

Ja

March 13, 2012 Commission Meeting

Verbatim Minutes

17a: Discussion of Possible Topic for Charter Review Board to Consider

Mayor Minnet: I believe you probably have a list started. We discussed certain things and you included that in the backup. (see attached).

Manager Hoffmann: Yes, but I may have forgotten things that the Commission wants to add.

Commissioner Brown: Just to follow up quickly on what I had said before, I read through the Charter and there is a very clearly defined timeline if the citizens present a petition to put something on a referendum. There's a process that requires a minimum of 90 days before you can vote on it. Which means in the case of a citizens initiative, it would have to be completed by July in order to get on the ballot in November, but here is nothing in the Town charter which sets a time frame for any referendums which might be proposed by the Charter Review Board. It's sort of a gray area. I raise this question because it gets into the issue of how long is this Charter Review Board going to be in operation and are they going to have a deadline for submitting their recommendations to us, which takes into account either a 90 day lag period before it can go on a referendum, or are we not going to assume that they are going to come up with anything. The one example that pops into my mind right away is the one on the Mayor's term. Let's say that the Charter Review Board decides to change the Mayor from a 2 year term to a 4 year term, you would probably want to have that up for referendum this November when we have an election scheduled, and then it would be able to take effect in time for the next Municipal election. On the other hand, if there is no time constraint on doing that, if you want to miss the next election then you don't have to worry about it. I think we need to clarify how long this board has to do its job and when are they required to come back with their report to us, and do they have to come back with their full report before we act, let's say they wanted to single out one provision that they really wanted to get on the ballot in November, could they come to us with that before their report? And just one last thing I want to point out... on 6.6 it talks about forfeiture of office. And on #2 on 6.6 it says "a Commission member or the Mayor shall forfeit the office if the person violates any standard of conduct or code of ethics established by law for public officials". This jumps right into this whole issue we are dealing with now of the County's Ethic Law. If one of us is at an event and we take a bottle of water and take a sip out of it, we have violated the Ethic law, or if one of us has a conversation with somebody, either knowingly or unknowingly, and that person is a registered lobbyist, we violated the law. Under the Town charter it says "violates any standard of conduct or

code of ethics established by law". So I would hope that the Charter Review would look at that language. It's obvious what the intent is, you don't want to have people breaking laws and serving on the Commission, but is it really your intent to through someone off the Commission because they took a sip of water at a public meeting? I just hope that you would be able to clarify that. Those would be my only requests. Thank you.

Mayor Minnet: Thank you, Commissioner Brown. Commissioner Dodd.

Commissioner Dodd: Yes, since you are inviting other topics to be added to the list here, I personally would actually like to see the Review Board grapple with the height limit, and consider mapping a geographical area within the Town within which 3 over 1 is the legal maximum construction height. I doubt if anybody, other than a land attorney could really tell you on reading the code whether the west side of El Mar Drive qualifies as 33 or 44 feet, and its' got so confused with the coastal construction line and all the other issues there, that I would just like to see the Charter Review Board look at the Town and draw an area and say anything within that area is 3 over 1 compliance. And that I think would simplify the code enormously I don't want to change the height..... I am just trying to make it easier for somebody that comes into Town and wants to a buy property, and wants to look at the redevelopment that they know immediately, very simply, within this area this is what is allowed, within everywhere else in Town its 32 feet. I think that would simply the job and the code in a lot of areas. That is something I would like them to look at.

Mayor Minnet: Yes, the language certainly needs to be clarified and the definitions on the height limit. Thank you for bringing that up again. Commissioners, Vice Mayor, any other items? I think we hit on quite a few, but I do think it would be up to the Charter Review Board to analyze this and bring their recommendations to this body. I know we had a few items and I believe the Town Manager put them together on items that we had come through in a year

Town Attorney Trevarthen: There were procedural matters. do you want me to address those?

Mayor Minnet: Sure.

Town Attorney Trevarthen: The short version is basically yes to pretty much anything in the sense that our Charter doesn't constrain it. Commissioner Brown is correct in pointing out that there's one regime that applies to a citizen referendum and that there's not similar language that applies to when the Commission brings forth referenda and that's the one correction I would make. This is not the Charter Review Board putting something on the ballot. This will be an advisory committee making recommendations to this body and the Town Commission will decide whether or not to put something on the

ballot. It's not that there are not constraints, those constraints come from the Supervisor of Elections. I'm working on memory from 2010 when we looked at this issue. My guess is that somewhere around September we absolutely have to finalize, I think we may have gone to second reading, we planned to go to second reading in October, maybe early October, and we were just under the wire for the Supervisor's deadline. But there's a period of time that's necessary to actually print the ballot and make it possible for it to be on the election. So, the general idea is correct that we have to map that out and back into it, but it comes more from the election process itself rather than from our charter. And then whether you want to split it up, or whatever you want to charge the Charter Review Board to do, that's really at the discretion of this Town Commission.

Mayor Minnet: Commissioner Brown, does that answer your question?

Commissioner Brown: Yes.

Mayor Minnet: Town Manager, I think we've added the items we need to add to submit to the Charter Review Board.

Town Manager Hoffmann: Mayor, I believe we need, as a Commission to outline the time frame that you want the recommendations to come back from the Charter Review Board.

Mayor Minnet: Can you find out how long the first Charter Review Board was in session?

Town Clerk White: It was 8 months.

Mayor Minnet: It took a long time because it was chapter by chapter. It didn't seem like a long time, because there was so much to go over. We looked at the language in the Charter... we looked at do you want to make the charter so constrictive, or how do you want to work with it? It's a very lengthy process. There are good people on the Board that would bring good ideas. So I would say 8 months is the time they would need.

Commissioner Dodd: I think we should leave it to the Charter Review Board to have their first meeting, because I agree that there will be issues that we might get onto the ballot for the next election, and they might want to come back to us with a recommendation for a few items that we can do at the next election and as you say, the Charter Review is going to take a length of time in order for them to study it in the depths that we are asking them to do, and it may well take longer, so we got to be aware that we may get something for this ballot and something for the next ballot.

Mayor Minnet: That's fine, if you want to leave it up the Charter Review Board and maybe give them the outline from the original Charter Review Board so they know how that was designed.

Mayor Minnet: Town Manager does that complete the information?

Town Manager Hoffmann: Yes.

End of discussion