

**CHARTER UPDATE COMMISSION
MINUTES
Council Chambers
Tuesday, February 2, 2010
2:00 p.m.**

I. ROLL CALL

Present: Commissioners Rush Hill, Richard Luehrs, Dennis O'Neil, Karen Rhyne, Larry Tucker, Paul Watkins, Chairperson Marian Bergeson, and Mayor Curry

II. WELCOME AND INTRODUCTIONS

The Charter Update Commissioners and staff provided their backgrounds.

III. CHARTER UPDATE COMMISSION PURPOSE AND PROVISIONS TO BE REVIEWED

Project Manager Standiford noted that the Commission received documentation relative to its membership, purpose and responsibilities, and the list of Council-approved provisions the Commission can consider. She stated that the Commission's role is to consider issues and possible updates as a recommending body to Council, and that Council will consider placing Charter update issues on the November 2010 ballot. She pointed out that the Commission has received two letters related to non-approved issues and reported that the Commission can take public testimony on those issues today, but the issues will be brought back for consideration at the next meeting. She requested that, if the Commission had additional issues for consideration, they bring those issues to the next meeting. She also noted that staff will be providing background information on the more complex issues prior to bringing them before the Commission for consideration.

City Attorney Hunt referenced a memorandum relative to the Commission's assignment, Brown Act regulations, Political Reform Act regulations, public records concerns, and the purpose of a charter. He stated that it is envisioned that the various issues will be placed on the ballot as multiple questions, depending on the Commission's recommendations to Council and Council's direction to staff.

Mayor Curry thanked the Commissioners for their willingness to serve on the Commission and work on the Charter update, and explained the reasons why Council felt this endeavor was needed.

Commissioner Watkins noted that the West Newport Beach Association (WNBA) is requesting that the Commission consider recommending that Council Members be selected by district, rather than at-large. He discussed the correspondence he submitted relative to Chamber of Commerce funding limitations and believed that the section should be amended to allow not-for-profit organizations to apply for financial support or sponsorship.

IV. COMMISSION WORK PLAN

Project Manager Standiford reviewed the work plan and proposed meeting dates. Commissioner Tucker indicated that he will not be in attendance during the February 16 meeting and Commissioner Rhyne stated that she will not be in attendance for the May 4 meeting. It was the consensus of the Commission to maintain the meeting dates and times as currently scheduled.

Project Manager Standiford reported that the next meeting will include staff reports regarding tax limits and procedures (Charter Section 1107), sale of bay front property (Charter Section 1402), contracting authority (Charter Section 1110), time for contracting (Charter Section 420), the Chamber of Commerce funding issue, the West Newport Beach Association (WNBA) election process issue, and initial information regarding the Civil Service System (Charter Sections 800 through 803).

V. **PURPOSE OF A CITY CHARTER AND BACKGROUND RELATIVE TO NEWPORT BEACH BECOMING A CHARTER CITY**

Project Manager Standiford noted that the City's Charter History was provided to the Commission and pointed out that a charter is a document of limitations.

VI. **CHARTER SECTION DISCUSSIONS**

1. **VARIOUS CHARTER SECTIONS – GENDER REFERENCES.**

Project Manager Standiford reported that there are many sections in the Charter that are gender specific and recommended that the Charter be amended to use gender neutral language. City Attorney Hunt indicated that, prior to bringing this issue to a vote staff will confirm that all gender specific references have been identified.

Motion by Commissioner Hill, seconded by Commissioner O'Neil, to recommend to the City Council that the Charter be amended to utilize gender neutral language.

The motion carried by the following roll call vote:

Ayes: Hill, Luehrs, O'Neil, Rhyne, Tucker, Watkins, and Chairwoman Bergeson
Noes: None

2. **CHARTER SECTION 414 – PUBLICATION OF ORDINANCES.**

Project Manager Standiford provided a staff report and noted that the recommended action would result in a cost-savings to the City.

Motion by Commissioner O'Neil, seconded by Commissioner Tucker, to recommend to the City Council that Charter Section 414 be removed and the City follow Government Code Section 36933 (Alternative 1).

In response to Chairwoman Bergeson's questions, City Clerk Brown indicated that Government Code Section 36933 allows the Office of the City Clerk to post ordinances and place them on the City's webpage in the event print media no longer exists. Project Manager Standiford indicated that it is difficult to determine how many people read ordinance summaries or full text ordinances, or how many access this type of information from the internet. She emphasized that the recommendation still provides accessibility to ordinances.

The motion carried by the following roll call vote:

Ayes: Hill, Luehrs, O'Neil, Rhyne, Tucker, Watkins, and Chairwoman Bergeson
Noes: None

3. CHARTER SECTION 419 – PUBLICATION OF LEGAL NOTICES.

Project Manager Standiford provided a staff report and indicated that the recommendation will increase efficiency. City Clerk Brown explained that Alternative 1 keeps the section in the Charter, but would allow the City Council to determine the length of time between contract bidding versus conducting the bidding process every fiscal year.

Motion by Commissioner Tucker, seconded by Commissioner Watkins, to recommend to the City Council that Charter Section 419 be removed and handle legal advertising as a contract or purchase agreement (Alternative 2).

The motion carried by the following roll call vote:

Ayes: Hill, Luehrs, O'Neil, Rhyne, Tucker, Watkins, and Chairwoman Bergeson
Noes: None

4. CHARTER SECTION 501 – CITY MANAGER RESIDENCY.

City Attorney Hunt reviewed the staff report and alternatives, and stated that, if the section is repealed, Council can have the discretion to set appropriate location requirements during each recruitment.

Motion by Commissioner O'Neil, seconded by Commissioner Watkins, to recommend to the City Council that, in order to be consistent with current law, the requirement under Charter Section 501 that the City Manager reside within the City limits be eliminated (Alternative 1).

The motion carried by the following roll call vote:

Ayes: Hill, Luehrs, O'Neil, Rhyne, Tucker, Watkins, and Chairwoman Bergeson
Noes: None

5. CHARTER SECTION 1005 – REDISTRICTING COMMITTEE.

City Attorney Hunt reviewed the recommendation and added that the change coincides with the official census in order for the City to utilize the best available data.

In response to Commissioner Hill's question, City Attorney Hunt noted that the amendment would not change the procedure should an annexation or other districting population issue arise.

Motion by Commissioner O'Neil, seconded by Commissioner Rhyne, to recommend to the City Council that Charter Section 1005 be revised to allow for review of the advisability of redistricting of the City every ten years at the time of the publication of the results of the official census instead of every four years as currently required by the section (Alternative 2).

City Attorney Hunt reported that, if approved, he will come back to the Commission with specific recommendation language to bring forward to Council.
The motion carried by the following roll call vote:

Ayes: Hill, Luehrs, O'Neil, Rhyne, Tucker, Watkins, and Chairwoman Bergeson
Noes: None

VII. PUBLIC COMMENTS - None

VIII. ADJOURNMENT - Adjourned at 3:04 p.m. to Tuesday, February 16, 2010, at 2:00 p.m. in the Council Chambers.

The agenda was posted on January 28, 2010, at 9:30 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building. The amended agenda was posted on January 29, 2010, at 11:50 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

Recording Secretary

Chairperson

City Clerk