



AGENDA ITEM NO. 1

CITY OF HAWTHORNE City Council AGENDA BILL

For the meeting of April 19, 2024
Originating Department: City Manager

City Manager: 
Vontray Norris

SUBJECT:

Selection of an Consultant

RECOMMENDED MOTION:

Staff Recommends that the City Council provide direction regarding the selection of consultant to draft charter provisions for upcoming 2024 General Elections.

DISCUSSION:

The California Constitution gives cities the power to become charter cities. The benefit of becoming a charter city is that charter cities have supreme authority over "municipal affairs, a charter city's law concerning a municipal affair will surpass a state law governing the same topic.

Cities that have not adopted a charter are general law cities. The City of Hawthorne is currently a General Law City bound by the state's general law, even concerning municipal affairs. Of California's 478 cities, 125 of them are charter cities. The charter city provision of the State Constitution, commonly called the "home-rule" provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy it. The home-rule provision allows charter cities to conduct business and control their affairs. A charter maximizes local control. A city charter's constitution can set out more than some municipal affairs the city wants to govern. So long as the charter declares that the city intends to avail itself of the total power provided by the California Constitution, any city ordinance that regulates a municipal affair will govern over a general state law.

During the regularly scheduled City Council meeting on April 9, 2024, the city council voted to move forward with creating a proposed charter city provision for the residents of the City of Hawthorne to vote on November 5, 2023.

To become a charter city, a city must adopt a charter. The city council has elected to have the

City Manager obtain an outside consultant to draft the charter. Please see the below firms for consideration.

Colantuono, Highsmith & Whatley, PC

- Recognized as California’s Top Ranked Law Firms by Martindale-Hubbell
- Michael and Holly Whatley have been ranked as Top Municipal Lawyers.
- Law firm represents many local cities (public and private) around our area.
- Have experience in public and private sectors arguing in general commercial litigation, labor and employment, unfair competition and intellectual property.
- Deep experience in in class action challenges to local government revenue measures.
- Located in Grass Valley, CA.

Based off my research Colantuono, Highsmith & Whatley would be my personal decision based off of their immense experience working with not only public but charter cities. I could not find many information regarding them creating a charter city ordinance, but they are familiar with charter city laws based off of their work with various charter cities such as City of Chico, Grass Valley, Pomona, San Diego, etc.

Best Best & Krieger LLP.

- In total have 12 Law offices, equipped with 250 attorneys.
- 130+ years of experience
- Government affairs team is structured as a multi-disciplinary, bi-partisan group.
- Their attorneys have experience in government agencies such as, “... White House, the U.S. Senate, the U.S. House of Representatives, the FCC, the U.S. EPA, U.S. Army Corps of Engineers, Council on Environmental Quality, Federal Maritime Commission, in state government, industry trade and local government advocacy organizations, and in the private sector.”
- Specialize in areas relating to heavily regulated areas such as water, environmental and natural resources, infrastructure development and telecommunications.
- Has a law office nearby in Redondo Beach.

Best Best & Krieger LLP would be my second choice regarding Charter City Ordinances. A plus to going with this Law Firm would be its closeness to our city, should a meeting or emergency, they are geographically close. Additionally, they have many *Legal Alert* papers regarding Charter City ordinances. In these Legal Alerts they discuss lawsuits, that some Charter Cities are facing and provide good legal background regarding said issue. They seem very well informed on such topic.

Rutan & Tucker

- Represents both public and private agencies.
- Has a specialty in Municipal Law.
- Represents entities such as City of Laguna Beach, and the city of Yorba Linda
- Prides themselves on creating cost effective solutions for their clients.
- Named the Best Law Firm by *Best Lawyers* in 2024.
- Located in Irvine, CA.

Rutan & Tucker pride themselves on being a cost-effective option for potential clients. They have a ton of history working with cases regarding Government Land Use and Law, but I could not find much information regarding works with specific charter cities. They are a smaller firm, with their Government and Government Relations team consisting of 23 attorneys. They are bit closer geographically with their office being located in Irvine, California.

Scott Rafferty

Is an attorney and expert witness who has assisted state, local, and foreign governments in regulatory and civil rights matters.

Since 2018, most of his practice has involved voting rights litigation. Mr. Rafferty is a licensed attorney and regulatory professional with experience in the technology, pharmaceutical, and healthcare industries. He has a successful track record in drafting and reviewing legal documents as well as managing projects, budgets, and people from inception to completion. His experience includes project management of multiple federal healthcare initiatives, implementing Regulatory Affairs, privacy compliance and data protection requirements, and developing solutions to client's business needs in support of business and legal strategies. During the Regular Schedule Council meeting, Mr. Rafferty provided and presentation regarding Charter City "A Hawthorne Constitution".

The following alternatives are available to the City Council:

- Direct staff to prepare an agreement with one of the four consultants recommended in this staff report
- Direct staff to have each consultant provide presentation to the City Council
- Provide staff with other direction

Its recommended that City Council provides direction regarding the selection of consultant.

ECONOMIC DEVELOPMENT STRATEGIC PLAN:

Goal 5: Develop a strategy for major developments

FISCAL IMPACT:

Not to exceed \$30,000

NOTICING PROCEDURES:

24 hours posted notice for Special Meeting pursuant to the Ralph M. Brown Act

ATTACHMENT(S):

1.