

**CHARTER REVIEW COMMITTEE MINUTES
MUNICIPAL LIBRARY, COMMUNITY ROOM, 2nd FLOOR
41 WEST THURMAN AVENUE
OCTOBER 23, 2013, 5:30 P.M.**

Called to Order at 5:34 p.m.

Roll Call: Member Green, Member Irish, Member Salazar, Member Stowe, Chair Bailey

Absent: Member Bush, Member Cortez, Member Hardin, Vice Chair Giraudi

ORAL COMMUNICATIONS

- Barry Caplan, Porterville, inquired about the state of e-mail communications with the public; and requested that the committee consider the number of council members and district elections.

Chair Bailey addressed comments made by Mr. Caplan regarding e-mail communications, stating that the committee has received three e-mails to date.

SCHEDULED MATTERS

1. Minutes of October 9, 2013

Chair Bailey introduced the item. He noted that Luisa Zavala, Deputy City Clerk, had amended the draft minutes to reflect the receipt and distribution of written communications. Mr. Bailey then welcomed a motion or any additional amendments.

COMMITTEE ACTION: MOVED by Member Irish, SECONDED by Member Salazar that the Charter Review Committee approve the minutes of October 9, 2013, as amended.

AYES: Green, Irish, Salazar, Bailey
NOES: None
ABSTAIN: Stowe
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 01-102313

Disposition: Approved, as amended.

2. Consideration of New City Charter Section 67.1, Pertaining to Political Activities

Chair Bailey introduced the item. City Attorney Julia Lew explained that the language proposed for Section 67.1 already existed in the Charter, but that it was being proposed that it be made its own section.

Member Salazar recalled there being a question regarding the definition of working hours, to which Ms. Lew advised that it was best to defer to State law.

COMMITTEE ACTION: MOVED by Member Green, SECONDED by Member Salazar that the City Council approve new Charter Section 67.1 as presented.

AYES: Green, Irish, Salazar, Stowe, Bailey
NOES: None
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 02-102313
Disposition: Approved, as presented.

3. Consideration of New City Charter Section 74 – General Penalty

Chair Bailey introduced the item. City Attorney Lew stated that proposed language emphasized the fines and penalties, included civil remedies, recovery of costs when possible, and authorized the Council to implement the section via adoption of ordinances.

A discussion followed regarding the City’s ability to recover certain costs, during which Chair Bailey expressed concern regarding the absence of a general attorney’s fees provision. Member Salazar made a motion to approve the proposed language, which was seconded by Member Irish. In response to Mr. Bailey’s concerns, City Attorney Lew stated that it could be amended to include, “This section constitutes statutory authority for recovery of costs and attorney’s fees.” Ms. Lew noted that it was important to understand that inclusion of the language did not guarantee recovery of the costs. The amendment was accepted by Members Salazar and Irish.

COMMITTEE ACTION: MOVED by Member Salazar, SECONDED by Member Irish that the City Council approve new City Charter Section 74, as amended to include, “This section constitutes statutory authority for recovery of costs and attorney’s fees.”

AYES: Green, Irish, Salazar, Stowe, Bailey
NOES: None
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 03-102313
Disposition: Approved, as amended.

4. Consideration of Modifications to Charter Section 9

Chair Bailey introduced the item, and identified a separately elected mayor as the first topic for consideration. Staff addressed questions regarding how separate elections for mayor would work, and a discussion ensued regarding the practicality. Member Salazar requested that the committee explore the process further. She noted

that the spreadsheet provided by staff showed a large number of cities with separately elected mayors, and added that there was public interest to move in that direction. The rest of the committee members spoke in opposition to further consideration.

Administrative Services Director Patrice Hildreth reviewed statistics with regard to voter turnout and agency participation. She advised that the numbers presented were supportive of moving the municipal election to coincide with the federal election, and then addressed questions regarding terms of current members and election costs.

Chair Bailey spoke of the benefits of increased voter turnout and saving money. City Attorney Lew stated that the thinking of the last committee was that voters who turned out solely for municipal elections were focused on city matters.

Member Salazar requested that each item be voted on for consistency, noting that there was no vote following consideration of a separately elected mayor. She also inquired about the need to bring back language regarding timing of elections.

COMMITTEE ACTION: MOVED by Member Stowe, SECONDED by Chair Bailey that the committee propose no modifications to the Charter pertaining to a separately elected mayor.

AYES: Irish, Stowe, Bailey
NOES: Green, Salazar
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 04-102313
Disposition: No modification.

COMMITTEE ACTION: MOVED by Chair Bailey, SECONDED by Member Stowe that the committee direct staff to bring back draft language consistent with direction to have municipal elections coincide with federal elections.

AYES: Green, Irish, Salazar, Stowe, Bailey
NOES: None
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 05-102313
Disposition: Direction given.

Chair Bailey spoke of varying philosophies with regard to payment of elected officials. Some members argued that a truly civic minded individual would serve the public for free, while other questioned whether higher pay would motivate individuals to serve. A discussion ensued regarding previous failed efforts to raise Council compensation and the likelihood of a raise passing in the current environment.

COMMITTEE ACTION: MOVED by Member Irish, SECONDED by Member Salazar that the committee approve leaving council compensation as is.

AYES: Irish, Salazar, Stowe
NOES: Green, Bailey
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 06-102313
Disposition: No modification.

5. Consideration of Modifications to Charter Section 13

Chair Bailey indicated that he had been approached by staff regarding term limits for appointment to committees and commissions. Staff spoke of difficulties associated with filling vacancies and of the Council's ability to establish term limits through the legislative process via ordinance.

COMMITTEE ACTION: MOVED by Member Irish, SECONDED by Member Green that the committee approve leaving Charter Section 13 as is.

AYES: Green, Irish, Salazar, Stowe, Bailey
NOES: None
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 07-102313
Disposition: No modification.

6. Consideration of Modifications to Charter Section 19, Pertaining to Duties of the Mayor

Chair Bailey introduced the item. Member Irish spoke in favor of granting the mayor sole authority to receive and approve all proclamations and ceremonial documents.

A discussion followed regarding the history of the proclamation approval process, and recent changes. Staff indicated that the vast majority of cities grant the authority to the mayor, and that the proclamation itself is ceremonial in nature. Member Green spoke in support of the current process.

COMMITTEE ACTION: MOVED by Member Green, SECONDED by Member Salazar that the committee approve leaving Charter Section 19 as is.

AYES: Green, Salazar, Bailey
NOES: Irish, Stowe
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 08-102313
Disposition: No modification.

The committee took a ten minute break at 7:04 p.m.

7. Consideration of New City Charter Section Establishing a Citizens Watch Dog Committee

Chair Bailey introduced the item. Member Green, who had requested the item, stated that while the concept sounded good in theory, he found it to be impractical and difficult to implement.

COMMITTEE ACTION: MOVED by Member Green, SECONDED by Member Irish that the Committee round file the proposed new City Charter section establishing a citizens watch dog committee.

AYES: Green, Irish, Salazar, Stowe, Bailey
NOES: None
ABSTAIN: None
ABSENT: Bush, Cortez, Hardin, Giraudi

Documentation: M.O. 09-102313
Disposition: No modification.

8. Staff Report Regarding SB7 (New Legislation Affecting Charter Cities Regarding Prevailing Wages)

Staff provided the committee with an informational report about new litigation pertaining to prevailing wages, and addressed questions regarding the types of projects affected and the need to establish prevailing wages for the central valley.

Documentation: None.
Disposition: Information only.

9. Consideration of Committee Member Items of Interest

Chair Bailey welcomed items of interest from the committee. The following items were suggested:

Member Salazar: City Charter Section 39 – Fiscal Year
City Charter Section 4.1 – Intergovernmental Powers (if not already taken care of)

Member Salazar also requested clarification regarding committee reports at Council meetings and Council's response to the committee's punt regarding pension reform. Staff indicated that the committee had the opportunity to report, but was not required to or given direction to.

City Attorney Lew: City Charter Section 48 – Payment of City Money; Expenditures and Indebtedness; Presentation of Demands; Warrants on Treasury.

Chair Bailey: City Charter Section 9 Pertaining to timing of Municipal Elections
City Charter Section 16 – Vacancies in Office; When Offices Declared Vacant
City Charter Section 24 – Director of Finance; Payment of Demands; To Check Annual Tax Roll
City Charter Sections 40 through 45 pertaining to Tax Provisions
City Charter Section 47 – Application of Surplus Bond Money
City Charter Section 49 – Monthly Financial Reports Required
City Charter Section 61 – Competitive Bidding for Contract Work for Erection, Improvement and Repair of Public Buildings, Etc., Where the Amount of in Excess of Five Thousand Dollars
City Charter Section 62 – Public Improvements
City Charter Section 63 – Franchises; Limitation on Renewals

Member Irish: City Charter Section 10 – Time and Place of Council Meetings; Meetings to be Open to Public; Council to Adopt Rules for Conduct of its Own Proceedings.

Disposition: Items added to next agenda by consensus.

10. Scheduling of Future Meetings

The committee reviewed the timeline, and without objection, Chair Bailey set the next meeting for November 6, 2013. City Manager Lollis communicated Mr. Hardin's request to change the meeting day.


Disposition: Meeting scheduled.

OTHER MATTERS

None

ADJOURNMENT

The Committee adjourned at 7:54 p.m. to the meeting of November 6, 2013.



Luisa M. Zavala, Deputy City Clerk



Allan Bailey, Chair