



**CHARTER REVIEW COMMITTEE
MINUTES
Monday, March 22, 2010
Conference Room, City Hall
1000 San Pablo Avenue
7:30 p.m.**

1. CALL TO ORDER

2. ROLL CALL

Present: Committee Members Bailes, Baty, Holan, O'Keefe & Chair Wallace

Absent: Committee Members Grossman & Jordan (excused)

Chair Wallace welcomed new Member, Caryl O'Keefe.

3. APPROVAL OF MINUTES

3-1. January 25, 2010.

MOTION:

Moved by Committee Member Holan, seconded by Committee Member Bailes to approve the minutes, as submitted.

Committee Member O'Keefe noted that she would abstain, as she was not present at that meeting.

Motion carried and so ordered.

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. Follow-up on City Attorney discussion at February 16 City Council meeting (60 minutes).

a) Consideration of draft ballot language prepared by the City Attorney.

The Committee Members reviewed the draft ballot language submitted by the City Attorney regarding amending the City Charter, Section 3.01. The proposed language is as follows: *Effective at the November 2010 election, the City Attorney shall be elected from the City at-large for a term ending on December 5, 2011. Commencing December 6, 2011, or sooner if there is a vacancy in the office, the City Attorney shall be appointed by the City Council, as provided herein.*

The Committee Members discussed the proposed amendment and agreed that the language was good and commended the City Attorney for coming up with the transitional language.

Chair Wallace went over the list of five (5) issues that the City Council directed to the Committee, as follows:

1. Poll City Attorneys to obtain information on how appointed/elected attorneys maintain impartiality when they are working with a divided City Council.

The Committee Members discussed this and it was decided that the Chair would contact the City Attorney and ask him to contact the City Attorney Listserve to find out how other attorneys deal with this issue.

2. Try to obtain more information on the costs of appointed v. elected City Attorneys.

Chair Wallace noted that he contacted the cities of Piedmont and El Cerrito and was told the budgeted amount for that office but was also informed that it could change depending on what issues come along.

Committee Member O'Keefe stated that she would contact the Finance Director to check on the Albany City Attorney salary and current budget.

3. Draft language for an amendment to the City Charter.

It was noted that this was taken care of by the draft ballot measure language that was submitted by the City Attorney.

4. Draft language for a sunset clause in the ballot issue to address the concurrent election of the City Attorney.

It was noted that this was taken care by the draft ballot measure language that was submitted by the City Attorney.

5. Include some discussion of civil rights issues that are related to elected/appointed City Attorneys.

The Committee expressed confusion on what was being asked of them and didn't understand what the City Council specifically wanted. It was decided that Chair Wallace would contact Council Member Lieber, as he was the one that added this question, to obtain clarification.

MOTION:

Moved by Committee Member Holan, seconded by Committee Member Baty to put this issue back on the Committee's agenda next month with a draft supplemental report to the City Council, which would include the draft ballot measure language, the RFP to hire legal services from StopWaste.Org (as requested by Mayor Wile) and to include a question to the City Council on who should write the ballot question and the impartial City Attorney Analysis.

AYES: Committee Member Bailes, Baty, Holan, O'Keefe & Chair Wallace

NOES: None

ABSENT: Committee Members Grossman & Jordan

Motion carried and so ordered.

5-2. City Administrator position (20 minutes)

a. Consideration of the advantages and disadvantages of a City Administrator versus a City Manager as referred by the City Council on December 7, 2009. Report to the Council due in (3) months.

Chair Wallace handed out a document from the National Civic League's Model City Charter regarding the Powers and Duties of a City Manager and also an e-mail from the International City Manager's Association (ICMA) regarding the duties of a City Manager.

Committee Member O'Keefe asked Chair Wallace to send her the information that was provided tonight via e-mail and she would prepare something for the Committee next month.

Committee Member Holan noted that the Council did ask the Committee to provide them with a list of pros/cons on a City Administrator v. City Manager.

No action taken.

5-3. City Treasurer qualifications (10 minutes)

a. Report from subcommittee.

Chair Wallace stated that he and Committee Member Grossman were assigned to a subcommittee to work on obtaining qualifications that other cities use for the position of City Treasurer. However, after looking at numerous websites he found no listed qualifications for the position of City Treasurer.

Committee Member Holan suggested that Chair Wallace check the Model City Charter to see whether any qualifications are listed.

No action taken.

6. ANNOUNCEMENTS/COMMUNICATIONS

7. FUTURE AGENDA ITEMS

(Committee Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items.)

Chair Wallace noted that the three issues listed on tonight's agenda would come back on the next month's agenda.

8. ADJOURNMENT

8:50 p.m. – There being no further business before the Committee 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