



**CHARTER REVIEW COMMITTEE
MINUTES - REGULAR MEETING**

November 23, 2009

Community Center, Main Room

1249 Marin Avenue

7:00 p.m.

7:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Present: Committee Members Baty, Holan, Grossman, Jordan, Outis & Chair Wallace
Absent: Committee Member Bailes
Guests: Gary Ragghianti, Caryl O'Keefe.

3. APPROVAL OF MINUTES

4. PUBLIC COMMENT

For persons desiring to address the Committee 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 Committee's 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.

5. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

5-1. City Attorney position – elected v. appointed (1 hour)

- a. Discussion with Gary Ragghianti, former elected City Attorney for San Rafael, and former appointed City Attorney in Belvedere and Tiburon.

Mr. Gary Ragghianti, former elected City Attorney for San Rafael, and former appointed City Attorney in Belvedere, Tiburon, and Corte Madera, presented his thoughts on the pros/cons of having an elected vs. appointed City Attorney. Mr. Ragghianti noted that the City of San Rafael has tried nine (9) times to change its elected City Attorney to appointed and has failed all nine (9) times.

A summary of Mr. Ragghianti comments follows. He believes it is the Attorney's job to serve the City Council and to render legal advice. It is not the Attorney's job to serve the public. He stated that it is crucial that the City Attorney be knowledgeable, as cities are now facing many complicated issues. An important with an elected Attorney is that no one knows who will run and whom the electorate would put into office, whereas with an appointed Attorney the city has many options and could chose an individual or a firm to represent it. Competency is important, and it is a misconception that an elected Attorney has more independence than an appointed Attorney.

The Charter Review Committee members thanked Mr. Ragghianti for coming and speaking to them regarding this issue. Following is a summary of the comments the Committee made. Do not have a great desire at this time to spend a lot more time on this issue. The Albany City Attorney should be invited to the next meeting to give his thoughts on the issue. There are both technical and political issues regarding this subject. The public needs to understand what the City Attorney actually does for the City and qualifications should be set for the position.

5-2. City Attorney work plan. (10 minutes)

It was the consensus of the Committee to invite the Albany City Attorney and the City Administrator to present their thoughts on the issue of elected v. appointed City Attorney. After some discussion on whether the City Administrator should be invited, the Committee decided to have the Chair ask the City Administrator if she would be comfortable discussing this, and also to try to find a City Manager from a small City that has a contract with a firm for legal representation to speak to the Committee.

The Committee discussed the next date for the meeting, as the regular meeting is scheduled for December 28th.

MOTION:

Moved by Committee Member Holan, seconded by Committee Member Jordan, to cancel the meeting of December 28th and schedule a special meeting for December 14th.

Motion carried and so ordered.

The Committee discussed dates for the special meeting, noting that December 14th may not be convenient for the City Attorney to attend and came up with the following dates: 1) December 14, 2) December 15, and 3) December 17.

Caryl O'Keefe spoke on the subject, agreeing that many people do not understand the role of the City Attorney, and recommending that the Committee come up with duties and scope for the position of City Attorney. Ms. O'Keefe noted that there should be nothing specific in the Charter about the duties and that this scope of work and duties should be embodied in an Ordinance.

5-3. City Treasurer qualifications. (10 minutes)

The Committee reached consensus that a subcommittee should work on obtaining qualifications for the position of City Treasurer. Committee Member Grossman and Chair Wallace volunteered to be on the subcommittee.

MOTION:

Moved by Committee Member Outis, seconded by Committee Member Baty, to appoint a subcommittee comprised of Committee Member Grossman and Chair Wallace to work on qualifications for the position of City Treasurer. A time line of six months was included in the motion.

ON THE QUESTION:

Committee Member Grossman asked that the City Administrator be asked to identify qualifications necessary for the position of City Treasurer. The City Clerk noted that the subcommittee could also go online to other city websites to check the various Ordinances to see qualifications for the position of City Treasurer.

Motion carried and so ordered.

6. ANNOUNCEMENTS/COMMUNICATIONS

7. FUTURE AGENDA ITEMS

Committee Member Jordan asked the Committee if they were interested in having another presentation on alternative voting methods, as 4 members were absent the last time it was discussed. The Committee agreed that it might be worthwhile to hear the presentation again, although a concern was noted that the Committee should concentrate on finishing its work on the elected vs. appointed City Attorney before the presentation is heard again. The consensus of the Committee was to have another presentation sometime next year after the work on the elected vs. appointed City Attorney is completed.

8. ADJOURNMENT

9:00 p.m. – There being no further business before the Committee it was moved and seconded to adjourn the meeting.

Michael Wallace
Chair

Attest:

Jacqueline L. Bucholz, CMC
City Clerk