

**CHARTER REVIEW COMMITTEE MINUTES  
MUNICIPAL LIBRARY, COMMUNITY ROOM, 2<sup>ND</sup> FLOOR  
41 WEST THURMAN AVENUE  
OCTOBER 2, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Member Green, Member Hardin, Member Salazar, Member Irish, Vice Chair Giraudi, Chair Bailey, Member Stowe

Absent: Member Bush, Member Cortez

**ORAL COMMUNICATIONS**

- Brock Neeley, Porterville, noted that under Robert's Rules of Order a motion to reconsider an item can only be made only by a member who voted with the prevailing side.
- Rick Elkins, Publisher of The Porterville Recorder, spoke in opposition of Item No. 6, stating State Law required publication of all ordinances in the local newspaper.
- Barry Caplan, Porterville, spoke regarding Item No. 4 and encouraged out of the box thinking with regard to elections and responsibilities of the mayor.
- Linda Hoy, Porterville, spoke in favor of strong mayor form of government and of areas where she has resided in the past.
- Joe Faure, former Mayor of Porterville, recommended a two year term for mayor and a super majority requirement for removal of the mayor; and spoke in opposition to district elections.
- Cathy (last name inaudible), Porterville, expressed concerned regarding Porterville's image; and spoke in favor of a separate election for mayor.
- Carlos Gomez, Porterville, spoke in support of an elected mayor; and expressed concern regarding the recent Council reorganization.
- Nicole Celaya, Porterville, thanked the committee for their invitation to speak regarding council reorganization and for their consideration of the process.
- Margaret Schaffer, Porterville, expressed concern regarding negative publicity received following recent council action; and spoke in support of positive changes.
- Linda Hoy, Porterville, spoke of erroneous statements made by members of the council during meetings, and the public's inability to correct them at the time they are made.

**SCHEDULED MATTERS**

**1. Minutes of September 25, 2013**

Chair Bailey introduced the item, and welcomed comments or amendments. Chair Bailey requested Page 2, Paragraph 2 be amended to read, "...may be unenforceable," and that the vote on Page 3 with regard to 12 months severance pay be amended to reflect his no vote.

**COMMITTEE ACTION:** MOVED by Member Irish, SECONDED by Vice Chair Giraudi that the Committee approve the Minutes of September 25, 2013, as amended by Chair Bailey.

AYES: Green, Hardin, Salazar, Irish, Giraudi, Bailey,  
Stowe  
NOES: None  
ABSTAIN: None  
ABSENT: Bush, Cortez

Documentation: M.O. 01-100213  
Disposition: Approved, as amended.

## **2. Consideration of Modifications to Charter Section 68, Pertaining to Leases**

Chair Bailey introduced the item, and City Manager Lollis provided background regarding the federal government's interest in expanding their air attack base, and conflicts with their contract requirements. Mr. Lollis communicated that the Council desired flexibility with regard to leasing City owned properties. City Attorney Lew also elaborated on previous efforts to remove the 90-day notice of termination clause, which was rejected by the voters as a stand alone ballot measure in 2010; and spoke of the pros and cons associated with the existing 90-day language.

Member Hardin expressed concerns regarding long-term leases, and spoke against removing the 90-day noticing requirement entirely. Chair Bailey inquired about reimbursement for improvements to City facilities. A discussion followed about negotiation terms and existing license agreements. Member Green suggested the length of the termination notice be based on a percentage of the length of the lease.

The committee directed the City Attorney to draft sample language for both the percentage and the "90 days to 1 year" options.

Disposition: Direction given.

## **3. Consideration of Modifications to Charter Section 39, Pertaining to Fiscal Year**

Chair Bailey introduced the item, and City Attorney Lew provided a brief history for the committee. City Manager Lollis explained the current timeline associated with budget adoption during election and non-election years. Member Irish pointed out that the committee was also tasked with considering the timing of Council elections, which could affect the need to change the fiscal year. Without objection, the item was tabled until such time that election years were addressed.

Disposition: Item tabled.

The committee recessed for five minutes at 6:50 p.m.

## **4. Consideration of Modifications to Charter Section 9, Pertaining to Council Reorganization**

Chair Bailey introduced the item, and provided a brief recap of previous committee discussion with regard to the matter. Vice Chair Giraudi spoke in support of a 2-year term for mayor; and also spoke in favor of a 4-vote requirement to replace the mayor. A discussion followed, during which various members of the committee spoke of the importance of continuity and stability in leadership.

Chair Bailey suggested that making it more difficult to remove a mayor that a majority of the council may be unhappy with could worsen the situation, and noted that the recent removal of Council Member Gurrola as mayor was still fresh in everyone's minds.

**COMMITTEE ACTION:** MOVED by Member Irish, SECONDED by Vice Chair Giraudi that the Committee approve the recommendation of a two-year term for mayor; mayor to be appointed after the seating of the new council by three or more of their peers; and require four votes for removal of mayor prior to the end of their term.

AYES: Green, Salazar, Irish, Giraudi, Stowe  
NOES: Hardin, Bailey  
ABSTAIN: None  
ABSENT: Bush, Cortez

City Attorney Lew stated that she would work on language and present it at the next meeting. She recommended that the committee approve the final provisions of the Charter at the end of the process and sign off on a submittal to the Council.

Documentation: M.O. 02-100213

Disposition: Approved drafting of language for consideration.

#### **5. Consideration of Modifications to Charter Section 67, Pertaining to Council Manic Interference**

Chair Bailey introduced the item, and City Attorney Lew spoke of the Council's interest in maintaining a division between administrative and legislative powers. Ms. Lew provided samples of penalty provisions from Culver City, Newport Beach, Santa Clara and Oakland; and spoke of the difficulties associated with the enforcement and/or implementation of penalty provisions. Members Hardin and Stowe voiced their preference for the language provided from Santa Clara, and hypothetical scenarios were explored.

City Attorney Lew advised that the Charter Committee should consider the addition of a general penalty provision at a future meeting.

**COMMITTEE ACTION:** MOVED by Member Hardin, SECONDED by Member Stowe that the Council authorize drafting of language similar to Santa Clara to be brought back for consideration.

AYES: Green, Hardin, Salazar, Irish, Giraudi, Bailey,  
Stowe  
NOES: None  
ABSTAIN: None  
ABSENT: Bush, Cortez

Documentation: M.O. 03-100213

Disposition: Authorized drafting of language for consideration.

**6. Consideration of Modifications to Charter Section 12, Pertaining to Publication Requirements**

Chair Bailey introduced the item, and City Manager Lollis requested that the item be continued in the absence of Administrative Services Director Hildreth. City Attorney Lew indicated that she would be looking into those comments made by Mr. Elkins during Oral Communications.

Disposition: Item continued.

**7. Consideration of Committee Member Items of Interest**

Chair Bailey introduced the item. Member Hardin spoke in favor of reconsidering the issue of pensions, and requested clarification regarding potential conflicts.

City Attorney Lew advised that in her opinion there were no legal conflicts of interest for former or retired CalPERS members. She added that the committee could request direction from the Council for clarification.

Member Salazar reiterated her position that the issue of pension was outside the scope of the committee, in that the current language did not require revision. Member Green clarified that he was cashed out of PERS, and noted that the end result of the vote would have remained the same, even if Member Stowe had abstained.

In response to a question posed by Member Green with regard to potential litigation resulting from pension reform, the City Attorney stated that the City, and ultimately tax payers would be responsible for liability incurred.

Member Green expressed concern regarding the absence of two members who voted with the prevailing side.

City Attorney Lew stated that time did not permit discussion of other items of interest of committee members, and recommended that the item remain on future agendas.

**COMMITTEE ACTION:** MOVED by Member Irish, SECONDED by Member Salazar that the Charter Review Committee reconsider pensions after

all other Charter sections have been addressed; and request clarification from the Council.

AYES: Hardin, Salazar, Irish, Giraudi, Bailey  
NOES: Green, Stowe  
ABSTAIN: None  
ABSENT: Bush, Cortez

Disposition: Approved reconsideration; and requested clarification from the Council.

## **8. Scheduling of Future Meetings**

City Attorney Lew spoke of difficulties experienced by staff with regard to turnaround between weekly meetings, and the committee considered possibly scheduling meetings every other week.

Member Hardin spoke in support of scheduling meetings at an earlier time, and discussion followed regarding committee member availability. The meeting was then scheduled to take place the following Wednesday, October 9<sup>th</sup>, at 5:30 p.m. in the Library Community Room.

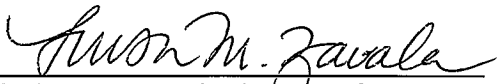
Disposition: Meeting scheduled.

### **OTHER MATTERS**

None

### **ADJOURNMENT**

The Committee adjourned at 8:07 p.m. to the meeting of October 9, 2013.

  
Luisa M. Zavala, Deputy City Clerk

  
Allan Bailey, Chair