



**CHARTER REVIEW COMMITTEE
MINUTES
Monday, April 26, 2010
Conference Room, City Hall
1000 San Pablo Avenue
7:00 p.m.**

1. CALL TO ORDER

2. ROLL CALL

Present: Committee Members Baty, Grossman, Holan, Jordan, O'Keefe & Chair Wallace
Absent: Committee Member Bailes (excused)

3. APPROVAL OF MINUTES

3-1. March 22, 2010.

Committee Member Jordan asked that some clarifying language be as follows: inserted in the motion, on page 2, regarding the RFP from StopWaste.Org, as follows: ...to hire legal services.

MOTION:

Moved by Committee Member Holan, seconded by Committee Member O'Keefe to approve the minutes, as corrected.

AYES: Committee Members Baty, Grossman, Holan, Jordan, O'Keefe & Chair Wallace.

NOES: None

ABSENT: Committee Member Bailes

ABSTAIN: Committee Member Jordan.

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.

b) Consideration of draft supplemental report to City Council.

Chair Wallace reported that before the Committee for review is the report regarding elected v. appointed City Attorney.

Following is the summarized comments of the Committee Members: Add language from previous draft report regarding "accountability". It was reported that the annual budget for the City Attorney's office is \$150 - \$173,000 per year and suggested this be put into the report to the City Council. It was the consensus of the Committee that the ballot language, as prepared by the City Attorney is good and should be forwarded to the City Council. Discussion took place regarding Section 5 of the report regarding civil rights issues (as forwarded by Council Member Lieber). It was the consensus of the Committee that this relates to the independence issue and accountability or anything that is unethical or illegal. Section 6 - RFP this relates to asking for professional expertise. Section 7 - Impartial Analysis. A lot of discussion centered around this issue and the Committee was split with some saying there is an inherent conflict of interest and that the FPPC should be contacted for advice with others believing there is nothing wrong with having the City Attorney prepare the Analysis and also did not believe the City should pay for another Attorney's Analysis. It was also noted that public awareness and education would be needed.

MOTION:

Moved by Committee Member Jordan, seconded by Committee Member Holan to recommend that the City Council engage outside counsel to provide the City Attorney Impartial Analysis.

AYES: Committee Member Holan, Jordan & Chair Wallace

NOES: Committee Members Grossman & O'Keefe

ABSTAIN: Committee Member Baty

ABSENT: Committee Member Bailes

Motion carried and so ordered.

8:20 p.m. – Committee Member Holan left the meeting.

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.
- b. Consideration of draft report to City Council.

Committee Member O'Keefe handed out a draft report to the Committee regarding the pros/cons of a City Administrator/City Manager.

A summary of the comments is as follows: The Committee discussed the draft report and spoke to City Administrator cons noting it is difficult to manage when there is no authority and that Council Members typically do not have HR experience. The consensus was to add the following language to the report: Page 2 – City Administrator Cons: In human resources (2nd con) and Can be difficult for any administrator to be effective in managing without hiring/firing authority (4th con).

Committee Member O'Keefe noted that she would make the changes and submit a new report via e-mail.

5-3. City Treasurer qualifications (10 minutes)

- a. Report from subcommittee.

Chair Wallace noted that he and Committee Member Grossman are the subcommittee and that some general research had been done but could not find any qualifications.

A summary of the comments is as follows: Should note to the Council that there should be qualifications listed for the position of City Treasurer and to ask the Council if they wish the Committee to generate those recommendations. It was suggested that the subcommittee look at the Model Charter to see if it defines qualifications.

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.)

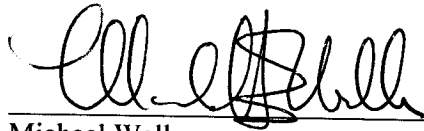
Chair Wallace asked that all the previous items be put back on the next agenda in case the Council refers anything else to the Committee regarding the draft reports.

Committee Member Jordan spoke about Instant Runoff Voting and it was decided by the Committee to not do anything at this time but to see how it works for the cities of Oakland, San Leandro and Berkeley and then put it back on the agenda for discussion.

8. ADJOURNMENT

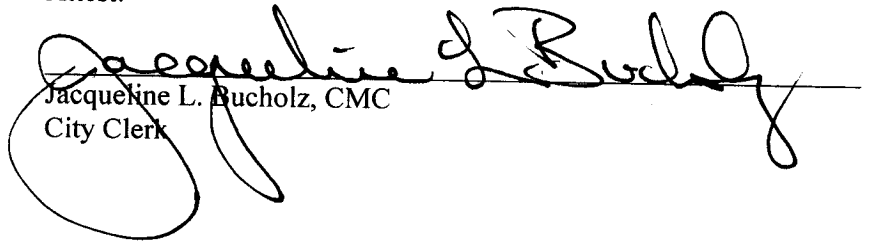
9:00 p.m. – There being no further business before the Committee it was moved and seconded to adjourn the meeting.

Minutes submitted by Jacqueline L. Bucholz, City Clerk.



Michael Wallace
Chair

Attest:



Jacqueline L. Bucholz, CMC
City Clerk