



**CHARTER REVIEW COMMITTEE
REGULAR MEETING
MINUTES**

**1000 San Pablo Avenue
Conference Room
TUESDAY, OCTOBER 2, 2007**

7:00 p.m.

1. CALL TO ORDER

Chair Wallace called the meeting to order.

2. ROLL CALL

Present: Members, Berul, Mathiasen, Rubin & Chair Wallace
Absent: Member Grossman & Martin
Member Holan arrived at 7:30 p.m.

3. APPROVAL OF MINUTES

3-1. Minutes, September 11, 2007.

The City Clerk noted that she made a correction to the minutes, page 2, Item 5-2, changed the Resolution number to No. 07-59.

Member Rubin asked that her comments made last week be included tonight regarding the Item 5-1, page 2, last paragraph. Member Rubin stated that Bob Outis asked that the Committee invite a Council Member from Piedmont and that she asked that a Council Member from Emeryville be invited.

MOTION:

Moved by Member Rubin, seconded by Member Mathiasen to approve the minutes as corrected.

AYES: Members Grossman, Mathiasen, Martin, Rubin Chair Wallace

NOES: None ABSENT: Member Holan

Motion carried and so ordered.

4. PUBLIC COMMENT

For persons desiring to address the Commission/Committee/Board 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.

Chair Wallace asked if anyone would like to speak and there being none the public comment was closed.

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

5-1. Election of Mayor, Section 2.01 of the City Charter.

The City Administrator introduced the two guest speakers: Linda Barton, City Manager of Livermore and Jim Keane, former City Manager of Berkeley and that both are members of the most recent National Civic League Model City Charter Review Committee.

Both Linda Barton and Jim Keane gave their thoughts on working with an elected Mayor and noted that the pros for this form of government are consistency, continued clarity, length of term regarding regional appointments by the Mayors Conference, relationships built with other Mayors. The cons would be longer period of time for making adjustments if the Mayor was not effective. Both speakers reiterated that it is very important to be clear on what the role of the Mayor is.

The following members of the public spoke: Preston Jordan, Albany resident; Robert Outis, Albany resident.

A summary of the comments is as follows: Spoke on the subject of District elections vs. At-Large and asked about proportional elections, as an alternative to District or At-Large. Spoke on the quality of staff and the relationship between the Mayor and City Manager.

The City Administrator asked the speakers if they have any advice on additional information gathering to help evaluate the question of changing to an elected Mayor. Linda Barton stated that meeting with the community is very important and noted that a very effective way of hearing from the community is sending out a survey asking the voters their thoughts on the question. This helps determine the culture and values of the community.

Chair Wallace thanked both speakers for taking their time to speak with the Committee. Chair Wallace asked if the Agenda items could be taken out of order, as a staff person is waiting to speak on the possible ballot measure regarding threshold limits for formal public bidding regarding contract work, Section 4.03 of the City Charter.

The Committee agreed.

5-3. Discuss Possible Charter Amendment – Threshold for Formal Competitive Bidding Regarding Contract Work, Section 4.03 of the City Charter.

The Public Works Manager reported that currently the City Charter provision for public works construction projects essentially requires the City to use formal bid procedures for projects estimated at \$5,000 or more. This limit has been in place for many years and is without a mechanism for adjustment to allow for increases in the cost of business due to inflation or other factors.

Many General Law cities have adopted the Uniform Public Construction Cost Accounting Regulations, which allows for a mechanism for raising the threshold to an amount higher than \$5,000; however, the City Attorney advises that a Charter Amendment to allow the threshold to be set by ordinance adopted by the City Council would be clearer and less ambiguous, due to the reference in the Charter to the applicable limits for general law cities.

The Committee discussed this and reviewed the language prepared by the City Attorney and made the following changes to the language: The ballot question box language: Do you approve the modification of Section 4.03 of the City Charter to provide that the City Council pass an ordinance that sets a minimum expenditure on public projects before the City shall request formal competitive bidding?

Changed Exhibit C on page 6, as follows: The City Council shall by ordinance set threshold limits for the requirements for formal competitive bidding and shall establish such other procedures, as are necessary for undertaking the completion of any public projects.

MOTION:

Moved by Member Rubin, seconded by Member Holan to approve the language, as noted above for Section 4.03.

Motion carried and so ordered.

5-2. Review language of the changes to the Charter for the appointees and Council Compensation.

Section 3.23 – Committee Appointments.

MOTION:

Moved by Member Berul, seconded by Member Holan to approve the language in Exhibit B regarding Committee appointments.

Motion carried and so orderd.

Resolution #07-59 – Procedures for appointing At-Large Members.

It was noted that some changes in the title of the Resolution are necessary: That a hyphen be added between the words At-Large and correct spelling of the word “procedures”.

The Committee also discussed the language in Section 1.ii and made the following changes: The written votes shall be given to the City Clerk and the individual Council votes announced by him/her. Also asked that the City Attorney come back with language to address the issue of handling a tie vote or not enough votes.

Section 2.01 – Council Compensation.

Chair Wallace handed out a communication from the City Attorney regarding options about how the Committee might address the matter of providing health related benefits for the Council in addition to the compensation measure that has tentatively been approved by the Committee.

The Attorney reported that he believes the issue of Council compensation is more than appropriate to present to the electorate. Since the City already has a policy of providing health benefits to the Council, it is suggested that the health benefit matter not be addressed in the compensation ballot measure but rather in a resolution that sets forth a policy.

The following people spoke on this issue: Robert Outis, Albany resident; Caryl O’Keefe, Albany resident.

A summary of the comments is as follows: Disagrees with the City Attorney and believes the health benefit issue needs to be dealt with and noted that the current system of giving Council health benefits is a violation of the City Charter. Asked that the Committee to use the proper terms and that when speaking of an increase in money it should be salary and not compensation, as that word includes benefits. The issue of part time or full time should be addressed noting that if the Council are part time then maybe the benefits should reflect that. A question was asked if the City has a current policy on part time vs. full time benefits.

Member Berul commented that maybe the issue of legality of providing health benefits should be sent back to the City Attorney to review.

The consensus of the Committee approved the following language change and asked that this item come back to them next meeting.

Ballot language, as follows: Effective January 1, 2008, each member of the City Council shall receive compensation benefits to the maximum amount allowed pursuant to Government Code Section 36516. Page 2 of Exhibit A, line 3, change as follows: Effective January 1, 2008, each member of the City Council shall receive compensation benefits to the maximum amount allowed pursuant to Government Code Section 36516. Delete the rest of the language in lines 5-8. Keep language in lines 13-14, as follows: Members of the City Council shall not be eligible to any other office or employment with the City, other than as in this Charter expressly provides.

6. ANNOUNCEMENTS/COMMUNICATIONS

6-1. Communication from the City Administrator regarding Commission, Committee and Board training , scheduled for Monday, October 29, 6:30 – 9:00 p.m.

9:45 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