

**CHARTER UPDATE COMMITTEE
MINUTES
Fire Conference Room
Thursday, June 7, 2012
4:00 p.m.**

I. CALLED MEETING TO ORDER – 4:00 p.m.

II. ROLL CALL

Present: Chairman Paul Watkins and Members Paul Glowienke, Suzanne Savary, Joseph Stapleton, Dan Wampole, Mayor Nancy Gardner, and Council Member Steve Rosansky

Excused

Absence: Members David Bahnsen and Jeff Herdman

City Staff: City Manager Dave Kiff, City Clerk Leilani Brown, Acting Assistant City Attorney Michael Torres, Assistant to the City Manager Rob Houston, and Public Information Manager Tara Finnigan

III. APPROVAL OF MINUTES

Chairman Watkins reported that the City Clerk presented amended minutes.

Regarding **Section 410**, Jim Mosher requested clarification relative to what “call the roll” means.

Motion by Member Stapleton, seconded by Member Wampole to waive reading of the subject minutes, approve as amended, and order filed.

The motion carried by the following roll call vote:

Ayes: Glowienke, Savary, Stapleton, Wampole, Chairman Watkins

Noes: None

Absent: Bahnsen, Herdman

Motion by Member Stapleton, seconded by Member Wampole to a) consider Section VI (Additional Provisions to be Considered by the City Council) following the discussion of the remaining green categories in Sections 705 to 1400; and b) return to Section V (Charter Section Discussions) following Section VI discussions.

The motion carried by the following roll call vote:

Ayes: Glowienke, Savary, Stapleton, Wampole, Chairman Watkins

Noes: None

Absent: Bahnsen, Herdman

IV. CHARTER SECTION DISCUSSIONS

City Manager Kiff or Acting Assistant City Attorney Torres discussed the proposed changes to the following Charter Sections:

Section 705 – Reforms the Board and Commission process if a vacancy occurs.

Section 710 – Makes the Section gender neutral.

Section 1101 – Removes Board or Commission consideration of the budget.

Section 1114 – Sets limitations on class action claims/lawsuits.

Section 1115 – Adopted with original Charter and is no longer applicable.

Section 1116 – Saves resources since State law currently allows for the publication of audit summaries.

Section 1200 – Adopted with original Charter and is no longer applicable.

Section 1201 – Adopted with original Charter and is no longer applicable.

Section 1400 – Gives discretion to delegate duties. Since earlier related Sections were amended, delete "...unless this Charter expressly provides otherwise."

Referencing **Section 710**, Member Glowienke noted that **Section 409** also needs to be amended to become gender neutral.

Discussion ensued relative to **Section 1114**, with Member Savary expressing concerns and possibly wanting more information about the Los Angeles case regarding class action lawsuits and/or changing the category from green to yellow.

George Schroeder requested that language be included in **Section 1116** to require that the audit summary will be available online.

Jim Mosher took issue with amending **Section 705**, expressed confusion with **Section 1101**, agreed with Member Savary regarding **Sections 1114 and 1115**, and expressed opposition with amending **Section 1400**.

Dan Purcell believed that **Section 1114** should not allow resident-generated class action lawsuits. George Schroeder indicated that, as a resident, he would not want to pay for actions related to class action lawsuits.

Following discussion regarding **Section 705**, Acting Assistant City Attorney Torres provided the following language to replace the strikeout sentence: "If a vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a replacement to serve the balance of the unexpired term plus one (1) full term of four (4) years."

Motion by Member Savary, seconded by Wampole to change the category for Section 1114 from green to yellow in order to receive more information.

The motion failed by the following roll call vote:

Ayes: Savary, Wampole
Noes: Glowienke, Stapleton, Chairman Watkins
Absent: Bahnsen, Herdman

Chairman Watkins, Member Glowienke, and Member Stapleton agreed with leaving the redline language for **Section 1114** as proposed.

Motion by Member Glowienke, seconded by Wampole to a) include in Section 1116, "...available for inspection by the general public, available on the City's website, ..."; and b) change the category from green to yellow in order to determine if a timeline should be specified.

The motion carried by the following roll call vote:

Ayes: Glowienke, Savary, Stapleton, Wampole, Chairman Watkins
Noes: None
Absent: Bahnsen, Herdman

Motion by Member Wampole, seconded by Stapleton to a) approve the recommended changes to Sections 710, 1101, 1114, 1115, 1200, and 1201; b) amend Section 705, to replace the strikeout sentence to read, "If a vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a replacement to serve the balance of the unexpired term plus one (1) full term of four (4) years."; and c) delete ", unless this Charter expressly provides otherwise" in Section 1400.

The motion carried by the following roll call vote:

Ayes: Glowienke, Savary, Stapleton, Wampole, Chairman Watkins
Noes: None
Absent: Bahnsen, Herdman

V. ADDITIONAL PROVISION(S) TO BE CONSIDERED (NOT YET COUNCIL APPROVED)

Member Stapleton indicated that he does not need **Section 1401** to go before the City Council.

In response to Member Glowienke's question regarding **Section 1110**, Acting Assistant City Attorney Torres explained the reason for requiring a super majority vote. Member Glowienke stated that he does not need **Sections 1110 and 1401** to go before the City Council.

Regarding **Sections 1102 and 1103**, Assistant to the City Manager Houston reported that he spoke with the Finance Director who indicated that the current budget timeline allows them flexibility and they have not received any complaints relative to the timeline. He confirmed that the budget documents are available on the City's website. Members Stapleton and Glowienke expressed support for not bringing the Sections before the City Council.

Dan Purcell questioned why **Section 1401** was brought before the Committee.

Jim Mosher discussed technology and the need to retain audio recordings and videos, believed that anything published in the newspaper should be placed on the City's website, and took issue with **Sections 200 and 405**.

In response to Ron Hendrickson's question, Chairman Watkins indicated that **Section 425** probably will not be reviewed today.

Novell Hendrickson referenced **Section 403** and believed that the people should vote for a Council Member if there is a vacancy.

Regarding **Section 1106**, Member Glowienke stated that "Centralized" should be removed from the Section title since it is being proposed to be removed from the body of the Section.

Motion by Member Stapleton, seconded by Savary to bring a staff report before the City Council to authorize the Charter Update Committee to add Charter Section 1106 to its Work Program.

Ayes: Glowienke, Savary, Stapleton, Wampole, Chairman Watkins
Noes: None
Absent: Bahnsen, Herdman

IV. CHARTER SECTION DISCUSSIONS (continued)

Regarding **Section 503**, Chairman Watkins indicated that the City carries a \$10 million bond that costs \$5,400 a year which covers more than just the City Manager's position. Assistant to the City Manager Houston added that the bond covers all City staff, the bond has been in place since 2000, this is the practice that many cities are following, and Newport Beach Municipal Code (NBMC) Chapter 2.16 lists which City employees are required to have bonds.

Following discussion, it was the consensus of the Committee to remove the language in **Section 503** that requires the City Manager to furnish his bond, but remove the strikeouts in **Section 611** so it remains as originally provided in the Charter. The Committee confirmed that the language that sets the City Manager's salary by ordinance or resolution was removed at the May 31 Committee meeting.

George Schroeder agreed with requiring bonds.

Jim Mosher agreed with the Committee's proposed change to **Section 503**, but believed **Section 611** needs to be reworked.

Motion by Member Savary, seconded by Wampole to a) amend Section 503 to read, "The City Manager shall be paid a salary commensurate with his or her responsibilities as chief administrative officer of the City, ~~which salary shall be established by ordinance or resolution.~~ The City Manager shall furnish have a corporate surety bond in such form and in such amount as may be determined by the City Council."; and b) remove the strikeouts in Section 611 so it remains as originally provided in the Charter.

The motion carried by the following roll call vote:

Ayes: Glowienke, Savary, Stapleton, Wampole, Chairman Watkins
Noes: None
Absent: Bahnsen, Herdman

VII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

In response to Dan Purcell's question, City Manager Kiff indicated that the City Council will determine how many measures will be placed on the ballot.

Member Glowienke requested that the next redline version only include the remaining Charter Sections that need to be considered by the Committee.

Jim Mosher expressed concern that the process is moving too quickly.

Phil Bettencourt noted that there were six Newport Harbor High School students in attendance today.

Rhonda Watkins requested that cost implications be considered if adding new City services.

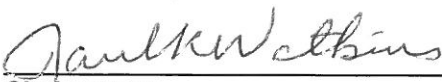
City Clerk Brown reported that an amended **Section 402** was distributed and has been made available online.

VIII. ADJOURNMENT - Adjourned at 5:45 p.m. to Tuesday, June 14, 2012, at 4:00 p.m. in the Friends Room at the Central Library, 1000 Avocado Avenue, Newport Beach, 92660.

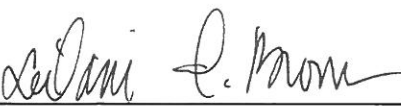
The agenda was posted on June 4, 2012, at 2:00 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.



Recording Secretary



Chairperson



City Clerk

