



**CHARTER REVIEW COMMITTEE  
MINUTES  
Monday, January 25, 2010  
Conference Room, City Hall  
1000 San Pablo Avenue  
7:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

Present: Committee Members Bailes, Baty, Grossman, Holan, Jordan, Outis & Chair Wallace.

Absent: None

**3. APPROVAL OF MINUTES**

**3-1.** December 15, 2009.

Chair Wallace stated that he noticed some grammatical errors that need to be corrected. Members of the Committee made some other changes: Page 1: Second paragraph change the word represent to "advise"; last paragraph change the word appointed to "elected".

**MOTION:**

Moved by Committee Member Outis, seconded by Committee Member Holan to approve the minutes with the above noted corrections, as well as the grammatical changes.

AYES: Committee Members Grossman, Holan, Jordan, Outis & Chair Wallace.

NOES: None

ABSTAIN: Committee Members Bailes & Baty

ABSENT: None

Motion carried and so ordered.

Chair Wallace asked to move Item 4 – Reorganization to end of the agenda and the Committee Members agreed.

**5. 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.

No public present.

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

**6-1.** City Administrator position.

a. Consideration of the advantages and disadvantages of a City Administrator versus a City Manager as referred by the City Council. Report to the Council due in (3) months.

b. Discussion with the City Manager of Pinole regarding difference in duties.

Chair Wallace introduced Belinda Espinoza, City Manager, City of Pinole. Ms. Espinoza stated that she has been a City Manager for 18 years stating that she advocates having a professional City Manager and noted that the main difference between a City Manager and City Administrator is that a City Manager has the authority to hire and fire employees. Ms. Espinoza believes that the City Council should set the policy and the City Manager should take care of the day-to-day operation of the City.

Committee Members and Ms. Espinoza discussed different scenarios with the Committee Members asking questions. The Committee asked where they could obtain information regarding the differences and Ms.

Espinoza directed them to the website of the International City Manager's Association (ICMA) noting that there should be reports and case studies for the Committee to review.

Chair Wallace thanked Ms. Espinoza for attending the meeting.

Chair Wallace stated that he would obtain the information from ICMA and bring back to the Committee at the next meeting.

**6-2.** City Attorney position – elected v. appointed.

Consideration of subcommittee report regarding the recommendation to switch to an appointed City Attorney, in view of the interest by the Charter Review Committee to send this report to the Council in January in order to allow Council sufficient time to determining what, if any, items would be on the ballot in June.

The Committee Members went over the draft report submitted by the Chair noting that it was a good report. The following changes were submitted for inclusion in the report: 1) The language regarding the duties of a City Attorney should be beefed up noting it is crucial to the argument for an appointed Attorney. 2) Take some of the language from the City Administrator's comments that were made at the last meeting. 3) Include more preamble regarding current elected office. 4) Include a chart with the numbers and percentages of cities that have an elected or appointed Attorney.

The Committee Members then discussed if an additional meeting was necessary to bring the report back with the added language and whether the City should have a special election for this issue. Comments were made in favor of having a special election and comments made against have a special election.

**MOTION:**

Moved by Committee Member Outis, seconded by Committee Member Jordan that the Committee recommends to the City Council that a Charter Amendment be submitted to the voters to provide for an appointed City Attorney rather than an elected City Attorney. Authorize the Chair to finalize the report to Council based on comments received tonight and to submit to the City by the end of the day on Friday, February 5<sup>th</sup>.

AYES: Committee Members Bailes, Baty, Grossman, Holan, Jordan, Outis & Chair Wallace.

NOES: None

ABSENT: None

Motion carried and so ordered.

**4. REORGANIZATION**

**4-1.** Chair & Vice-Chair.

Committee Member Jordan nominated Committee Member Grossman as Chair. Committee Member Grossman declined the nomination.

Chair Wallace nominated Committee Member Jordan as Chair. Committee Member Jordan declined the nomination.

Committee Member Outis nominated Chair Wallace as Chair. Chair Wallace stated that if no one else wanted the position he would accept.

Committee Member Holan nominated Committee Member Jordan as Vice-Chair. Committee Member Jordan accepted.

It was the consensus of the Committee to appoint the following:

Chair – Michael Wallace

Vice-Chair – Preston Jordan

**6-3.** City Treasurer qualifications.

a. Report from subcommittee.

This item was continued until the next meeting in February.

**7. ANNOUNCEMENTS/COMMUNICATIONS**

Committee Member Jordan announced that the Secretary of State has certified Alameda County to provide Instant Runoff Elections in November. The cities of San Leandro and Oakland have amended its Charters to provide for Instant Runoff Elections when available in the county.

**8. FUTURE AGENDA ITEMS**

1. Continued discussion regarding the difference between a City Manager and City Administrator.
2. City Treasurer qualifications.

**9. ADJOURNMENT**

9:15 p.m. – There being no further business before the Committee it was moved and seconded to adjourn the meeting.

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Michael Wallace  
Chair

Attest:

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Jacqueline L. Bucholz, CMC  
City Clerk