

**Charter Review Committee
Minutes
Tuesday, May 22, 2007**

7:00 p.m. - Meeting called to order.

ROLL CALL

Present: Members Berul, Grossman, Holan, Martin, Mathiasen & Chair
Wallace, Jacqueline Bucholz, City Clerk.

Absent: Member Rubin (excused)

3. APPROVAL OF MINUTES

3-1. April 24, 2007.

MOTION:

Moved by Member Martin, seconded by Member Mathiasen to approve minutes.
Motion carried and so ordered. (Member Grossman abstained)

4. PUBLIC FORUM

For persons desiring to address the Commission/Committee/Board on an item that is not on the agenda please note that each speaker is limited to three (3) minutes. The Brown Act limits the Commission/Committee/Board ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

No one wished to speak.

5. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS, WHICH COULD INCLUDE REPORTS AND/OR PROPOSED RESOLUTIONS, IF ANY:

Chair Wallace asked the Committee to change the order of the Agenda and take Item 5-6 & 5-7 out of order.

Consensus of the Committee approved the request.

5-6. Meeting Date

Chair Wallace noted that Member Grossman has indicated that he could not attend the meeting on the 4th Tuesday due to previous commitment.

The Committee discussed this and looked at the City's list of meeting dates for other Commissions & Committees.

MOTION:

Moved by Member Berul, seconded by Member Grossman to change the meeting date to the 2nd Tuesday of the month, at 7 p.m.

Motion carried and so ordered.

5-6. Meeting Date

Member Grossman thanked the Committee for changing the date so that he could continue on the Committee. It was noted that the next meeting would be Tuesday, June 12, 2007.

5-7. Nomination of Vice-Chair

MOTION:

Moved by Member Berul, seconded by Member Mathiasen to nominate Member Martin as Vice-Chair.

Motion carried and so ordered.

5-1. Memorandum from City Attorney

The City Attorney submitted a memorandum regarding possible Charter Amendments and offered suggested language for the Committee to review.

5-2. Council Compensation, Section 2.01 of the Charter

The Committee discussed the language presented by the City Attorney and the following members of the public spoke: Ruth Ganong, Albany resident; Bob Outis, Albany resident.

A summary of the comments from Members and the public are as follows: Questioned the second paragraph of the City Attorney's recommendation which relates to benefits and reimbursement of actual and necessary expenses". Suggested that the word "reasonable be added". Questioned the word "necessary" and suggested language "and/or local rules and regulations. Delete the following language: "as well as reimbursement of actual and necessary expenses, as determined by the laws of the State of California".

MOTION:

Moved by Member Martin, seconded by Member Berul to approve the following language for a ballot measure: Each member of the City Council shall receive compensation to the maximum amount allowed pursuant to Government Code Section 36516, or such successor session as amended. The Council Members shall be entitled to receive medical and dental benefits in similar plans as are offered to employees.

Motion carried and so ordered.

5-3. Election of Mayor, Section 2.01 of the Charter

Chair Wallace stated that this item is going to take a lot more time and numerous other meetings with public comment before any action is taken and suggested that the Committee discuss this until 8:00 p.m.

The Committee discussed this proposal referred by Mayor Lieber and the following people from the public spoke: Bob Outis, Albany resident.

A summary of all comments is as follows: Stated that having a directly elected Mayor builds relationships throughout the County and State and is advantageous to have a multi year

5-3. Election of Mayor, Section 2.01 of the Charter

term. Asked that during the discussion both pro/con points of view be heard. Believes that having the Council elect the Mayor gives more flexibility and if the majority of the Council agrees the Mayor could be appointed for a multi year term. Noted that having a directly elected Mayor gives the City more clout especially in obtaining grants. Asked that experts be invited to the meeting to discuss the pro/con of an elected Mayor. Asked that the Committee approach this very carefully.

Consensus of the Committee asked that the City Administrator provide the Committee with a list of resources, such as names that can be invited to make a presentation before the Committee on the pros/cons of an elected mayor. The list is requested to be provided to the Committee prior to its next meeting. The Committee also would like the City Administrator to attend its next meeting on June 12th.

It was noted that this item would be on the next agenda.

5-4. Appointment of Officers, Employees, Members of Board and Commissions Limitations, Section 3.02 of the Charter

Council referred this item after they were requested by the Social & Economic Justice Commission to look at this section and consider removing the restrictions.

A summary of the comments is as follows: Believe the section should stay in the Charter, as it promotes more diversity within the community. In favor of keeping the section the same, as there is a potential for abuse. Would like the City Attorney to prepare language to make the section more restrictive and cover all relatives.

MOTION:

Moved by Member Grossman, seconded by Member Martin that the Committee agrees with the spirit of Section 3.02 but would like the City Attorney to prepare language to make the section more inclusive.

Motion carried and so ordered (Member Mathiasen abstained).

5-5. Appointee Procedures, Section 3.23 of the Charter

The Committee discussed the City Attorney's language and suggested that the word "may" be deleted and replaced with "shall".

MOTION:

Moved by Member Grossman, seconded by Member Martin to approve the following language for a ballot measure: Except that appointees shall serve for an interim term of up to 45 days after certification of the election or until reappointed or replaced, whichever is sooner.

Motion carried and so ordered.

Chair Wallace asked the Committee to consider requesting a City policy regarding the appointment of at-large appointees. Chair Wallace stated that he did not like the way it was done during the appointment process for the at-large Charter Review members.

The Committee discussed this issue and agreed with the language submitted by Chair Wallace.

5-5. Appointee Procedures, Section 3.23 of the Charter

MOTION:

Moved by Member Grossman, seconded by Member Holan to submit to the City Attorney language for the Council to adopt a Resolution to implement policy regarding the appointment of At-Large members: Members of commissions, boards, committees, task forces, or any similar bodies, who are appointed by the Council, as a whole, shall be appointed in the following manner: 1) After the Council has received applications from interested citizens, each Council Member shall cast simultaneous votes not exceeding the number of vacancies on the concerned commission, board, committee, task force, or similar body. 2) The applicants shall be ranked according to the number of votes received. 3) The applicants who receive the greatest number of votes shall be appointed to the vacant positions, provided, that each applicant so appointed receives votes at least equal to a majority of the Council Members present.

Motion carried and so ordered.

6. ANNOUNCEMENTS/COMMUNICATIONS

7. FUTURE AGENDA ITEMS

Member Holan requested that the Committee consider the possibility of putting on the ballot the question of an elected or appointed City Attorney and City Treasurer.

It was the consensus of the Committee to put this item on the next agenda for discussion.

8. ADJOURNMENT

8:30 p.m. – It was moved and seconded to adjourn the meeting. Minutes submitted by Jacqueline L. Bucholz, CMC, City Clerk.

MICHAEL WALLACE
CHAIR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK