



MINUTES OF THE CHARTER REVIEW COMMITTEE

Margie Edinger Meeting Room, Central Park Library
Thursday, June 2, 2016, 5:30 p.m. – 7:30 p.m.

Committee Members in attendance:

Beverly Silva, Chair	Brian Lowery
Steve Lodge, Vice Chair	Jeannie Mahan
Mario Bouza	Jodi Muirhead
Hosam Haggag	Howard Myers
Mary Elizabeth Hanna-Weir	Stephen Ricossa
Saskia Feain	Joe Sweeney

Absent:

Robin Burdick	Noelani Sallings
Ahmad Rafah	Tino Silva

Staff in attendance:

Tamera Haas, Deputy City Manager	Rod Diridon, Jr., City Clerk
Julia Hill, Assistant City Attorney	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 5:31 pm.
2. **Approval of Minutes from May 19, 2016 Meeting.** Chair Silva introduced this item and asked for discussion; there being none:

***IT WAS MOVED, SECONDED AND PASSED BY A UNANIMOUS VOTE THAT:
Committee approve the Minutes of May 19, 2016***

3. **Resignation of Committee Member Ahmad Rafah.** Chair Silva informed the Committee that Member Ahmad Rafah resigned from the Committee.
4. **Top 5 Best Practices to be Reviewed via Committee Consensus from May 5, 2016 Meeting.**

a) **Council Term Limits.** Chair Silva invited the City Clerk to speak about term limits. The City Clerk spoke to the discussion at the prior meeting of having a "term limit" definition of four terms, regardless of what office (City Council or Mayor), with a lifetime ban following that service being retroactive or prospective and that it could be confusing to implement. There was discussion by many of the Members as to what Term would be appropriate, i.e., three terms unless the person runs for Mayor, then four terms; two terms as City Council Member and two terms as Mayor. The Assistant City Attorney was asked if there would be any legal issues related to the term limits being retroactive and she said there could be a "due process" issue and she would advise against it. There was active discussion about what the

definition of a "partial term" would be, i.e., if a person was appointed to a Term that had more than half of the term left, should it be considered a "full term." The City Clerk was asked how a partial term was handled currently and he answered that a person who is appointed to a partial term is still eligible to run for two full terms. There was continuing discussion and various points were made in support of term limits, including, wanting diversity and not wanting the same people running time and again. There were also points that included whether the Committee was trying to solve a problem that does not exist, i.e., wouldn't people set their own "term limits" by voting in/out the candidates they want/don't want. Appointment to partial terms was discussed and what effect that would have on a candidate's ability to run for more terms; discussion revolved around whether the person was appointed in the first half or the second half of the term and how long that Term would last, i.e., to the next General Election.

***IT WAS MOVED, SECONDED AND PASSED BY AN 11-1 VOTE THAT:
Committee approved the definition of "term limit" to be two terms as City Council
and two terms as Mayor with a lifetime ban after serving those terms****

**Committee will defer to the City Attorney to define "Term" including "Partial Term" and length of time that equals a term and asked the City Attorney to bring those definitions to the next meeting.*

b) Method of Appointment of Council and Mayor Seats Vacated during a Term & Qualifications of Candidates to a Vacant Council Seat. Chair Silva asked the Assistant City Attorney to read Charter §703 to the Committee. Discussion focused around appointment by simple majority or super majority and duration of the Term, regarding having it count as a "full" Term related to the new definition of "Term Limits." Cost of elections was a discussion point in relation to whether a partial term should count as a full term. At that point, Chair Silva took a straw poll to see what the consensus was of the Committee:

Question: Does a person who is appointed with more than two years left in a Term need to run at the next General Election for the remainder of the original Term? Answer: Yes, by a vote of 10-1.*

Question: In the occurrence of an appointment, should it be by super majority instead of simple majority? Answer: Yes, by a vote of 6-5.

Question: Leave qualifications of appointees of Chief of Police as is currently in the Charter? Answer: Yes, by a vote of 11-0.

***IT WAS MOVED, SECONDED AND PASSED BY A 9-1 VOTE THAT:
Committee approved that if a person is appointed to a Partial Term, they would
only serve to the next General Election and then the seat would be up for election
for the remaining portion of that Term, if applicable*****

***IT WAS MOVED, SECONDED AND PASSED BY A 6-4 VOTE THAT:
Committee approved that appointments to elective office would be by super
majority***

c) Process for Open Space Transitions. Chair Silva tabled to the next meeting so that Member Silva could participate.


*Total equals 11 because Member Myers left early

**Total equals 10 because Member Mahan left early

d) Require Fair Market Value for Sale or Lease of City Property. Charter §714 describes what is currently required to lease, sell or convey property. Discussion centered on property over a set value and how that property could be sold or leased. Discussion included "Fair Market Value" with an updated appraisal being a factor; land with a value of a certain amount should only be sold or leased with a vote of the citizens; and trusting the elected body to make good decisions. Committee asked staff to come back with a chart of processes (how large City-owned real property transactions move through the sale process and how other cities do it) for discussion at the next meeting.

e) Council Meetings: Threshold for Calling a Special Meeting. Chair Silva tabled this for the next meeting.

5. **Public Presentations.** Dave Kadlecsek spoke to the Committee about term limits and "punting" their responsibilities on the charge of election systems.
6. **Adjournment.** The meeting adjourned at 7:32 p.m.

Prepared by: 
CRIS EVANS
Executive Assistant to the City Attorney

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