

CHARTER REVIEW COMMITTEE
MONDAY, MARCH 9, 2020, 6 P.M.
RIVERSIDE MUNICIPAL AIRPORT LOBBY
6951 FLIGHT ROAD, RIVERSIDE, CA

MINUTES

PRESENT: Chair Clarke, Vice-Chair McQuern, and Members Barnhart, Beeman, Bristow, Evans, Irving, Mabon, MacKinney, Miller, Riemer, Teichert, Webb, and Zaragoza

ABSENT: Member Clymer and Alternate McKeith

STAFF PRESENT: Eva Arseo, Elliot Min, Colleen Nicol, and Susan Wilson

Chair Clarke convened the meeting at 6 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no oral comments.

CHARTER, COMMITTEE SCOPE AND TIMELINE, AND RALPH M. BROWN ACT

Assistant City Attorney Wilson presented information to the Committee and public on the Charter, the Charter Review Committee's scope of work and timeline, the community meeting purpose, and the Ralph M. Brown Act. No formal action was required or taken.

COMMUNITY INPUT ON CITY CHARTER AND POTENTIAL AMENDMENTS

There were no comments from members of the public on potential City Charter amendments.

APPROVAL OF MINUTES

Following discussion, it was moved by Member MacKinney and seconded by Member Webb to approve the minutes of the meeting of February 10, 2020, as presented. Motion carried with Member Irving abstaining.

EXCUSAL OF ABSENCES

Following discussion, it was moved by Member Webb and seconded by Member Evans to approve the absences of Matthew Irving and Monrow Mabon from the meeting of February 10, 2020. Motion carried unanimously.

REVIEW OF FINAL DRAFT REPORT TO CITY COUNCIL

Assistant City Attorney Wilson presented the draft report to the City Council with Charter amendment recommendations. The Mayoral vote was placed first in the report and committee arguments and ballot titles were added. The two election

related ballot measures were combined. The Committee, by consensus, requested that the measure titles be listed in the report recommendations. Member Teichert asked if opposing arguments were included in the report to the City Council from the last Charter Review Committee. Assistant City Attorney Wilson confirmed that recommendations without arguments were presented by the last Committee. Member Teichert suggested the report limit the opposition arguments and instead focus on the recommendations of the Committee. Member Zaragoza reminded the Committee that at least one or more of the Councilmembers requested pros and cons be presented in the report. Members Irving and Riemer expressed support for including arguments.

Following discussion, it was moved by Member Beeman and seconded by Member Mabon that the City Council report include the Charter Review Committee recommendations, arguments in support, and vote count, without opposition discussion.

Chair Clarke expressed support for including rationale for recommendations and asked how the Committee envisioned presentation of the report. Chair Clarke indicated he would provide opposition arguments if asked by the City Council. Committee members of the minority position could be present and offer comments to the City Council.

Member Teichert stated that the report should represent the Charter Review Committee recommendations as a body. She further stated that individual members have the ability to speak as a member of the public, however, too many opposition speakers would undercut the work of the body. Chair Clarke reminded the Committee that the ballot materials will contain arguments in favor and opposition.

Member Evans stated the City Council will expect a presentation on the Committee's recommendations and questions about opposing arguments can be answered. Member Evans stated he does not see the report as an opportunity to debate the subjects as it's a community report rather than a staff report. Member Bristow stated the importance of making it clear, for example, that there was a significant minority that was relatively strenuously opposed to the Mayoral vote recommendation. Member Irving stated the importance of including all information and his trust in Chair Clark's ability to summarize the points in his presentation to the City Council. Member Zaragoza expressed agreement to include opposition positions.

The motion carried with Members Mabon, Webb, Teichert, Miller, MacKinney, Evans, Beeman, and Barnhart voting aye and Members Bristow, Irving, Reimer, and Zaragoza voting no.

Member Riemer stated the Mayoral vote opposition argument as written in the report should be expanded upon. Member Evans recommended changing "his" to a neutral term in the Mayoral vote proposal. Member Teichert recommended that the report include what the City Council has done historically with Charter Review Committee recommendation placements on the ballot. She noted that the first six proposals in the report had Committee supermajority support.

Following discussion, it was moved by Member Teichert and seconded by Member Barnhart to add the historical perspective to the report to the City Council on how prior Charter Review Committee recommendations were treated and if all were placed on the ballot.

Member McQuern arrived at this time.

Assistant City Attorney Wilson clarified that in 2003/04 the City Council asked the Charter Review Committee to bring forward only those recommendations receiving a supermajority. In 2011/12 there was no supermajority requirement, however, some measures were not placed on the ballot by the City Council.

Following further discussion, a substitute motion was moved by Member Webb and seconded by Member Barnhart to include in the report to the City Council the strong hope of the Charter Review Committee that all measures proposed be placed on the ballot. The motion carried with Members Zaragoza and Riemer voting no.

PROPOSAL #1 - MAYORAL VOTE - REPORT LANGUAGE REVIEW

Member Barnhart distributed suggested language for inclusion in the report inserting the following two paragraphs in the Mayoral vote proposal, as amended by Committee discussion:

The charter committee's deliberations determined that eliminating the Mayor's veto authority would be a net positive change. In more recent times the veto has been seldom if ever used as it was often perceived as a punitive action. In the more distant past, there was concern that the Mayor abused this power by its overuse.

This proposed amendment would provide 8 votes on the City Council. A tie vote is expected to be rare. The City of Pasadena has had 8 votes on its City Council since ___ and has experienced only ___ 4 to 4 tie votes since 19___. The subject matter was resolved at a subsequent meeting when a suitable compromise was achieved."

The Committee, by consensus, agreed to include the above language in the report to the City Council. Staff will verify the vote currently recorded as ten ayes and five noes.

PROPOSAL #2 - FILLING CITY COUNCIL VACANCY

Member Riemer noted the recurrence in the proposed amendment regarding filling of City Council vacancies of "shall have been declared vacant" and recommended a change to "was declared vacant". Staff will take the comment into consideration for the final report.

Member Bristow left the meeting at this time.

PROPOSAL #3 - MANDATORY REVIEW OF CHARTER AMENDMENTS BY CHARTER REVIEW COMMITTEE

Member Riemer asked if adding language that the Charter Review Committee is a standing committee was needed. Assistant City Attorney Wilson responded that the ballot title is informative that a Committee would meet prior to any amendment being placed on the ballot.

Member Teichert recommended that this proposal be placed in the report as the fourth proposal, rather than the third as it may be seen as a power grab by the Committee. Member Teichert recommends that "Mandatory" be changed to "Required" in the proposal title. Member Evans stated that costs of all proposals should be identified in the report. Assistant City Attorney Wilson stated that the fiscal impacts will be added for each recommendation. The City Clerk reported that six measures placed on the November 3, 2020, ballot will cost \$695,000.

Member Webb expressed concern that this proposal is an attempt to replace the ordinance process by requiring convening of a Charter Review Committee every four years. Member Irving stated that governing documents should not be changed frequently.

Following discussion, it was moved by Member Irving and seconded by Member Webb to strike recommendation #3 entitled "Mandatory Review of Charter Amendments by Charter Review Committee" from the list of recommendations to the City Council.

Member Beeman noted that the Standing Charter Review Committee would only convene upon City Council direction. Chair Clarke noted that the current committee convened without referral of ideas or topics from the City Council. The proposal requiring Charter Review Committee review of City Council proposals inverts the process. Member Evans expressed support for retaining the requirement that a Charter Review Committee review any City Council proposed Charter amendment prior to placement on the ballot.

Member Webb expressed support for Committee review of City Council proposals and opposition to the convening of a Charter Review Committee every four years as inappropriate for a fundamental governmental document.

In response to a question by Member Riemer, Assistant City Attorney Wilson clarified that Charter amendments impacting salaries must be placed on a November ballot. All other Charter amendments may be at a special election.

Member Beeman asked if a five-year Charter Review Committee cycle would be more palatable.

Following discussion, a substitute motion was made by Member Beeman and seconded by Member Mabon to retain the proposal language that all City Council proposed measures be referred to a Charter Review Committee prior to placement on the ballot and removing the requirement to convene a Charter Review Committee every four years, in effect, proposing no changes to Section 1403 and amending Section 1404 as proposed only. The motion carried with Members Zaragoza and Riemer voting no.

PROPOSAL #4 - MAYOR AND CITY COUNCIL ELECTION AND RUN-OFF ELECTION DATES TO COINCIDE WITH STATEWIDE ELECTIONS

Assistant City Attorney Wilson noted that this proposal to move election dates for the Mayor and City Council to coincide with Statewide elections will be reversed in presentation order with the prior proposal requiring review of City Council Charter amendment proposals by a Charter Review Committee prior to placement on the ballot. Ms. Wilson further noted that should this measure fail, the City would still be required to follow State law.

PROPOSAL #5 - CLEAN-UP ITEMS AND WORD CHANGES

By consensus, the Committee directed that Proposal #5 for clean-up items and word changes be moved as the sixth proposal in the report to the City Council.

Following further discussion, by consensus, the Committee directed that the language change to clarify that members of the City Council are nominated by the voters in the respective Ward be included in Proposal #4 regarding election date changes.

PROPOSAL #6 - ANNUAL INTERNAL INVESTIGATIONS REPORT

Member Riemer recommended the proposal language be amended to read, "...investigation (collective investigations) undertaken by the City, its staff, or outside consultants concerning acts of City employees or officials ..." Assistant City Attorney Wilson concurred and agreed to amend the language as requested. Following further discussion, Assistant City Attorney Wilson stated

agreement to clarify the term "collective investigations" in the proposed language.

Following further discussion, it was moved by Member Teichert and seconded by Member Webb to strike Proposal #6 requiring an annual internal investigations report.

Member Beeman reminded the Committee the need for the annual report has been expressed repeatedly by the public. Members Mabon and Zaragoza statement agreement. Member Irving expressed concern that the proposal will be difficult to enforce and implement as written. Member Evans noted that this proposal has been minimized from what was originally discussed and that the Committee has a responsibility to respond to this concern.

Chair Clarke stated there will be challenges with interpretation of "material" yet staff will act in good faith preparing the report. Member Teichert noted that absence of the word "material". Member Reimer suggested removing the word "other" before "criminal conduct". Member McKinney suggested adding the word "substantiated" before "complaints". Assistant City Attorney Wilson agreed to the suggested changes.

Following further discussion, a substitute motion was moved by Member Webb and seconded by Member Beeman to retain proposal #6 requiring an annual internal investigations report with amended language as requested and concurred with by Assistant City Attorney Wilson. The motion carried with Member Teichert voting no.

AUTHORS FOR BALLOT ARGUMENTS AND REBUTTALS

City Clerk Nicol presented Election Code requirements for placement of arguments for and against ballot measures and the timing for submittal or arguments. The following Committee members expressed willingness to author arguments:

#1 Mayoral Vote:

In Favor: Members Barnhart and McQuern, and Chair Clarke

Against: Members Riemer and Irving

#2 Filling of City Council Vacancy:

In Favor: Member Beeman

#3 Required Review of Charter Amendments by Charter Review Committee:

In Favor: Members Evans and MacKinney

#6 Annual Internal Investigations Report

In Favor: Members Beeman and Mabon, and Alternate McKeith

REVIEW OF CHARTER AMENDMENT CONCEPTUAL APPROVAL LIST AND IDEAS LOGS

There were no comments on the Charter amendment conceptual approval list and ideas logs.

WORKPLAN AND MEETING SCHEDULE

Chair Clarke noted this is the final community meeting. Presentation of the Charter Review Committee recommendations to the City Council is scheduled for May 19, 2020. The City Council may conduct subsequent community workshops, at their discretion, prior to a final decision of proposals to be placed on the November 3, 2020, ballot. The City Clerk will forward the City Council agenda and final report to the full Committee when published.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no oral comments.

ITEMS FOR FUTURE COMMITTEE CONSIDERATION

There were no items requested for future meetings.

The meeting adjourned at 7:56 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk