

EXHIBIT T

CHARTER REVIEW COMMITTEE

City of Riverside

May 27, 2004, 5 p.m.

Mayor's Ceremonial Room
3900 Main Street

MINUTES

PRESENT:

Members Barry Johnson, Marjorie von Pohle, Gar Brewton, Damon Castillo, Dale McNair, Ray Higgins, Rusty Bailey, Marcia McQuem, Rose Mayes, Dorothy Bailey, Connie Leach, Stan Stosel, Sharon Tyrrell, Art Garcia, Mike Teer, and Vice-Chair Ben Johnson

ABSENT:

Chair Eric Haley (excused)

STAFF PRESENT: Colleen Nicol, Gregory Priamos, and Trida Ruiz

ALSO PRESENT:

Phyllis Purcell, Marjorie Von Pohle, Barbara Purvis, Larkin Saucedo, Mike Mueling, Jonathan Wise, Victoria Nurte, Cassandra Flores, Chris Chavez, Daphne Areta, Paul Kim, Mischelle Townsend, and others

Vice-Chair Johnson convened the Charter Review Committee meeting at 5:05 p.m.

The Pledge of Allegiance was given to the Flag.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Phyllis Purcell suggested greater delineation of the duties of the City Council and City Manager which may lead to more harmonious relations. Susan Nash strongly recommends that the Charter Review Committee consider implementation of instant runoff voting and public campaign financing regulations. She distributed materials and announced that instant runoff voting will be used in the City and County of San Francisco with a certified system. Although public campaign financing may not require a Charter amendment, Ms. Nash urged a Committee recommendation in that regard.

MINUTES

Motion was made by Member Barry Johnson and seconded by Member Garcia to approve the Minutes of April 22, 2004, as presented, and amending page CRC-53, paragraph 2 to read, "Member Tyrrell believes it is a public service."; and amending paragraph six to read, "She requested that Ray Higgins put a stop to the commission bashing." Motion carried unanimously with Member Garcia abstaining.

DISCUSSION AND DELIBERATION

Elections

Registrar of Voters Mischelle Townsend confirmed that the City and County of San Francisco will be using instant runoff voting (IRV) for the first time in November of 2004 authorized by an approved Charter amendment. The system was proposed for use in November of 2003, however, reprogramming of the optical scan system was not fully implemented in time. The Secretary of State has conditionally certified the system pending completion of the federal

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qualifications process. Riverside County's touch screen system can accommodate IRV. The software would have to go through the State certification testing. In addition, the absentee paper ballot vendor would also have to reprogram software to accommodate IRV.

Vice-Chair Johnson questioned recent publicity regarding the vulnerability of electronic voting. Ms. Townsend responded that direct record electronic (DRE) voting has been used throughout the nation for twenty years without any incident of fraud or manipulation of vote. There is a system of checks and balances within the Registrar's Office and throughout the polls for prelogic and accuracy testing. All 4,000 units are tested before and after the election. Diebold was not chosen by Riverside County. Federal and State review of proprietary software such as Riverside County is using is much more rigorous. The County's four years of experience is without issue. Reports in the news were mainly procedural issues. Some Diebold units had batteries that didn't hold the charge. We have the confidence of the procedural checks and balances, testing, and voter receptivity to the DRE system. Six manual recounts have verified the accuracy of the DRE system in Riverside County.

Member Higgins strongly supported Ms. Townsend's comments and complimented the Registrar of Voters Office. He reported recent experience observing a recount where not one electronic error was encountered. Mr. Higgins asked if the Secretary of State would approve the DRE machines for the upcoming election.

Ms. Townsend commented that the County is in litigation with the Secretary of State wherein the County feels the DRE's have not been legally decertified based upon the legal merits of the case. The County is confident the machines will be used in November. Elections Officials are dedicated to preserving the integrity and security of the election process. The DRE units are not connected to the Internet. The Secretary of State's directive that vendors bear the costs to provide redundant paper ballots is beyond the scope of the County's contract with the vendor. The Secretary of State has also demanded Counties comply with all future directives regardless of cost or other implication which is not seen as a reasonable demand.

Member McQuern asked if the period between regular and run-off elections could be shortened. Ms. Townsend replied that the Elections Code provides eighty-eight day to conduct an election. Run-offs are conducted in approximately sixty days. The number of certified printers in the State is limited and there may be overlapping elections and demands on the same vendors. If the run-off were polling place rather than mail-in ballot, other activities including certification and legal publications still require the minimum sixty days which is already a constricted time frame.

Member Brewton remarked that declining voter turnout indicates that the current system is not convenient to the voters. Voters should discuss issues and mark ballots at home rather than coming to the polls. The recent mail-in runoff election resulted in higher voter turnout over the polling place November election. Ms. Townsend reported that a non-voter survey three years ago indicated that 75% of respondents failed to vote because of negative campaigning. The Legislature responded by amending the State Code to allow any voter to vote by absentee. Early voting at the Registrar's Office and shopping malls is also now offered for the convenience of the voters. There still has to be a responsibility on the voter to get involved. Answering Vice-Chair Johnson's question, Ms. Townsend indicated that early voting is increasing. 13,000 voters using early voting in the October Gubernatorial recall.

Member Brewton noted that the City has not ever conducted a regular municipal election by

mail-in ballot. Ms. Townsend noted that the Elections Code precludes that option which would require a State legislative change as Monterey County has done. Member McQuern asked if there was a downside to mail-in balloting. Ms. Townsend indicated that some voters prefer going to the polls on election day.

Member Castillo asked if any counties are using the Internet for voting. Ms. Townsend noted that former Secretary of State Bill Jones formed a Task Force which found the anonymity of the voter and secrecy of the ballot creates security concern. Arizona performed a party-conducted primary over the Internet which resulted in higher voter turnout because of the convenience. The Federal government has piloted Internet voting with several States and the military, including several astronauts casting ballots through satellite. The security barrier has not been totally resolved.

Member Garcia questioned the use of mail-in ballots for general obligation bonds. Ms. Townsend indicated that the Elections Code must be amended to allow that option. City Attorney Priamos indicated that as a Charter City, Riverside has that luxury under the current Charter. Bond counsel was concerned that the Charter was not explicit with respect to bond issuances and was unable to issue a clear opinion which prompted the Charter amendment to provide for the option of either polling place or mail-in ballot election.

Member Brewton noted that schools are educating children to remind parents to vote. Ms. Townsend briefed the Committee on the student pollworker program which teaches students the value of the electoral process.

Member McQuern commented on ranking of voters in IRV and other methods of weighted voting asking if the DRE's could accommodate these options. Ms. Townsend confirmed the DRE's could accommodate these variables and noted that www.fairvote.org offers information on IRV options. Member Brewton asked if the trend is toward all jurisdictions using IRV. Ms. Townsend indicated it is being debated, but few jurisdictions are using IRV at this time. One disadvantage is explaining the system to the voter. An advantage is the redistribution of votes for minor candidates, where voter's alternate choices are counted and the expense of a second election is avoided. The Riverside County ROV Office is open to IRV voting depending on the Secretary of State's certification of such systems. Legislative authority is not in place. IRV would not compromise the process. Ms. Townsend suggests that implementation may include a pilot election to ascertain voter acceptance. IRV may reduce negative campaigning as candidates must appeal to all voters in a positive way.

Member McQuern commented that Chair Haley feels run-off elections offer an opportunity to take a closer look at the final two candidates. Member von Pohle noted that the level of campaign spending determined results of the most recent run-off election.

Member Stosel sees potential problems with candidate collaboration with IRV voting. He asked if IRV could be accomplished with paper ballots. Ms. Townsend indicated that a paper ballot process would be very labor intensive. San Francisco's upcoming experience with such a system will be watched closely. Member Brewton noted that in the current system, candidates do not generally collaborate. Member Stosel indicated that every solution carries its own problems.

In response to Member McQuern's question, Ms. Townsend reconfirmed that legislative authority for IRV is still required.

Motion was made by Member Brewton and seconded by Member von Pohle that instant runoff voting be considered and requesting the City Attorney to investigate if IRV is a possibility for our City.

Member Garcia asked if there was sufficient time to investigate IRV and the other outstanding issues before the Committee in time for the November 2004 election. The City Clerk noted there are several issues to be resolved before IRV could be implemented. She suggested that if the Committee is interested in the City Council considering the matter, a recommendation could be made apart from Charter amendments proposed for the November 2004 election. The City Council could place IRV on a future ballot for consideration. It may be premature to consider a Charter amendment at this time. City Attorney Priamos reminded the Committee that the Charter as written offers flexibility. In the future following legislative authority and certification of voting systems, the City Council could implement IRV by ordinance.

Subsequently, the motion and second were withdrawn.

With respect to the use of IRV, it was moved by Member Teer and seconded by Member Garcia that there be no change to the current voting system.

City Attorney Priamos clarified that if in the future IRV were implemented, a Charter amendment would be required to remove the run-off provisions. Susan Nash requested a definitive answer as to whether a Charter change is required at this time to allow for IRV in the future and suggests that enabling language be included at this time. City Attorney Priamos reconfirmed that as a Charter City, Riverside is not strictly required to abide by the Elections Code. As the Charter does not preclude mail-in ballot elections, the City Council has by ordinance provided the option of mail-in ballot elections. IRV would require amendment to Section 400 of the Charter.

Motion carried with Members Brewton and Leach voting no.

Subsequently, discussion ensued including clarification of the motion, a suggestion to reenact the vote, and a point of order that discussion was not held following the second to the motion. It was determined that the vote had been taken and recorded thereby ending discussion on the matter. The City Clerk confirmed that the vote would be reflected in the minutes.

Time period between general and run-off election

Following brief discussion, it was moved by Member McQuern and seconded by Member Higgins that there be no change to the Charter with respect to the timing of run-off elections. Motion carried unanimously.

Election of Mayor in even-numbered years

It was moved by Member Garcia and seconded by Member Teer that the Mayoral election be held concurrently with the Presidential election. City Clerk Nicol reported that the current system wherein election costs for Mayoral and Wards 2, 4, and 6 election are \$250,600 compared to \$180,000 for a Mayor election in November of even-numbered years plus the odd-year Wards 2, 4, and 6 election in the amount of \$115,000. Currently the runoffs for Mayor and Wards 2, 4, and 6 are conducted simultaneously. If the Mayoral election is stand-alone, an

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additional runoff election would be required. Answering questions from the Committee, the City Clerk clarified that cost estimates confirmed from the County Registrar of Voters reflect the adopted fee schedule which charges direct costs plus overhead for "regular municipal elections". Direct costs only are charged for special municipal elections. If the Mayor's race was moved by Charter amendment to even-numbered years, the election would become a "regular municipal election" wherein overhead is charged even though the issue is added to a statewide ballot. Any change to the fee schedule would require action of the Board of Supervisors.

Member Teer feels that election of the Mayor in Presidential years would encourage voter participation. Member Brewton was initially receptive of the motion, but now feels that conducting a separate election for Mayor is fiscally irresponsible. Member McNair concurs and feels that the voters will reject such a proposal. Member Higgins does not feel elections are held to save money and that holding a separate Mayoral election is fair. \$180,000 to gain equity for all participants in the election is not an unreasonable price to pay in light of the City budget which will be \$600 million when this would be implemented.

Member Castillo feels the "return on investment" of the additional election would be worth the benefit of increased voter participation. Member Leach feels the cost of the election is high for the Mayor position which is more ceremonial than governing. The funds could be better spent. Member von Pohle agrees the additional election cost is high for a ceremonial position in a Council/Manager form of government.

Member Garcia feels the proposal is an issue of fairness to incumbent Councilmembers in Wards 2, 4, and 6. The higher voter turnout would be participating in the Mayoral decision. The Mayor is a strong figurehead as the most visible person inside and outside of Riverside government. \$180,000 is incurred only every four years, not annually. The additional election affords the opportunity to place other measures on the ballot at that time.

It was moved by Member Castillo and seconded by Member Teer calling for the question. Motion failed with Members Teer, McNair, Tyrell, Higgins, Castillo, and Rusty Bailey voting in favor and Members Garcia, Brewton, von Pohle, Dorothy Bailey, Barry Johnson, Stosel, McQuern, and Leach voting no.

Member McQuern is appalled at the cost of the stand-alone Mayoral election. She asked if the cost could be negotiated with the County. City Clerk Nicol reconfirmed any change in costs would require approval of the Board of Supervisors. Member Barry Johnson reviewed the comparable costs of the election which he sees as a \$60,000 net increase in cost every four years. Member Leach sees the cost as an extra \$180,000. Further comments were received from various Committee members on cost comparisons.

City Clerk Nicol clarified that State law precludes candidates from running for both Mayor and Councilmember in the same election. City Attorney Priamos added that the stand-alone Mayoral election would also necessarily result in an additional run-off election. Member Stosel warns of known and unknown future additional costs simply to enable three seated Councilmembers the opportunity to run for Mayor without forfeiting their seat.

Member Teer offered that a run-off election would be avoided if the candidate receiving the highest number of votes be elected Mayor. Member Rusty Bailey reminded the Committee that

the voters are the final authority and he supports placing the issue on the ballot for the voters to decide.

It was moved by Member Brewton and seconded by Member Garcia calling for the question. Motion carried unanimously.

The original motion failed for lack of eleven affirmative votes with Members Garcia, McQuern, Dorothy Bailey, Rusty Bailey, Teer, Castillo, Ben Johnson, Higgins, Barry Johnson, and Tyrell; Members Stosel, McNair, von Pohle, and Brewton voting no; and Members Mayes and Leach abstaining.

Although the hour was late, Member Rusty Bailey requested Members to remain to entertain discussion from students and others in attendance. The Committee concurred.

Youth membership on City boards/commissions

Member Rusty invited students present to offer comments on the importance of renaming of the Youth Council as a "Commission" of the City. Member Leach requests a Charter amendment to allow minors to sit on City boards and commissions similar to School Boards wherein students participate as ex-officio members with their votes recorded but not counted. The Human Relations Commission has two ex-officio student members.

Member McQuern supports minors serving on any youth committee created by the City Council. Member von Pohle does not support youth on all City boards and commissions.

Michael Mueeling indicated his prior service on the Youth Advisory Council. Their ideas were great but were not implemented and seen only as preliminary. The ideas were not forwarded. Official service on a City Commission would enable the ideas to be taken further.

Member Garcia sees two issues before the Committee: (1) to create a Youth Commission; and (2) allow youth to serve on other boards and commissions. Member Brewton sees a need to authorize the Youth Council to make recommendations to any City board or commission.

Members McQuern, Castillo, Mayes, and McNair left the meeting at this time.

Member von Pohle acknowledged that the City Council often does not concur with recommendations of boards and commissions. She does not support youth membership on City Council standing committees. Students lack the maturity and experience to deliberate such serious matters. Member Leach clarified the request that minors be appointed to the Youth Commission as voting members and to other boards and commissions as ex-officio members only.

Member Rusty Bailey encouraged any additional comments from the students prior to continuing deliberation and discussion at the next meeting. Member Teer strongly feels that youth should be involved and it would be a mistake to exclude them from this training ground. Their participation should be encouraged.

Vice-Chair Johnson concurs that youth should be involved in their City. He supports ex-officio youth membership on all boards and commissions. Member Dottie Bailey feels that children want to be heard. They are our future leaders and this would be good training for them.

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Member Stosel feels it makes perfect sense for youth to be full members on a Youth Commission and receiving training that would enable their participation in future years. Vice-Chair Johnson sees benefit in having more people involved, especially youth.

Member Leach clarified that the request for youth participation on boards and commissions beyond the Youth Commission is only as ex-officio members. City Attorney Priamos announced that the Human Relations Commission has two ex-officio seats held by student representatives from Alvord and Riverside Unified School Districts.

Daphne Areta from Poly High School feels titles are important and a change from Youth Council to Youth Commission would be very important and meaningful. Member Brewton supports all boards and commissions having youth ex-officio membership. All groups need direction, purpose, and commitment.

In answer to Member Higgins' question, Member Leach responded that the proposed change has no additional fiscal impact. Member Higgins clarified that the Charter purposefully excluded non-voters from participation on City boards and commissions.

Member Brewton left the meeting at this time.

The Committee adjourned at 6:50 p.m.

Respectfully submitted,


COLLEEN J. NICOL
City Clerk

Sec. 403 Compensation.

The Mayor and members of the City Council shall receive compensation for their services as such, and in addition, when on official duty, shall receive reimbursement for their necessary expenses on order of the City Council. In January of every odd-numbered year, the City Council shall review the compensation including salary and benefits of the Mayor and members of the City Council, and shall establish any increase in compensation of the Mayor and/or the members of the City Council. No increase in salary shall exceed 5 percent of their then-existing salary. Compensation shall. Each member shall receive as compensation such amount as may be fixed by ordinance, adopted by not fewer than five affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing.

The Mayor shall receive compensation for services in such amount and at such stated times as shall be prescribed by ordinance.

Five affirmative votes of the City Council are necessary to establish a level of compensation for the City Council and the Mayor.

Once a level of compensation for City Council members and the Mayor is established, such level will not be permitted to change automatically by linking such compensation to *internal or external factors*. ~~an external factor; every change in such compensation must be approved by five affirmative votes of the City Council.~~

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