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## ***TAKING MEASURES OF THE CHARTER***

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I've had a large number of calls, e-mails - even neighbors coming to my door - to ask why I haven't written sooner about the Ballot Measures A through G currently on Burbank's municipal ballot, most of them proposed amendments to the city's charter.

Some have been simply curious. Some sought help sorting through the measures. Still others have touted the now-familiar allegations of a vast City Hall conspiracy, one in which I and others are cooperating in exchange for packets of crisp new bills quietly handed over by mysterious forces who apparently have a fortune riding on whether a "hereafter" in the city's charter is changed to "from now on."

The latter, of course, is nonsense, like most of the rubbish trafficked by the same bunch who routinely charge that only felonious conduct, or occasionally gross incompetence, can explain why city officials, average voters and everyone between sometimes fail to do precisely as the gang directs them.

As with so many things, the explanation for my silence is pedestrian. I'm one guy with some part-time help, and what with tracking deceptions, records and reams of public records tied to anonymous hit-pieces and candidates, I haven't had time. In a more practical vein, I'm paid to write once monthly. I often bunch a few of those into one election period, and even at that usually end up doing a column or three for free.

Add to it that there hasn't been a controversial exchange of expensive, anonymous and wildly deceptive campaigning by either side in the ballot measure camps, typically the bread and butter of my columns, and the relative silence should be easy to understand. Indeed, none of the council meeting regulars now ridiculing the proposed amendments submitted arguments opposing the measures to appear in the voter handbook.

Aside from heckling many of the review committee's 16 meetings, and then protesting at the council's Nov. 2006 review of the proposals, many of these same critics participated in the airport-related ballot measures not long ago, and so were well aware of the rules with regard to who could file arguments and the

deadline for doing so. It's more than a little funny to see some of the same complain now about somehow having been cheated out of the chance to file opposing arguments.

When the city clerk these days responds to public queries about the rules for arguments by citing deadlines and state law, she inevitably gets sarcastic, contemptuous responses from the critics.

"That's right, use the LAW," sneered one recent speaker. Better she should ignore the law to suit whomever complains loudest, I suppose?

The critics include people who, throughout an 11 month-long "Charter Review" study and subsequent City Council discussions, howled about every facet. Personally, I wasn't happy the council chose not to televise the committee's sessions, and the committee's arguments against televising were among the lamest. But that alone hardly reflects on the product of 11 months of public meetings, three public hearings and the council's televised discussions.

Especially ironic in light of the dire warnings today from gadflies and activists is the fact that the charter review committee's work began almost 3 years later than planned because there were so few applicants. The council first asked to establish such a committee in March 2002. Staff dallied, but later the city twice extended the deadline for applications when citizens, including those now charging the members were hand-picked cronies assigned to do the nefarious bidding of city bosses, treated the call for volunteers like poisoned hotcakes.

Gee. Why ever would one be reluctant to join a city committee, when the reward for even virtual strangers to the council and city officials includes facing public accusations during televised meetings that the participants were the dishonest puppets of City Hall?

In some cases, applicants to the committee did turn out to be at least acquaintances to council members, because those were the folks who, after months of arm-twisting and plaintive requests for help, finally agreed to help fill the vacant seats. We'll see if those boobs ever make THAT mistake again.

The city did subject strangers to the same pleading in all the ways available to City Hall. The city's cable channel repeatedly aired requests for applicants. Beginning in July, 2003 a major push for applicants began when newspaper ads were published asking for applicants. The need for applicants was also frequently mentioned at council meetings, and there were even notices sent to every utility customer in the city. And still, there were few responses.

Another push began in March 2005, but it wasn't until August that sufficient numbers had been found to interview for filling the 11 seats. In fact, it took so

long to locate volunteers that the City Clerk's office reported that 8 applicants vanished during the wait, with some withdrawing their names, and others moving out of Burbank in the interim.

Let's get down to the amendments proposed by the suckers who gave in and agreed to do the work. But the first ballot measure is actually a proposal direct from the city staff and council, and is not a product of the charter review committee.

### **Measure A:**

This is a proposal to allow an increase in the tax imposed on hotel guests, from the current rate of 10%, of up to 12%. The idea is to increase city revenues with little impact on city residents.

The measure alone would not increase the tax. The city council would have to hold a hearing on any increase. It could conceivably, over a series of years, increase the tax rate by small increments until it hit the 12% maximum. Or, if approved, the council could boost the rate in one fell swoop.

### **Measure B**

One among the three most controversial charter changes, this is a proposal to make the city clerk's position a seat appointed by the City Manager, rather than one elected by residents. My reflex is to reject this proposal, but I admit the reflex is premised an ideal, not the reality.



*Burbank's Current City Clerk, Margarita Campos.*

The city clerk, one of only two elected offices in the city that also comes with a significant executive paycheck and generous benefits, is responsible for recording actions of the city, processing virtually all public notices, retaining the records of all that, and providing information and more to the general public. Of course, the city clerk also conducts municipal elections.

The city clerk's direct responsibilities to the public are so significant that I believe voters should retain the right to reject incumbents who fall down on that job, or candidates not equipped to handle the responsibility.

I say this realizing that, for at least two decades I know of, the public has fallen down on its duty. City clerks have been all but automatically reelected, no matter their records in office, nor the challenger's qualifications. When clerks have chosen to retire, they

traditionally announce it a year or so before the next election, then handpick a pal in City Hall to designate “deputy city clerk.” At election time, voters have demonstrated every time that they support the candidate with “deputy clerk,” next to their name instead of any challenger, with no sign of attention paid to the candidates’ records.

Though I’m aware of city clerks who ran for reelection despite significant mistakes in their rulings and decisions, I don’t recall even one time that those episodes became part of the campaign discourse. The reality is that the city clerk’s position has become something of an inheritance, with each clerk effectively making the decision as to who will hold the office when they’re finished with it.

I recently heard one of the charter amendment critics quoting the measure and bitterly complain the new charter language would “make the clerk ‘The Clerk of the (City) Council,’ not the clerk of the people.” In fact, language about the clerk being “The Clerk of the council” is from the original Charter, crafted in 1926 and updated in the 1950s, and then again in the 1980s. The critic was complaining about language that is not being amended. Pretty standard for those hysterical over the proposed changes.

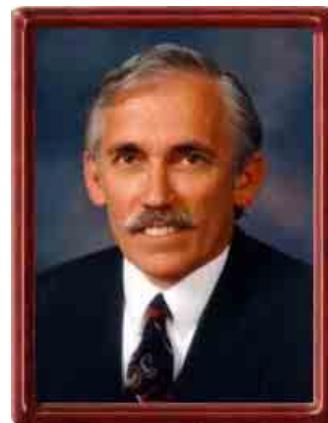
In the case of the city clerk, I still want the public to do its duty, and so would hope to preserve its right to do so.

## Measure C

This is another controversial amendment, changing the City Treasurer’s seat from one elected by voters to one appointed by the City Manager.

The treasurer’s is the second elected seat that comes with a big salary and benefits. Indeed, those are the qualities that saw then-councilman Bob Kramer run for the seat in 2001, this despite a naked lack of qualifications.

To their credit, and despite Kramer’s popularity at the time, voters rejected his bid and instead went with a challenger with experience in the city’s financial offices.



*Bob Kramer, a councilman when he ran for Treasurer in 2001.*

I see it as a matter of personal taste, but personally have much less concern about this office becoming an appointed position, as the city manager already appoints staff to positions demanding similar financial acumen. I not only see far less

room for abuse of the public interest in the position. In the event of stupidity or gross error in the office, it's infinitely more efficient and less expensive to fire an incompetent appointee than it is to conduct a voter recall, or to wait until the next regular election.

### **Measure D**

This measure simply allows for a transition process in the event that Measure B or C is approved by voters. In short, it allows the current holders of the offices to remain until their current terms expire. Even if one opposes B and C, there's no rational reason to reject D so that an orderly transition can take place if other voters do manage to push B or C to approval.

### **Measure E**

This amendment addresses the charter section that determines how unexpected vacancies on the city council are filled. While there are some negligible changes in deadlines, the bulk of the changes simply clean up language that has required interpretation and reinterpretation over the years.

An absence from the city for 60 days would replace a 30 day absence that now constitutes having left office. One can't help but note, especially in light of former council member Susan Spanos's disappearance to a treatment facility a few years ago, the new time limit appears to coincide with the standards of 30-day and 45-day periods for in-patient acute alcohol, drug and depression treatment centers, allowing an ailing official to simultaneously get the help they need, and do so without surrendering the seat for which they may be otherwise well qualified.

Other language changes reflect contemporary realities. For example, individuals facing removal from the council because, in layman's terms, they're "nuts," are no long "adjudged insane" by the courts. Instead, they may be "adjudged mentally incompetent," and so the wording has been changed.

By and large, the replacement process proposed is little different from that employed over the last half century, it's just a bit easier for the average person to read the charter and understand the process.

### **Measure F:**

This initially offers some minor changes in wording that should have been proposed separately from the most significant section of the measure. That big change would make it possible for the city council to pass the city's annual budget with a simple majority, rather than the super-majority – four fifths – now required. It also allows budget amendments by the same simple majority.

This is a classic case of a council buying into a change based upon the general professionalism and compromising spirit of today's council, with nary a glance back at some of the domineering, tyrannical blocs of three the city has suffered in the past. It's one instance wherein I hope the plea from city staff, the charter review committee and the council for a "more efficient" process will be coldly and resolutely ignored.

#### **Measure G:**

This measure has prompted the most questions and concerns, and it seems to me to be the least objectionable in the batch. In short, it covers 25 pages, mostly in updates to contemporary language.

Here's an example: *"The City shall have the power to exercise any and all rights, powers and privileges heretofore and hereafter..."*

That would be changed to read: "The City shall have the power to exercise any and all rights, powers and privileges previously or in the future..."

That's one of the more riveting and dangerous changes.

I've heard a lot of complaints about a proposed change in section six. The current language reads: "The regular meetings of the Council shall be held at least once a week ..."

The new sentence would read: "The regular meetings of the Council shall be held at least twice each month..."

Some have interpreted this to mean the council would only meet twice monthly. In fact, the council will continue its current schedule. But the change will permit what the council has been doing already for decades, apparently in violation of the charter.

Routinely throughout the year the council takes a week off during the summer months to allow council members a vacation. It also often cancels its meeting during the week of Thanksgiving, and does the same over the Christmas holiday. The charter change would not change current practice, only legitimize it.

Another changed section, in addition to clarifying the council's right to create various committees, allows for the city's police commission to someday be something other than the panel of BPD cheerleaders it serves as today. While I see no chance of that change taking place in the foreseeable future, I'm willing to wager we will one day be glad the door has been opened.

Setting aside the irrational and hysterical, there seems to be no valid objection to the 25 pages of changes proposed in Measure G.

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