



MINUTES OF THE CHARTER REVIEW COMMITTEE

Central Park Library -

Margie Edinger Meeting Room

Thursday, May 19, 2016, 5:30 p.m. – 7:30 p.m.

Committee Members in attendance:

Beverly Silva, Chair
Steve Lodge, Vice Chair
Mario Bouza
Robin Burdick
Saskia Feain
Hosam Haggag
Mary Elizabeth Hanna-Weir

Jeannie Mahan
Jodi Muirhead
Howard Myers
Stephen Ricossa
Tino Silva
Joe Sweeney

Absent:

Brian Lowery
Ahmad Rafah
Noelani Sallings

Staff in attendance:

Richard Nosky, Jr., City Attorney
Sheila Tucker, Asst. City Manager

Rod Diridon, Jr., City Clerk
Cris Evans, Exec. Asst. to the City Attorney

Matters for Council Action: None.

1. **Call to Order.** Chair Silva called the meeting to order at 5:30 pm.
2. **Approval of Minutes from May 5, 2016, Meeting.** There was discussion of the amount of detail in the Minutes.

IT WAS MOVED, SECONDED AND PASSED BY AN 8-2 VOTE, WITH 3 MEMBERS ABSTAINING THAT COMMITTEE APPROVE THE MAY 5, 2016, MINUTES.

3. **Presentation of District Voting System.** The City Attorney discussed the mechanics of drawing voting districts and the timeline left for the 2016 election cycle. Questions were asked relating to amending the Charter, Charter changes, and forwarding an advisory measure to the City Council. The City Attorney answered questions related to voting systems other than Districts and whether the Committee had time to make a recommendation to the City Council for the November 2016 election. The Committee discussed making a recommendation to move to District voting now, recognizing that boundaries will take a lengthy public process to draw (the City Attorney discussed future timelines related to drawing districts); and, there was discussion about using the stale 2010 Census information now or waiting for the 2020 Census to be able to use more relevant information. The discussion started concentrating on the realities that there was too much to accomplish before the November 2016 election relating to the voting system issue and it might be better to have the City Council form another Charter Review Committee to specifically discuss the voting system issue.

IT WAS MOVED, SECONDED AND PASSED BY A 12-0 VOTE, WITH 1 MEMBER ABSTAINING THAT COMMITTEE APPROVE TABLING THE VOTING/ELECTION DISCUSSION AND RECOMMEND THAT THE CITY COUNCIL FORM ANOTHER CHARTER REVIEW COMMITTEE TO REVIEW SPECIFICALLY THE METHOD OF ELECTIONS FOR THE NEXT ELECTION CYCLE.

4. **Alternative Voting Systems: Pros & Cons.** This item was tabled by the Chair.
5. **Top Five (5) Items to be Reviewed via Committee Consensus from May 5, 2016 Meeting.**
The Chair stated that she is using the ranked choice vote results from the last meeting for the top five (5) issues and each Committee Member will be given two minutes for discussion.

a) Council Term Limits – Charter Sec. 701. Committee discussed having two terms as City Council and two terms as Mayor with no return to the Council after those terms. There was mention of why people are concerned with term limits; perception that there are term limits but in reality, there are none; lifetime term limits because incumbents do have an advantage with name recognition; possibility of corruption; incumbents having established relationships, which makes it easier to fund campaigns; encouraging new thoughts and ideas, new technology, and variety. Additional talking points included the time it takes elected officials to get up to speed on how to do their job; the rights of citizens to vote for whomever they want; experience gained in the office; officials who sit on Countywide committees where their tenure/seniority counts in the City's favor; Council Members who know the history of the City's issues; not meant to be a person's "day job"; citizens can impose their own term limits by not voting for specific candidates; fairness of election system = equal playing field for everyone; ability of citizens to find other opportunities in the City other than City Council and Mayor.

At this point, the Chair took a "straw poll" to assess whether the Committee wanted an amendment to what the Charter states currently. The results were 10-3 that they wanted to continue discussion related to term limits and how many years the City Council and Mayor could serve.

Discussion continued and included combining the Mayor and City Council term limits; the number of years allowed for each Mayor and City Council; mixing years served between Mayor and City Council with a lifetime limit; and, cumulative limit between the offices served.

IT WAS MOVED, SECONDED AND FAILED BY A 6-6 VOTE, WITH 1 MEMBER ABSTAINING THAT COMMITTEE DEVELOP A SYSTEM THAT ALLOWS A LIFETIME CAP OF THREE TERMS COLLECTIVELY BETWEEN THE MAYOR AND CITY COUNCIL POSITIONS.

- b) **Method of Appointment of Council and Mayor Seats Vacated during a Term & Qualifications of Candidates to a Vacant Council Seat – Charter Sec. 703.** This item was continued to the next meeting by Chair Silva.
- c) **Process for Open Space Transitions – Proposed Charter Section.** This item was continued to the next meeting by Chair Silva.
- d) **Require Fair Market Value for Sale or Lease of City Property – Charter Sec. 401; 714 and Proposed Charter Section.** This item was continued to the next meeting by Chair Silva.
- e) **Council Meetings: Threshold for Calling a Special Meeting – Charter Sec. 708.** This item was continued to the next meeting by Chair Silva.

6. **Topics for Future Meetings:**

- a) **Committee Discussion re: District Voting Concerns and Santa Clara County's Voter Registrar's Needs.** Not discussed.
- b) **Review of Possible Presenters/Resources.** Not discussed.
- c) **Presentation of California Voting Rights Act [CVRA].** Not discussed.

Chair Silva requested that the next Agenda include all of the five (5) top issues as the Committee only discussed 5(a), above, and needed to continue discussion of it and the other four (4).

7. **Public Presentations.** Dave Kadlecik opined that the Committee's tabling and recommendation that the City Council form a new Charter Review Committee is "punting" what this Committee was formed to accomplish. He also spoke about how City Council Members' are elected/paid and term limits. Steve Chessin opined about how the Committee should look at how to elect first, then decide pay later. He also mentioned the software used to tally votes in the previous meeting was the same used in Cambridge, MA.

8. **Adjournment.** The meeting adjourned at 7:31 p.m.

Prepared by: _____



CRIS EVANS
Executive Assistant to the City Attorney