



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: SEPTEMBER 15, 2020**

**FROM: CITY CLERK AND CITY ATTORNEY      WARDS: ALL**

**SUBJECT: APPOINTMENT PROCESS FOR MEMBERS OF CHARTER REVIEW COMMITTEE**

## **ISSUE:**

Determine appointment process for members of an ad-hoc Charter Review Committee.

## **RECOMMENDATIONS:**

The Inclusiveness, Community Engagement, and Governmental Processes Committee recommends that the City Council:

1. Appoint an eleven-member Charter Review Committee;
2. Authorize each member of the City Council to directly appoint one member from their respective Ward;
3. Authorize the Mayor to directly appoint two at-large members;
4. Direct the Mayor's Nominating and Screening Committee to review the remaining applications and select applicants for interview by the Mayor and City Council for two at-large positions and two alternates with the Mayor and Councilmembers to add additional names for interview, if desired;
5. Direct the City Clerk to conduct the recruitment; and
6. Direct the Charter Review Committee to select a voting Chair from among its members.

## **BACKGROUND:**

### **City Charter and State Law Provisions**

Charter Section 1403 provides for convening of a Charter Review Committee every eight years and more often if the City Council desires.

The City Charter and State law conflict on the timing of an election to consider Charter amendments. The City Charter is preempted by State law in this regard.

By State law, any Charter amendment that would "alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization" must be submitted at a statewide general election, i.e., March or November of even-numbered years. Proposals that do not so alter can be held on alternative dates.

On July 21, 2020, the City Council referred granting the Mayor a vote and publication of an annual report on written complaints or whistle-blower complaints alleging fraud, waste, abuse, or criminal conduct to an ad hoc Charter Review Committee for further study and consideration for placement on the ballot in November 2, 2021. The latter subject may require the addition of a City Auditor or Inspector General salary position which would require placement on the ballot of a statewide general election.

The City Clerk and City Attorney prepared the attached draft timeline for the upcoming Charter review process, appointment of members to a Charter Review Committee to formulate and present any recommended Charter amendment ballot measures to the City Council, calling of an election, and conduct of an election on November 2, 2021, and/or November 1, 2022. Any approved Charter amendments would become effective upon filing with the Secretary of State.

In order to not limit the scope of discussion for the future Charter Review Committee, the attached proposed timeline sets the Election Day as November 2, 2021, and/or November 1, 2022.

#### Charter Review Committee Appointments

Section XIV.C. of the City Council Meeting Rules (Resolution No. 23308) describes three options for appointment of members to citizen ad hoc committees:

- Option 1: The Mayor's Nominating and Screening Committee shall review the applications submitted and identify applicants for interview with the Mayor and City Council. The City Clerk shall notify the City Council of those selected for interview. The Mayor and each member of the City Council may add an additional applicant for interview, if desired. The Mayor and City Council shall interview, make the appointments and select the Chair; or
- Option 2: By formal motion, the City Council shall authorize each member of the City Council to select a member from their Ward and the Mayor to select two at-large members. The ad hoc committee shall elect a Chair from among its membership; or
- Option 3: By formal motion, any other method of appointment as desired by the City Council.

The City Council unanimously approved the following composition and appointment process for the 2018-2019 Charter Review Committee:

1. Convene a fifteen-member Charter Review Committee;
2. Authorize each member of the City Council to directly appoint one member from their respective Ward;
3. Authorize the Mayor to directly appoint two at-large members;
4. Direct the Mayor's Nominating and Screening Committee to review the remaining applications and select applicants for interview by the Mayor and City Council for six at-large positions and two alternates with the Mayor and Councilmembers to add additional names for interview, if desired;
5. Direct the City Clerk to conduct the recruitment; and
6. Direct the Charter Review Committee to select a voting Chair from among its members.

On September 2, 2020, the Inclusiveness, Community Engagement, and Governmental Processes Committee with Chair Melendrez, Vice-Chair Fierro, and Member Conder present, unanimously recommended convening of an eleven-member Charter Review Committee with each member of the City Council to appoint one member, the Mayor to appoint two members, the Mayor's Nominating and Screening Committee to review the remaining applications and select applicants for interview for two at-large positions and two alternates with the Mayor and Councilmembers to add additional names for interview, if desired, the City Clerk to conduct the recruitment, and the Charter Review Committee to select a voting Chair from among its members.

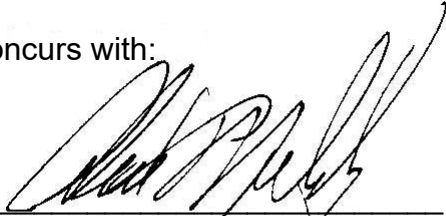
**FISCAL IMPACT:**

Costs to convene and provide staff support to the Charter Review Committee are predicted to be minimal and will be absorbed by currently adopted Department budgets.

Prepared by: Colleen J. Nicol, City Clerk  
Kristi J. Smith, Chief Assistant City Attorney  
Approved as to form: Gary G. Geuss, City Attorney

Attachment: 2020-2021 Charter Review Process timeline

Concurs with:

A handwritten signature in black ink, appearing to read 'Andy Melendrez', is written over a horizontal line.

ANDY MELENDREZ, Chair  
Inclusiveness, Community Engagement, and  
Governmental Processes Committee