

2/13/2021

Madam Mayor,

I am writing regarding item 17 on the 2/16 council agenda. If the council approves item 17 as proposed, I urge you to Veto the council's actions on the basis that this is an abuse of the process. This item was placed on the Charter Review Commission agenda without the approval of the Commission Chair. This is a violation of the spirit of the Sunshine ordinance. In fact, Ben Clymer, the Chair, told them to put it on the March agenda.

The Commission is being forced to vote on an issue that deserves a full and fair public review. I believe the staff is so disrespectful of the process that they don't care which way the Commission votes on this item. The staff will simply say that section 1404 of the Charter has been complied with. Section 1404 was just amended in Nov. 2020 to read; "The City Council must submit any proposed Charter amendment, except for those proposed by voter initiative, to a Charter Review Committee for recommendation before the City Council places the Charter amendment proposal on a ballot"

Thus, even a No vote by the Commission will be construed by the staff as complying with 1404's requirement that a Charter Commission "recommend" the issue. Then the Council will be free to put it on the June ballot as proposed. I hope I am wrong about the staff's motivation.

The City Strategic Plan states that "Community Trust* is a "Cross-Cutting Thread". In your State of the City address, you had the moto of working "Together Towards Tomorrow". The action proposed by the staff is contrary to both of these values. In fact, it steps heavily on both.

Here are a few important facts regarding the GFT issue:

- The loss of revenue and possible need to pay back funds previously collected from electric customers has been well known for months. There is no Emergency to justify the staff's actions of forcing this on the 2/17 Charter Review Commission agenda.
- This issue has been reported to the BEC and City Council on several occasions over the last several months.
- The GFT issue could have been properly submitted to the Charter Review Commission when it was first formed, and the issue then fully analyzed.
- There are GFT alternatives that deserve thoughtful review in public.

- The current level of 11.5% transfer has not always been at the maximum level permitted by the Charter. It has historically been lower.
- The General fund has over \$70 Million in reserve which can be used to pay the lawsuit losses. This is what reserves are for. The actual incremental financial impact as to what would be required to be paid back to customers is an additional 6 months of liability (June vs Nov.)
- The staff report to the Council fails to define the potential financial impact of waiting until a Nov. vote.
- There is no guarantee that voters will approve continuation of the GFT at the 11.5% level. in June (or Nov.)
- Any refund from the General Fund will go to Riverside Electric customers.

The bottom line is that the issue must be discussed in a public forum and not manipulated to give the appearance of public engagement. Asking the Charter Commission to discuss this beginning with their March agenda starts that process. The Commission can then make a thoughtful recommendation to the Council along with the other two issues they are considering. Hopefully the City Council will not approve item 17 as proposed, but will direct that it be reviewed in time for the Nov. 2021 election.

You are uniquely positioned to force this issue to be handled Right: in the spirit of Together Towards Tomorrow, Building Community Trust, and reinforcing the spirit (and letter) of the Sunshine Ordinance.

Please exercise your unique power and Veto item 17 unless the issue is referred for consideration at the Nov. 2021 election.

Thank You.
Tom Evans
Ward 5

Cc Ben Clymer

.