of such work. ~~The council shall provide by ordinance a complete procedure to ensure the integrity of awarding all contracts. Except as otherwise required in this Charter, no contract for supplies, material, labor, or other valuable consideration, or for the construction, improvement, repair, or maintenance of public works shall be authorized by the council except to the lowest responsible bidder after competitive bidding. The council may reject any and all bids. Competitive bidding shall not be required for:~~

- ~~— (a) Labor or services rendered by any city officer or employee;~~
- ~~— (b) Labor, material, supplies, or services furnished by one (1) city department to another city department;~~
- ~~— (c) Contracts for labor, material, supplies or services which are available from only one vendor;~~
- ~~— (d) Contracts for labor, material, supplies or services or for the construction, improvement, repair, or maintenance of public works involving the expenditure of an amount not exceeding the limit established by ordinance of the city council;~~
- ~~— (e) Contracts relating to the acquisition of real property;~~
- ~~— (f) Contracts for professional or unique services;~~

~~(g) Contracts for labor, material, supplies and services for actual emergency work;~~

~~(h) Contracts with other governmental entities, or their contractors, for labor, materials, supplies or services.~~

~~The council, after rejecting bids, or if no bids are received, may readvertise for bids, or may have the work done by city forces if it determines that city forces can economically do the work, or it may have the contract negotiated without further bidding.~~

~~Upon recommendation of the city manager, the council may dispense with competitive bidding for any contract when it determines that it is in the best interests of the city so to do and acts by resolution setting forth the reason for such action.~~

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and how the measure will operate; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to take such steps as may deemed necessary to place the matter on the ballot for the General Municipal Election to be held on March 5, 2024.

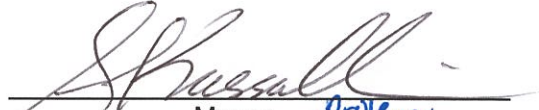
Adopted this 5th day of December, 2023.

ATTEST:



City Clerk

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)



Mayor *Pro Tem*

APPROVED AS TO FORM



CITY ATTORNEY

DATE 1/18/27

I, Dr. Suzie Abajian, City Clerk of the City of Glendale, certify that the foregoing Resolution No. 23-189 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 5th day of Dec, 2023, and that the same was adopted by the following vote:

Ayes: Asatryan, Devine, Kassakhian, Najarian, Brotman
Noes: None
Absent: None



City Clerk



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Discussion of Potential Ballot Measures Amending City Charter

1. Resolution of the Council Authorizing Placing on the Ballot Questions of Amending the Charter of the City of Glendale to Allow for Alternate Locations for Council Meetings, for the Council to Prescribe the Standards and Procedures for Awarding City Contracts, for Certain Urgency Ordinances for the Immediate Preservation of Public Health, Safety or Welfare to Be Introduced and Adopted at the Same Meeting, and to Make Other Miscellaneous Changes to the Charter; Directing City Attorney to Prepare Impartial Analysis
2. Motion Directing Staff Regarding Potential Charter Amendments
3. Resolution Calling for Arguments for and Against the Ballot Measures

COUNCIL ACTION

Item Type: Action

Approved for December 5, 2023 calendar

EXECUTIVE SUMMARY

On November 7, 2023, the Council directed staff to prepare the necessary resolutions to place measures on the March 2024 general municipal election ballot that would amend the Charter to address the location of Council meetings, the City's contract procurement process, adoption of urgency ordinances and other miscellaneous cleanups. Proposed resolutions have been prepared for Council to place these measures on the ballot. The Council also directed staff at the November 7, 2023 meeting to attempt to satisfy the legal and procedural requirements to place a measure on the ballot that would amend the Charter pertaining to the civil service system. However, since the City's employee associations have, as expected, requested to meet and confer on the proposed measure, the City cannot place the measure on the ballot for March 2024. It can be considered for the November 2024 election, as appropriate.

RECOMMENDATION

That the Council consider adoption of (i) a resolution placing measures on the ballot that would amend the City Charter to address the City's procurement process, location of Council meetings, the introduction and adoption of urgency ordinances at the same meeting, and other miscellaneous changes to the City Charter and (ii) a resolution calling for arguments for and against the ballot measures.

ANALYSIS

Since May 2023, the Council has been considering a process to transition from its at-large election system to a by-district election system, including a directly elected mayor and an expanded Council. Because the directly elected mayor position and expanded Council would require amendments to the City Charter, the Council considered other possible amendments to the Charter at the same time. While the Council has decided not to move forward with the district transition charter amendments for consideration for the March 2024 election, it directed staff on November 7, 2023 to prepare the necessary resolutions to place other amendments to the Charter on the March 2024 ballot.

Potential Charter Amendments

The proposed amendments are set forth in the proposed resolution and are summarized below.

Location of Council meetings.

The Charter currently requires Council meetings to take place in Council chambers unless there is an emergency and it is unsafe to meet in chambers. There is another exception that allows meetings off-site to take testimony but any formal action of the Council must take place in the chambers. Staff proposes a revision that would allow Council to meet in chambers or any other place prescribed by ordinance or resolution, or if the Council is compelled to meet elsewhere due by reason of emergency or "temporary unavailability of the regular meeting place." (Article VI, Section 2)

Contracts

Staff is proposing a revision to Article VI, Section 9 that would allow the Council to adopt the standards and procedures for awarding contracts in light of best practices in contracting procurement and provide more flexibility to utilize contract delivery systems that are alternative to traditional design-bid-build, lowest-responsible-bid contracts, such as design-build and construction manager at risk methodologies. In that regard, the existing provision would be amended to provide: "The council shall by ordinance establish standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, including, but not limited to, compensation paid for performance of such work."

Urgency Ordinances.

The Charter requires ordinances to be introduced at one meeting and adopted at a subsequent meeting in which at least five days have elapsed. The Charter provides an exception where in the cases of an “extraordinary epidemic of disaster” the Council may introduce and adopt an emergency ordinance at the same meeting. Staff is proposing another exception for “urgency” ordinances where there is “a current and immediate threat to the public peace, health, safety or welfare.” The most common urgency ordinance is a moratorium which most cities adopt on the same night as it is introduced, and which is permitted by state law. Creating this additional exception would permit the Council to enact these moratoria at one and the same meeting for the immediate preservation of public peace, health, safety or welfare.

Other Miscellaneous Changes

- Obsolete References. The Charter calls for the establishment of a Maintenance Services Administrator and the Building Official to be officers of the City and to be established in the Department of Public Works. The Maintenance Services Administrator is not a job classification in the City any longer and the Building Official is not a part of the Public Works Department, instead housed in the Community Development Department. Staff proposes removing these obsolete references. (Article IV, Section 1 and Article XXI, Sections 1, 3 and 4).
- Councilmembers Holding Other Offices During or Within two Years After Council Service. The Charter prohibits members of council from being employed by the City or from holding any other office while on Council or for two years after stepping off of Council. Staff proposes a change in language to confirm that the prohibition on serving in office or employment for two years after stepping off Council applies to appointed offices or employment only, and not to an office that is an elected position, such as Council, Clerk or Treasurer, regardless of whether an individual is elected or appointed (in the case of a vacancy) to such a position. This issue has been the subject of disputes (and even litigated) in the past and this confirmation is declaratory of the position the City has historically taken and that was upheld by the Attorney General and the courts. (Article VI, Section 12).

Future Consideration of Amendments to Charter Language on Civil Service System

At the November 7, 2023 Council meeting the Council also directed staff to attempt to meet the procedural and legal requirements to place a measure on the ballot that would revise the Charter’s language pertaining the Civil Service System. The City Charter establishes and, along with Civil Service Rules and Regulations (“Rules”), governs the City’s civil service system, which is overseen by the Civil Service Commission (“Commission”). The Council has inquired about updating the civil service system to provide more flexibility in the available methods for recruitment, hiring and promotions, among other potential revisions to the civil service system. Currently, the Charter provides that the Rules can be revised if approved by both the Council and the Commission. However, some requirements of the civil service system are also

requirements imposed by the City Charter, meaning those requirements cannot be amended except by also amending the Charter, which requires approval by the voters.

Generally, amendments to Charter provisions and Rules governing hiring and promotional procedures and other civil service requirements are deemed to affect terms and conditions of employment subject to bargaining (“meet and confer”) under the Meyers-Milias-Brown Act, Government Code sec. 3500 *et. seq.* As such, prior to submitting any charter amendments affecting the civil service system to the voters, the City will need to engage in the meet and confer process with the employee associations.

One suggestion that has been made is to propose a change to the Charter that would replace the existing extensive Charter provisions with a provision that provides that the Civil Service System will be governed by Council ordinance and that the existing Rules would remain in place until the City has followed the legal procedures to adopt an ordinance including the meet and confer process. For example, Burbank’s City Charter simply provides: “The Council shall provide for the establishment of a Civil Service System in the City of Burbank based on merit and suitability.”

Nevertheless, revising the Charter in the manner described above also requires bargaining, which requires the City to negotiate in good faith with all of the recognized bargaining units and utilize state-mandated impasse procedures if the parties cannot agree on a proposal to submit to the voters. As directed on November 7, 2023, staff contacted each bargaining unit regarding this proposed change and all have requested to meet and confer on a proposed ballot measure. Staff has commenced the meet and confer process with each association. Because the process is only beginning, this item cannot be placed on the ballot for March 2024. Staff recommends incorporating this discussion into any discussion involving Charter amendments for the November 2024 ballot.

Next Steps

If the Council adopts a resolution calling for the placement of Charter amendment on the ballot, a resolution calling for arguments for and against the proposed charter amendment, must also be adopted.

The following procedures must be followed:

City Attorney’s Impartial Analysis: Elections Code §9280 provides that whenever city measures are placed on the ballot, the City Attorney, upon direction of the City Council must prepare an impartial analysis of the measures showing the effect of each measure on existing law and how each measure will operate.

Call for Arguments For or Against Proposed Charter Amendments: Pursuant to Section 1.08.060 of the Glendale Municipal Code, 1995, (“GMC”), arguments for and against the proposed Charter amendments must be submitted by specific dates. The GMC requires

the Council give preference for writing arguments in the following order:

1. Officers of the City elected by the people.
2. Appointive officers of the City.
3. Bona fide associations of citizens.
4. Individual voters.

Should a majority of the Council choose to write the arguments in favor of the proposed ballot measures, the City Attorney is prepared to draft such arguments or, in the alternative, the Council may write its own arguments. Any dissenting Councilmember may write an argument against the proposed ballot measure pursuant to the above specified order of preference.

Other Pertinent Elections Dates:

A person must request to write arguments at least 85 days prior to election. (December 11, 2023)

The City Council must appoint a person or persons to write arguments at least 75 days prior to election. (December 19, 2023)

Arguments must be submitted to the City Clerk at least 65 days prior to election. (December 29, 2023)

A 10 day review period of arguments prior to submitting materials for printing.

A sample ballot must be mailed to residents at least 21 days prior to the election.

STAKEHOLDERS/OUTREACH

N/A.

FISCAL IMPACT

The estimated cost of placing these matters on the ballot is \$42,127.41. The City Clerk's budget can absorb this cost.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This activity involves organizational and administrative activities of the government related to election procedures and eligibility requirements, and such internal procedural and eligibility changes have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. As such, this action is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA) 14 Cal. Code Regs § 15378.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure.

ALTERNATIVES TO STAFF RECOMMENDATION

1. The Council can adopt the proposed resolution placing these charter amendments on the ballot and the resolution calling for ballot arguments for and against the measures.
2. The Council can modify and adopt the proposed resolution placing these charter amendments on the ballot and adopt the resolution calling for ballot arguments for and against the measures
3. The Council can choose not to place the charter amendments on the ballot and provide alternative direction.
3. The Council can choose an alternative not identified to staff

ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney

Prepared by:

Michael J. Garcia, City Attorney

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

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