

**CHARTER REVIEW COMMITTEE  
REGULAR MEETING  
MINUTES**

City Hall, Conference Room  
1249 Marin Avenue, Albany  
Monday, September 27, 2010  
7:00 p.m.

**7:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

Present: Members \*Bailes, Baty, Jordan, \*\*Holan, O'Keefe & Chairman Wallace

Absent: Member Grossman

\*arrived at 7:30 p.m. \*\* arrived at 7:15 p.m.

**3. APPROVAL OF MINUTES**

**3-1. June 28, 2010.**

**MOTION:**

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

AYES: Committee Members Bailes, Baty, Jordan, Holan & O'Keefe.

NOES: None

ABSENT: Committee Member Grossman

ABSTAIN: Chair Wallace

Motion carried and so ordered.

**4. PUBLIC COMMENT**

The following people spoke: Ed Fields, Albany resident. A summary of the comments is as follows: Charter Review Committee members speaking in favor of Measure N and crossing the line noting that the Committee should not be campaigning.

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

**5-1. Follow up on City Attorney elected/appointed ballot measure: Public information, other CRC outreach planning.**

Chair Wallace acknowledged that the City Attorney contacted him about campaigning for Measure N and cautioned him noting that Committee members need to stay away from advocacy; however, if an individual wants to campaign, that is ok but not as a Committee member.

A summary of the comments from the Committee Members is as follows: It was noted that Assembly Woman Hancock has come out in favor of Measure N and that there is no campaign committee for Measure N. However, people can go to the yes on N website for information.

The following people spoke: Alan Riffer, Albany resident; Ed Fields, Albany resident. A summary of the comments is as follows: Expressed concern about members of the Charter Review Committee "blurring the line" on campaigning and spoke about the process. Spoke against Measure N and in favor of retaining an elected City Attorney.

**5-2. Consultant's Report on the Efficiency & Effectiveness of City Commissions/Committees/Boards.**

Elimination of At-Large members: A summary of the Committee Member comments is as follows: Elimination of the At-Large members would create a problem with quorums and noting that it would enable 2 people to pass a motion if only 3 people were present. Suggested the City have less City Commissions/Committees/Boards but more people on the Commissions/Committees/Boards.

The following person spoke: Alan Riffer, Albany resident. A summary of the comment is as follows: Questioned having two additional people on the Committee.

**MOTION:**

Moved by Committee Member Jordan, seconded by Committee Member Holan that the At-Large Members for the Charter Review Committee be retained.

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

NOES: Committee Member O’Keefe

ABSENT: Committee Member Grossman

Motion carried and so ordered.

Committee Members discussed a motion under Robert’s Rules of Order – for a temporary majority, which allows a stay on a motion until all members are present.

**MOTION:**

Moved by Committee Member O’Keefe, seconded by Committee Member Jordan to make sure all Committee Members are aware of this motion and recommended that it be noted in the training for the Committee Members.

AYES: Committee Members Bailes, Baty, Jordan, Holan, O’Keefe & Chair Wallace

NOES: None

ABSENT: Committee Member Grossman

Motion carried and so ordered.

Discussions related to the Municipal Code or proposed ordinances are outside of the Committee’s scope: A summary of the Committee Member’s comments is as follows: Noted that by default the Committee sometimes has to speak to the Code. The Committee deals with the Code when there is a nexus to the Charter.

\ The Committee should be directed to limit its activities those that fall within its stated purpose of reviewing changes to the City Charter. The potential changes should be upon referral by or authorization of the City Council. A summary of the Committee Member’s comments is as follows: Disagree with recommendation, as it would take away motivation and believe it is very authoritarian and telling the Committee do only what the Council wants.

The following people spoke: Ed Fields, Albany resident; Alan Riffer, Albany resident. A summary of the comments is as follows: Expressed concern about taking away the right of the public to bring up issues to a Commission/Committee/Board,

**MOTION:**

Moved by Committee Member Jordan, seconded by Committee Member Bailes that the Charter Review Committee recognizes the goal to stay within the scope of its original purposes and believe a better way to deal with this is for improved training.

**ON THE QUESTION:**

Ed Fields, Albany resident stated that the motion is too subtle and the Council should be made aware that the recommendation would be taking away the public’s right to express ideas.

AYES: Committee Members Bailes, Baty, Jordan, Holan, O’Keefe & Chair Wallace

NOES: None

ABSENT: Committee Member Grossman

Motion carried and so ordered.

Chair Wallace asked the Committee if they want to continue the meeting to discuss the general recommendations or hold over until the next meeting. It was the consensus of the Committee to continue the discussions to the next meeting.

Chair Wallace stated that he would help write the report to the Council, but was going to be out of the country for a period of time. Committee Member Jordan volunteered to write the report to the Council with the actions taken tonight.

**5-3. Review of CRC recommendations regarding appointment process.**

It was noted that these recommendations were approved by the Committee in 2009; however, Council had not acted on them.

**MOTION:**

Moved by Committee Member Jordan, seconded by Committee Member Baty to reiterate to the Council that they should use cumulative voting for At-Large appointments.

AYES: Committee Members Bailes, Baty, Jordan, Holan, O’Keefe & Chair Wallace

NOES: None

ABSENT: None

Motion carried and so ordered.

**6. ANNOUNCEMENTS/COMMUNICATIONS**

Committee Member Jordan announced that the Alameda County Registrar of Voters is looking for volunteers to facilitate and help voters regarding the cumulative voting for Berkeley, Oakland & San Leandro.

**7. FUTURE AGENDA ITEMS**

Committee Member Holan stated that the Measure N item should be placed back on the agenda next month in case the public have questions. Other members disagreed and it was left that the Chair would decide if it goes back on the 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, City Clerk.

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Michael Wallace  
Chair

Attest:

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Jacqueline L. Bucholz, CMC  
City Clerk