SUBJECT: CITY CHARTER REVIEW ADVISORY COMMITTEE RECOMMENDATION

SOURCE: Administration

COMMENT: At the Council meeting of March 19, 2002, the City Council adopted Resolution No. 46-2002 establishing a City Charter Review Advisory (CCRA) Committee. At the subsequent meeting of April 2, 2002, the Council appointed Herb Bonds, David Hebebrand, Patricia Young, Teresa de la Rosa and Larry Sullivan to the CCRA Committee, and set an initial meeting date. Those five members then appointed the remaining ten members, Ron Irish, Pete McCracken, Gary Mekeel, Kelly Focke, Cassandra Garcia, Adela Alba, Carmen Eoff, Pete Martinez, Stephanie Gelobter, and Rudy Roman, for a CCRA Committee of fifteen members. The Committee was charged with the duties and responsibilities of reviewing the entire Porterville City Charter and thereafter preparing a written report to the City Council containing specific recommendations as to what modifications, if any, should be made to the existing City Charter; provided that such modifications shall be specifically limited to those intended only to improve and clarify current provisions of the Charter and further that said modifications shall not be intended to undertake any fundamental or major changes in the form, structure and practices of the Porterville City government. The Committee was directed to prepare and lodge its written report of recommendation to the City Council no later than July 22, 2002.

After 13 meetings, and 28 plus hours of consideration, the CCRA Committee unanimously voted to submit the following to the City Council:

1) A revised City Charter containing all their recommendations for consideration by the City Council.

2) A Recommendation that the housekeeping items be recognized and put as a separate issue, with the other issues to follow in related topics to the voters; and

3) After in depth discussion, the Committee also submitted a resolution for consideration by Council addressing the perceived lack of diversity and disenfranchisement of certain groups or blocks of voters or neighborhoods by calling for the verification and quantification of such perception and identification of feasible alternatives. The draft resolution is attached.

Item No. 25
CALENDAR FOR REVIEW

To place possible modifications of the Charter before the electorate, the City Council approved the following dates:

**July 22, 2002:** Charter Committee recommendations submitted to City Manager for inclusion on the August 6, 2002 Council Meeting.

**August 6, 2002:** Staff Report/Committee Presentation to City Council.

**August 20, 2002:** Council makes determinations and refers to staff and City Attorney.

**September 17, 2002:** Council adopts prepared resolution for Charter Revision and refers to City Attorney.

**October 28 - November 11, 2002:** Notice of Election is published with Charter Revisions (measures) with translation in Spanish.

RECOMMENDATION: At the request of the Charter Review Advisory Committee, the City Council should:

1. Consider and act upon the recommended modifications to the City’s Charter.

2. Consider and act upon the recommended presentation of Charter items to the voters specifically grouping housekeeping items and issues similar in content.

3. Have a resolution prepared for Council consideration to place the issues before the electorate.

4. Consider and act upon the attached draft resolution establishing an Ad Hoc Fact Finding Committee regarding at-large and district election options for the City.

ATTACHMENTS: Draft Revised City Charter
Draft Resolution
Minutes of Charter Advisory Committee
The City Charter Review Advisory Committee hereby submits the following City Charter to the City of Porterville City Council showing all revisions, amendments, and additions recommended by the Committee:

CITY CHARTER

Sec. 1. Name of city; perpetual succession.
   The municipal corporation now existing and known as the “City of Porterville” shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the “City of Porterville,” and by such name shall have perpetual succession.

Sec. 2. Boundaries.
   The boundaries of the City of Porterville shall continue as now established until changed in some manner authorized by law.

Sec. 3. Rights and liabilities of cities; prior contracts, liabilities, etc., continued in effect.
   The City of Porterville shall remain vested with and continue to have, hold, and enjoy, all property, rights of property, and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. No right, liability, pending suit or prosecution on behalf of, or against, the city shall be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect.

Sec. 4. General powers of city; official seal.
   The City of Porterville, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution, and which it would be competent for this Charter to set forth particularly or specifically; and the specifications herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of power. General Powers of the city include, but are not limited to, the powers necessary or appropriate to promote the health, welfare and education of its inhabitants. The city shall have and use a common seal and the official seal hereinbefore adopted and now in use by said city shall continue to be the official seal of said city.

Sec. 4.1. Intergovernmental Powers.
The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency of California, or any governmental jurisdiction or nonprofit corporation thereof, or the United States or any of its agencies or instrumentalities.

**Sec. 4.2. Liberal interpretation.**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way any of the powers granted by this Charter.

**Sec. 5. When elections to be held; special elections; procedure for elections for local improvements or levies of assessment or bonded indebtedness.**

General municipal elections shall be held in said city on the first Tuesday after the first Monday in March of each odd-numbered year at the same time as the Primary election for State Offices for the State of California under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided. The first general election in said city under this Charter amendment shall be held on the first Tuesday of March, 1979. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections; providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

**Sec. 6. Initiative, referendum and recall; how vacancies created by recall bill; special elections where majority of council recall; competitions originated; notice of deposit.**

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the Constitution and general laws of the state, and Any elective officer may be recalled from office under and in pursuance pursuant to the provisions of the Constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment as provided in section 16, provided, further, that should a majority be recalled, the city clerk shall call a special election at once as provided in section 16 that a special election shall be held at the same time as the recall election, in accordance with the Constitution and general laws of the state, for the purpose of electing officers to fill the place or places of the officers sought to be recalled.

**Sec. 7. Elective officers to be residents.**

No person shall In order to be eligible to hold any elective office in the City of Porterville, a person unless he must be a resident and elector therein, and shall have resided in said city for at least thirty days next preceding his filing his of their nominating papers, or equivalent declaration or candidacy, and be an elector at the time of said filing.
Sec. 8. Elective officers.
The elective officers of the City of Porterville shall be five councilmen, who shall be elected from the city at large at a general municipal election therein.

Sec. 9. Legislative body; composition; election; term; compensation; ineligibility for other city office; president of council; vice-president; installation of newly elected officers; powers to be exercised by council.

The legislative body of the city shall consist of five persons elected at large, which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held therein every odd-numbered year as hereinbefore provided in the said City at the same time as the Primary election for State Offices for the State of California. They shall hold office for the period of four (4) years from and after the Monday next succeeding the day of their election and until their successors are elected, and qualified; provided the respective terms of the members of the first council elected under this Charter shall be as follows: The two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot any Council Member presently serving or elected at the time of the adoption of this amendment shall be extended one additional year to the even-numbered year following the expiration of their respective terms.

The members of the council shall each receive the sum of twenty fifty dollars ($20.00 $50.00) for each council meeting actually attended; the mayor shall receive the sum of twenty-five sixty dollars ($25.00 $60.00) for each meeting of the council actually attended; provided, however, that. The members of the council shall not receive compensation for more than seven (7) meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

The members of the council shall not be eligible to any other office or employment with the city.

The council shall also reorganize at its next meeting following each municipal election and shall choose one of their number to serve as president of the council to be known as mayor. At this time the council shall also choose one of their number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a four-fifths (4/5) vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of their number to serve as mayor until the next organizational meeting.

The council shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

All powers granted to and vested in the City of Porterville by law or by the provisions of this Charter, shall, except as herein otherwise provided, be exercised by the council to be designated the “Council of the City of Porterville.” The council shall be the governing body of the city and, subject to the express limitations of this Charter, shall be vested with all the powers necessary or convenient...
for a complete and adequate system of municipal government, consistent with the constitution of the state.

**Sec. 9.1 Public Participation.**

The council shall continue to encourage the organization of and communication with representative neighborhood groups throughout the city to encourage citizen participation, to seek advice and input and to provide information to the public relative to city matters and affairs.

**Sec. 10. Time and place of council meetings; meetings to be open to public; council to adopt rules for conduct of its own proceedings.**

The council shall provide by ordinance for the time and place of holding its meetings. Special meetings shall be called in accordance with the provisions of general law. There shall be at least one (1) regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within the community where no action is to be taken, all meetings of the council shall be held in the city hall, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall cannot be used for that purpose, and all meetings shall be open to the public. The council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct. In the event that the council has not adopted rules for conducting its proceedings, the council shall conduct its proceedings in accordance with the most recent edition of Robert’s Rules of Order.

**Sec. 11. Quorum; compelling attendance at meetings.**

A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of, or action upon, pending business in like manner. Attendance at meetings of absent members of the council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

**Sec. 12. How council acts on legislative matters; resolutions; records of votes; requirement that all members vote; how ordinances headed; ordaining clause; ordaining clause of ordinances passed by initiative; when ordinances to be passed; publication; effective date of ordinances; certain matters required to be passed by ordinance; repeal of ordinances; revision of ordinances; ordinances to be signed by mayor and attested by clerk.**

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the council. Upon the request of any member of the council, the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.
Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the council shall be, “The Council of the City of Porterville do ordain as follows:”

The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, “The People of the City of Porterville do ordain as follows:”

No ordinance shall be passed by the council at any time other than at a regular meeting, or until its publication at least once in the official newspaper of the city at least three days before its final passage.

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the council of the City of Porterville, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths (4/5) vote of the council, and no ordinance granting a franchise, shall go into effect before thirty (30) days from its final passage.

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the imposing of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the mayor and attested by the city clerk.

Sec. 13. Legislative officers; administrative officers; other officers and commissions; consolidation of offices.

The legislative officers of the City of Porterville shall consist of five (5) members of the council, one of whom shall act as mayor. In addition, there shall be the following administrative officers who shall be appointed by the council: a city manager, a city attorney and a city clerk.

The council may, by ordinance provide for such other officers as deemed necessary and the council may further establish by ordinance commissions deemed by it to be necessary or proper to aid in the orderly administration of the City of Porterville.

All members of commissions and legislative committees shall be appointed by the council. The council may appoint members to other boards or committees. Administrative officers may appoint members to temporary administrative committees.
The council may, at any time, when in its judgment, the interest of the city so demands, by a four-fifths (4/5) vote thereof, consolidate by ordinance two or more city administrative offices and place the same in charge of one such officer.

Sec. 14. Official bonds; where filed.

When in this Charter not otherwise prescribed, the council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the council, filed with the city clerk, and paid for by the city; provided, however, that the bond of the city clerk when approved as aforesaid shall be filed with the city treasurer. Nothing in this section shall prevent the authorization or furnishing of a blanket bond to assure the honesty or faithful performance of any of its officers or employees.

Sec. 15. Oath of office.

Every officer and employee of the city, before entering upon the duties of his/her office shall take and subscribe the oath of offices as provided for in the Constitution of the state, and shall file the same forthwith with the city clerk.

Sec. 16. Vacancies in office; when offices declared vacant.

A vacancy in any elective legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall wilfully fail or refuse to perform the duties of his/her office, though able so to do, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged insane mentally incompetent, his/her office shall thereupon become vacant.

Sec. 17. Appointment and removal of officers and employees; grounds of removal; hearing prior to removal.

Except as may be otherwise in this Charter provided, the affirmative vote of three (3) members of the council shall be required for the appointment of or the removal of any administrative officer for cause. “For cause” includes, but is not limited to, refusal to perform the duties of his/her office, being adjudged mentally incompetent, or being convicted of a felony or crime of moral turpitude. The administrative officer is entitled to a hearing before the council on the validity of the grounds providing the basis for removal for cause.
The council may remove any of its administrative officers at its pleasure, without cause stated or at hearing had, by the affirmative vote of four members cast in favor of such removal, and the determination of the council in such matters shall be final and conclusive.


Sec. 18. Compensation of appointive officers and employees; limitation as to least amount of compensation; fees abolished.

The council shall fix the compensation of all appointees and employees except officials and members of boards, commissions and committees serving gratuitously. Said compensation shall be fixed, increased or changed by resolution, adopted by a three-fifths \((3/5)\) vote of the council.

The duties or the minimum compensation of any appointive official shall not be so established by the council as to in effect abolish the office.

The salary of any appointive official or employee of the city shall cease forthwith with his/her removal or resignation from office or employment, and he/she shall only be entitled to compensation for that expired proportion of the month or term of service during which he/she shall have performed his/her duties.

No officer or employee shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the council, if a council appointee, or the manager if a manager appointee, and all fees received by such officers or employees in connection with his/her official duties shall be paid by him/her into the city treasury, and a written report made of same, provided, however, that rewards which have been publicly offered for the apprehension of criminals may be received by the officer or officers making the apprehension, after deducting therefrom any expense that the city may have sustained in the matter.

Sec. 19. Duties of the mayor generally.

The mayor shall be the executive head of the city. In case of riot, insurrection, extraordinary emergency, or other disaster, he/she shall assume general control of the city government, or the suppression of disorders and the restoration of normal conditions be responsible for making a public declaration of a state of emergency and shall assume all other responsibilities required of him/her pursuant to the city’s disaster plan.

In the name and on behalf of the city, he/she shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party.

He/she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat.

In the absence of the mayor, for whatever reason, the vice president of the council shall assume the duties as mayor pro tempore.
Sec. 20. City attorney; qualification; duties; assistant attorney.

The city attorney shall be an attorney-at-law, admitted to practice as such before the supreme court of the state, and who has been in actual practice therein for at least three years next preceding his/her appointment. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The city attorney shall be legal advisor of the council, and all other city officials. He/she shall prosecute all violations of city ordinances and shall draft all contracts and other legal documents and instruments, required by the council or the city manager. He/she shall perform such other legal services as the council may direct and shall attend all meetings of the council unless excused therefrom by three members thereof or by the mayor.

When from any cause the city attorney is unable to perform the duties of his/her office, he/she may, with the consent of the council, appoint some other qualified attorney to temporarily act in his/her place and whenever in the judgment of the council, the interests of the city require it, it may employ assistant counsel.

The city attorney shall deliver all books, records, papers, documents and personal property of every description, owned by the city, to his/her successor in office, and the city shall provide a means of safe-guarding the same.

He/she shall possess such other powers, and perform such additional duties, not in conflict with this Charter as may be prescribed by ordinance.

Sec. 21. City manager; to become resident; powers and duties; bond.

The city manager shall be the administrative head of the city government. It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said city. The City Manager shall establish residency in the City of Porterville within a reasonable period of time within the discretion of the Council. His/her powers and duties shall be as follows:

(a) To see that all ordinances are enforced.

(b) To appoint except as otherwise provided in this Charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same.

(c) Repealed.

(d) To see that all the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the council any violation thereof.

(e) To act, as purchasing agent for the city, should he/she be so appointed by the council.

(f) To attend all meetings of the council unless excused therefrom by the council or mayor.
(g) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.

(h) To keep the council advised as to the needs of the city.

(i) To devote his/her entire time to the interests of the city.

(j), (k) Repealed.

(l) To supervise generally the preparation of the assessment roll by the assessor, and make such recommendations to the council or board of equalization regarding the same as he may deem advisable. Repealed.

(m) To possess such other powers and perform such additional duties as are prescribed by this Charter, or may be prescribed by ordinance.

(n) Repealed.

Sec. 22. City manager pro tem.

In case of an illness, scheduled vacation or scheduled the absence from the city of the city manager, or his temporary disability to act as such, for a period of up to thirty (30) days, the individual designated as the deputy city manager shall serve as city manager pro tem. In the event that a deputy city manager has not been designated or the deputy city manager is otherwise unable to serve, the city manager shall appoint one of the existing directors of the city departments to serve as city manager pro tem.

In the case of any other absence, excluding a vacancy of the city manager position, from the city of the city manager, or his/her temporary disability to act as such, the council shall appoint a city manager pro tem, who shall possess the powers and discharge the duties of the city manager during such absence or disability only; provided, however, that a city manager pro tem shall have no authority to appoint or remove any city officer or employee department director except with the unanimous formal approval of all of the members of the council. In the event that the city manager position is vacant, the council shall appoint a city manager or acting/interim city manager in accordance with Sections 13 and 17 of this Charter.

Sec. 23. City clerk; to be assessor, clerk of the council and board of equalization when so appointed; duties; to keep corporate seal.

The city clerk shall be assessor of the city, and clerk of the council and of the board of equalization when so appointed by the council.

It shall be the duty of the city clerk to attend all sessions of the council and the board of equalization, and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the council shall be kept in a book marked “Minutes of the Council” and the proceedings of the board of equalization shall be kept in a separate book marked “Minutes of the Board of Equalization.” He/she shall keep a book marked “Ordinances” into which he/she shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance,
and stating that the same has been published as required by law. Said record copy, so certified, shall
be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall
be admissible as such evidence in any court or proceedings. Such record shall not be filed but shall
be returned to the custody of the city clerk. He/she shall also keep a book marked “Resolutions,” into
which he/she shall copy all resolutions passed by the council. Both the books containing ordinances
and resolutions, shall be adequately and comprehensively indexed. He/she shall conduct promptly,
and keep a systematic record of all correspondence between the council and third parties relating to
city business.

He/she shall be the keeper of the corporate seal of the city, and shall affix the same to instruments
or writings requiring authentication. He/she shall safely keep all records, documents, ordinances,
resolutions, books and such other papers and matters, as may be regularly delivered into his/her
custody or required by law or ordinance to be filed with him/her.

Sec. 24. Director of finance; payment of demands; to check annual tax roll.
The city manager shall appoint the director of finance of the city, who shall serve as the general
accountant of the city. He/she shall receive and preserve in his/her office all accounts, books,
vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other
financial affairs. He/she shall keep an account of all moneys paid into and out of the treasury; and
keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the council, must be presented to the
director of finance, who shall satisfy himself/herself whether the money is legally due, and its payment
authorized by law. If satisfactory, he/she shall draw a warrant upon the treasury for the payment
thereof. Every demand approved by the director of finance shall specify on its face the several items
composing it, with the amounts and dates thereof. The approval of the council shall not be necessary
to draw warrants for the payment of regular salaries of officials and employees of the city, or for
payment of any obligation previously authorized by law, or by resolution or order of the council.

He/she shall render each month a statement to the council showing the financial condition of the
city, and annually a like statement covering all of the financial transactions of the city during the year
previous.

After the annual tax roll has been completed by the assessor, and before it is deposited with the
collector, the director of finance shall make a check of the roll correcting any errors that may be
found and endorse same with his/her approval.

Sec. 25. City treasurer; appointment; duties; bond. Repealed April 6, 1971.


Sec. 27. Chief of police; duties; appointment and removal of subordinates; to make rules

Sec. 28. Fire chief; appointment; duties and powers. Repealed April 6, 1971.

Sec. 30. City engineer; powers and duties. Repealed April 6, 1971.

Sec. 31. Office of purchasing agent authorized; duties of heads of offices to submit estimates to agent; duties generally; competitive bidding; preference to local merchants. Repealed April 6, 1971.

Sec. 32. Street superintendent. Repealed April 6, 1971.


Sec. 34. Vacations. Repealed April 6, 1971.

Sec. 35. Additional duties of officers.
Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

Sec. 36. Officers and employees to continue in office until successor elected or qualified.
Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinance or laws.

Sec. 37. Resignations from office; candidates for office not required to resign from other office prior to appointment or qualification; when resignation effective. Repealed April 6, 1971.

Sec. 38. Officers and boards having power to administer oaths and issue subpoenas; contempt proceedings. Repealed March 8, 1983.

Sec. 39. Fiscal year.
The fiscal year of the city shall commence on the first day of January July of each year, or at such other time as may be fixed by ordinance.

Sec. 40. Taxation to conform to general laws of the state.
Except as otherwise herein provided the council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; provided, that all sales for delinquent taxes shall be made to the City of Porterville. Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Sec. 41. Board of equalization. Repealed.
The council shall meet at its usual meeting place on the first Monday in August of each year, at 10:00 A.M., and sit as a board of equalization, and shall continue in session by adjournment from day to day until all returns of the assessor have been rectified and assessments equalized. The board of
equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment is proposed to be raised. (4-6-71)

Sec. 42. Annual tax levy to be affixed.
The council, not later than its second regular meeting in August, shall fix a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue, established by council action pursuant to Section 44. The council shall then deliver the assessment roll to the County Assessor who shall thereupon compute and carry out the amount of tax so levied on each parcel of property contained in the assessment roll for the City.

Sec. 43. Limitation on tax levy. Repealed.
The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the real and personal property within the city, except as in this Charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the city and may be apportioned as determined by the council;

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended; provided that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the city.

Sec. 44. Limitation on special tax levies; enumeration of purposes for which special taxes may be levied.
The council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the city; and for the following purposes:

(a) For the support and maintenance of the fire department, for fire protection purposes, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city;

(b) For the acquisition, construction and maintenance, as the case may be, of permanent public improvements, of real property, of public buildings and structures, and of public offices, including equipping and furnishing the same, at the rate of not more than two mills on each dollar thereof;

(c) For the maintenance and support of free public libraries and reading rooms in said city, at the rate of not more than two mills on each dollar thereof.

(d) For the maintenance and support of free public parks and playgrounds in said city, at the rate of not more than two mills on each dollar thereof;

(e) For music, entertainment, and promotion, at the rate of not more than one mill on each dollar thereof.
Sec. 45. Taxes and assessments to constitute a lien; foreclosure.
All taxes and assessments levied, together with any percentages imposed for delinquency and cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March each year and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due thereon the same shall be sold to the city in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter.

Sec. 46. Disposition of city money.
All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily if possible, and at least once each week.

Sec. 47. Application of surplus bond money.
All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond and interest redemption fund.

Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.
No money shall be expended and no indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance by four-fifths (4/5) majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the amount of money that may be expended, or the indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization, resolution or order of the council. Any expenditure, purchase, or indebtedness to be made or incurred of $500.00 or more, shall first require specific council authorization except as otherwise provided for in this Charter.

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving petty cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths (4/5) majority vote, adjust the revolving
The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his/her books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his/her warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his/her warrant as directed by the council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

Sec. 49. Monthly financial reports required.

All officers required by this Charter or by ordinance to submit monthly financial reports to the council, shall submit the same in duplicate, and upon their approval by the council, one of each of such duplicate reports shall be posted forthwith in the office of the city clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Sec. 50. Approving illegal claims to forfeit office.

Every officer who shall wilfully approve, allow or pay, any demand on the treasury not authorized by law, shall be liable to the city individually and on his/her official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his/her office and be forever disbarred from holding any position in the service of the city.

Sec. 51. Annual budget contents; publication.

Not later than thirty days before the time for fixing the annual tax levy end of the city’s fiscal year, the city manager shall submit to the council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager.

Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the council for inspection by the public, unless the council shall publish the same in a newspaper.
After duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted. At any meeting after the adoption of the budget, the council, by a vote of three (3) members, may amend or supplement so as to authorize the transfer of unused balances for one purpose to another purpose or to appropriate available revenues not included in the budget.

Sec. 51A. General reserve fund; purposes. Repealed April 6, 1971.

Sec. 52. Uniform accounts and reports. Repealed April 6, 1971.

Sec. 53. Repealed April 2, 1963: Written Investment Policy.

The city manager shall recommend and the city council by resolution shall adopt a policy to govern the investment of all city monies, which policy shall be consistent with applicable state law and shall, at a minimum, provide for the investment of all monies in such a manner as to assure the preservation and safety of principal and the integrity of record keeping; identify the types of allowable investments; and provide for the safekeeping of securities.

Sec. 54. Applicability of general laws.

All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this Charter or the ordinance of the city hereafter enacted, shall be applicable to the city. The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against general laws of the state.

Sec. 55. Repealed April 2, 1963.

Sec. 56. Public library.

The free public library of the City of Porterville shall be established, conducted, carried on, managed and operated in accordance with rules, regulations and ordinances passed and adopted by the council of the City of Porterville.

Sec. 57. Park commission; composition; term; powers and duties; authority to accept donations, legacies or bequests. Repealed April 6, 1971.

Sec. 58. Pensions.

The council shall have and is hereby granted full power and authority to establish, regulate, maintain, revise and amend, a retirement, disability, death benefit and pension system, or either or any of them, for its elective and appointive officers and employees of the City of Porterville and their dependents. Authority and power is hereby vested in the City of Porterville, its council, its officers, agents and employees to do and perform any act or exercise any authority granted, permitted or required whereby the City of Porterville may fully participate in a retirement, disability, death benefit and pension system for its employees.

A system for retirement, disability death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without
securing the approval of a majority of the electors of the City of Porterville at an election held therefor.

The city shall levy and collect taxes sufficient to pay all costs and expenses required to be paid by the City of Porterville to enable the City of Porterville to participate in any such retirement, disability, death benefit or pension system established, set up or maintained by, for or on behalf of the City of Porterville and the limitations of section forty-three of the Charter of the City of Porterville, with respect to levying and collecting of municipal taxes, shall not apply to any tax authorized by this article.

Sec. 59. Employment of certified public accountant to audit city books.
The city council shall employ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the city treasury.

Sec. 60. Illegal contracts enumerated; officers and employees prohibited from participation in any contract with the city; termination of employment for violation. Financial interests prohibited.
No officer or employee of the city shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the city treasury, nor shall he receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the city in which any such officer is or becomes interested may be declared void by the council.

—No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material, or other supplies, at a higher price or rate than that proposed by any other bidder over another, or give or withhold information from any bidder not given or withheld from all other bidders, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract or knowingly certify to a greater amount of labor performed or material or supplies furnished, than has, respectively been performed or received.

—Any officer or employee violating any of the provisions of this section shall be guilty of a misdemeanor and shall automatically forfeit his office or employment.

—If at any time it shall be found that any person, firm, or corporation to whom a contract has been awarded by the city has, in presenting any bid, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss and damage which the city may suffer thereby. In such event the council may advertise anew for bids for said work or supplies.

City officers and employees are prohibited from having a financial interest in any contract, sales or purchases in accordance with applicable State law.

Sec. 61. Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the amount is in excess of two thousand five hundred dollars fifteen thousand dollars ($15,000).
When a required expenditure exceeds five fifteen thousand dollars ($15,000), it shall be contracted for and let to the lowest responsible bidder after notice, provided that effective January 1, 2004, and following every Council election thereafter, the Council may adjust this expenditure cap by the same percentage change in the San Francisco Construction Price Index.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose.

Sec. 62. Public improvements.

The improvement widening and opening of streets, the planting, care, and maintenance of trees, and the making of any other public improvement may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the council may by ordinance adopt a procedure for the improvement and repair of streets, alleys or other public places, the laying of pipes, or conduits or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto and for making and enforcing assessments against property benefitted or affected thereby, or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes.

Sec. 63. Franchises; limitation on renewals.

Every franchise or privilege to construct, maintain, or operate, any means or method of transportation in or over any street, lane, alley or other public place within the city or to lay pipes or conduits, or erect poles or wires or other structures in or across any such public way or place, for the
transmission of gas, electricity, or other commodity, or for the use of public property or places now
or hereafter owned by the city, shall be granted under and in pursuance of the general franchises;
provided, no new franchise or the renewal of any existing franchises shall be granted except upon the
condition that at least two percent of the gross annual receipts derived from the use of such franchise
shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising
the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with
others, wherever practicable, and nothing herein shall be construed as prohibiting the council from
requiring other conditions in granting the same not inconsistent with the constitution and general
laws. No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated,
without the express consent of the council given by ordinance and subject to referendum.

Sec. 64. When franchise required.
No person, firm, or corporation shall exercise any franchise or privilege, except to the extent he,
she or it may be entitled to do so by the constitution of the state, or of the United States, in, upon,
under, over, or along any street, public way, or public place in the city without having first obtained
a grant therefor as provided in this Charter and by general law.

Sec. 65. Newspaper advertising and printing.
The council shall advertise annually for the submission of sealed proposals or bids from all
newspapers of general circulation in the city, for the publication of all ordinances and other legal
notices required to be published. The newspaper to whom such contract is awarded shall be known
and designated as the official newspaper. The rates for publishing public notices shall not exceed the
customary rates charged for publishing legal notices of a private character.

Contracts for legal advertising shall be awarded to the lowest responsible bidder, provided no
contract for legal advertising shall be awarded to any newspaper except a daily newspaper of general
circulation, as defined by the Government code.

Sec. 66. Official record required. Public Records. Delivery and safekeeping of
documents.
All public records of every office and department shall be open to the inspection of any citizen during
business hours, subject to proper rules and regulations for the efficient conduct of the business of
such department; provided, that the records of the police department shall not be subject to such
inspection except by permission of the proper police authorities.

The public shall have access to public records kept and maintained by the city in accordance with
the law.

All officers and boards shall deliver to their successors all papers, books, records, archives and
other properties pertaining to their respective offices or departments, in the possession or control of
any such officer or department and the council shall provide adequate means for their safekeeping.

Sec. 67. Interference with performance of duties of city manager; interference by city
manager in elections.
No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies or attempt any promise relative to any appointment from any candidate for city manager, or discuss directly or indirectly with any such candidate, the matter of appointments to city offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the council who may be removed therefrom by the council or by any court of competent jurisdiction in accordance with applicable state and federal law.

The council shall deal with the administrative functions of the city through the city manager. The council shall only have direct contact with the directors of the city’s departments for the purpose of asking questions.

Neither the city manager, nor any appointive officer or employee of the city, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Political activities of and campaign contributions by the city’s legislative officers, administrative officers, and employees shall be governed in accordance with applicable state and federal law. All legislative and administrative officers and all city employees are prohibited from engaging in political activities during working hours. City officers and employees are prohibited from engaging in political activities at their work place. Furthermore, city officers and employees are prohibited from engaging in political activities on city property, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.

Sec. 68. Leases of city property.
In every lease of city property the basic amount of rental shall be fixed by the council.

All indentures of lease shall provide that the council may terminate the same at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee. In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers appointed by the council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a judge of the superior court of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however, that the council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a maximum term of more than fifty years.

Sec. 69. Inventory of city property.
At the time for preparing and submitting the budget, as prescribed by this Charter, a complete inventory of all personal property belonging to the city shall be prepared and filed with the city clerk, and such inventory shall be submitted to the council by the city manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the city manager, and all chief officials and department heads of the city shall be responsible for making and transmitting to the city manager a full and correct inventory of all city personal property in their possession or under their control.

Sec. 70. **Equipment. Repealed April 6, 1971.**

Sec. 71. **Zoning authorized.**
The council of the City of Porterville shall have the power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify, and reclassify the zones established. The council may also prescribe the character of materials and methods of construction of buildings erected within any zone area, and may establish setback lines as it may consider necessary and proper.

Sec. 72. **Suspension of employees from office and fines. Repealed March 8, 1983.**

Sec. 73. **Natural or other disasters.**
The city shall have in place a disaster plan, consistent with County, State and Federal policies, to be implemented in the event of an emergency or disaster.

APPROVED this ________ day of July, 2002.

______________________________________________________________  
Gary Mekeel, Chairman  Teresa de la Rosa, Vice-Chair

______________________________________________________________  
Adela Alba  Herbert Bonds

______________________________________________________________  
Carmen Eoff  Kelly Focke

______________________________________________________________  
Cassandra Garcia  Stephanie Gelobter

______________________________________________________________  
David Hebebrand  Ron Irish

______________________________________________________________  
Pete Martinez  Pete McCracken
DRAFT RESOLUTION SUBMITTED BY THE CITY CHARTER REVIEW ADVISORY COMMITTEE:

RESOLUTION NO. ______
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING A FACT FINDING AD HOC COMMITTEE

WHEREAS, there is a perception that there is a lack of diversity on the City Council created by
the process in which the City Council is elected by the voters; and

WHEREAS, there is a perception that a group, or groups, of eligible voters are being denied the
opportunity to express their preferences for candidates to represent them on the City Council by the
process in which the City Council is elected by the voters; and

WHEREAS, the range of possible and potential solutions is large and complex and may create
future problems; and

WHEREAS, the perception, whether valid or invalid, is adversely affecting the sense of
participation by eligible voters in the City of Porterville;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes a citizen
committee comprised of 15 registered voters of the City of Porterville for the purpose of investigating
the substance behind the perception of lack of diversity on the City Council and the possible
disenfranchisement of any group or groups of voters, identifying feasible solutions, and
recommending a course of action for adoption by the City Council; and

BE IT FURTHER RESOLVED, that the selection of the committee members be equally
distributed among the current voting precincts of the City of Porterville and that, to the extent
feasible, each and every potential political minority whether identified by ethnicity, economic status,
educational standing, or other perceived or actual separate status shall be represented; and

BE IT FURTHER RESOLVED, that the committee shall examine the advantages and
disadvantages of at large elections as compared to the various forms of district elections, the
advantages and disadvantages of a five-member council as compared to some odd number greater
or less than five, or any other alternative that appears reasonable and feasible; and
BE IT FURTHER RESOLVED, that the committee shall have the power to obtain information deemed essential by the committee including the expenditure of money for such purposes."

Adopted this __________ day of __________________, ____.

____________________________________
Mayor

ATTEST:

_______________________________
City Clerk
Advisory Committee Members Present:
   Herb Bonds, Ron Irish, Gary Mekeel, Pete V. McCracken, Adela Alba, Stephanie Gelobter, Larry Sullivan, Kelly Focke, Rudy Roman, Patricia Young, Teresa de la Rosa, Carmen M. Eoff.

Advisory Committee Members Absent:
   David Hebebrand

Staff Present:
   John Longley, Gary Irish, Georgia Hawley, Linda Clark and City Attorneys Tom Watson and Julia Lew.

City Manager John Longley welcomed those present and proceeded with introductions of advisory staff members and new committee members. Committee members requested that addresses and phone numbers be kept confidential, with only names of the advisory committee members being made public.

After a brief statement of the purpose of the committee, the meeting proceeded with election of a Chair and Vice-Chair. Gary Mekeel was selected as the Chair, and Teresa de la Rosa was selected as the Vice-Chair. The City Attorney clarified that the Chair will be permitted to vote on all issues.

The City Attorney stated at the next meeting he will present a review of the history of the Charter and revisions, together with possible legal issues needing to be addressed. Committee members will be asked to bring their own issues to the table for discussion with the intent that the final committee recommendations will be formed with specific language for presentation to the City Council upon completion of the Charter review. A specific time line will also be prepared and provided to the committee members at the next meeting.

The meeting adjourned at 5:45 p.m. to Wednesday, April 17, 2002, at 6:00 p.m. at the Library Community Room.

John Longley, City Clerk

Gary Mekeel, Chairman
Advisory Committee Members Present:
  Gary Mekeel, Larry Sullivan, Ron Irish, David Hebebrand, Kelly Focke, Pete McCracken, Rudy Roman, Adela Alba, Stephanie Gelobter, Carmen Eoff, Teresa de la Rosa, Patricia Young, Herb Bonds and Pete Martinez.

Staff Present:
  John Longley, Linda Clark, and City Attorney Julia Lew.

The meeting was called to order at 6:00 p.m. by Chairman Gary Mekeel.

As a preliminary matter, Ron Irish provided he would like to see the Committee members all ratified by the City Council. He felt a formal ratification of all appointees was desirable. Ron Irish moved to have a formal ratification completed by the City Council, and Pete McCracken seconded the motion. The motion was unanimously approved.

During the previous discussion, there was consensus reached that the most recent version of Roberts Rules of Order would be used for this committee. There was also consensus that it may be beneficial in reviewing the charter to include a definition of an advisory committee, commission, etc.

Agenda Item No. 1 - Review of City Charter. City Attorney Julia Lew reviewed the basics of the charter and a general discussion ensued.

Agenda Item No. 2 - History of Charter and Revisions. City Attorney Julia Lew gave a brief history of eight previous charter revisions, the first being in 1935, and the last being in 1983.

Agenda Item No. 3 - Attorney White Paper on Legal Issues. City Attorney Julia Lew reviewed 12 areas of legal issues that had been recommended to be addressed by the committee. A discussion ensued how to proceed with this item, with suggestions ranging from reviewing each section at this meeting, to each member reviewing the memo with the intention of being ready to proceed at the next meeting. It was moved by Teresa de la Rosa, seconded by David Hebebrand that each member read the legal issues carefully over the next week. If there are questions at the next meeting, they will be clarified. Once clarification has been completed, the committee will then consider each item of the memo regarding legal issues and make its determination. The motion passed unanimously.

Agenda Item No. 4 - Presentation on the Brown Act. City Attorney Julia Lew reviewed pertinent sections of the Brown Act and cautioned the committee against serial meetings. She stated the Brown Act will apply to meetings of this committee. The agenda must be posted 72 hours in advance of a scheduled meeting, and discussion items have to be on the agenda. Committee members requested a copy of the City Attorney’s notes on the Brown Act for their own personal reference.

A discussion ensued on the process that might best be utilized to review the charter and formalize recommendations. After all suggestions had been considered, it was moved by Pete McCracken, seconded by Ron Irish that a prioritization of committee interests/concerns be scheduled for the next meeting. The vote was unanimous. It was further suggested that each committee member bring to the meeting a list of their top 3 to 5 items for consideration. There may be common areas of interest which may make the committee’s tasks somewhat easier, or, if necessary, they could then narrow the scope by a review of particular sections.
Agenda Item No. 5 - Sharing Addresses, Email, and Phone Numbers. The idea of preparing a list of committee members with the names, addresses and phone numbers was discussed. A list will be prepared and presented for discussion at the next meeting.

The meeting adjourned at 7:50 p.m. The next meeting will be Wednesday, April 24, 2002, at 6:00 p.m. at the Library Community Room.

John Longley, City Clerk
Gary Mekeel, Chairman

CHARTER REVIEW ADVISORY COMMITTEE MINUTES
April 24, 2002
LIBRARY COMMUNITY ROOM, 6:00 P.M.

Advisory Committee Members Present:
Gary Mekeel, Adela Alba, Pete McCracken, Kelly Focke, Larry Sullivan, David Hebebrand, Patricia Young, Stephanie Gelobter, Teresa de la Rosa, Pete Martinez, Cassandra Garcia, Ron Irish, Rudy Roman, and Carmen Eoff.

Advisory Committee Members Absent: Herb Bonds.

Staff Present: John Longley, Gary Irish, Linda Clark and City Attorney, Julia Lew.

Terry Bergfalk from the Fresno Bee was also in attendance.

The meeting was called to order at 6:00 p.m. by Chairman Gary Mekeel.

Approval of Minutes
It was moved by David Hebebrand, seconded by Larry Sullivan that the Minutes of the April 9, 2002, and April 17, 2002 meetings be approved. The motion carried unanimously.

Oral Communications
There were no Oral Communications.

New Business
1. Attorney White Paper on Legal Issues

The Committee reviewed each item of the Attorney White Paper, including discussion and clarification provided by the City Attorney, with the following action being taken:

(1) Dealing with gender language.
Moved by Larry Sullivan, seconded by Stephanie Gelobter that this item be revised as recommended by the City Attorney. The motion carried unanimously.
(2) Section 12 - last sentence dealing with all members voting.
Moved by Pete McCracken, seconded by Ron Irish that this item be revised as recommended by the City Attorney. The motion carried unanimously.

(3) Section 14 requiring City officer bonding.
Moved by Pete McCracken, seconded by Ron Irish that this item be revised as recommended by the City Attorney. The motion carried unanimously.

(4) Section 16 addressing when offices are declared vacant - “convicted of a crime of moral turpitude.”
Due to uncertainty of what is covered under “crimes of moral turpitude,” no action was taken on this item. It was moved by Pete McCracken, seconded by Ron Irish that the City Attorney prepare a list for consideration at the next meeting outlining crimes classified as “moral turpitude.” The motion carried unanimously.

(5) Section 19, adding a sentence to provide in the Mayor’s absence, that the Vice-Mayor may sign documents.
It was moved by Teresa de la Rosa, seconded by Carmen Eoff that this item be revised as recommended by the City Attorney, with the emphasis that consistency needs to be addressed throughout the Charter, i.e., Vice-Mayor, Vice-President. The motion carried unanimously.

(6) Section 21 relating to City Manager residency.
This item was discussed with various questions of clarification being required of the City Attorney. It was moved by Pete McCracken, seconded by Teresa de la Rosa that this item be tabled until the next meeting with the City Attorney providing specific language to be considered by the committee relating to this item.

(7) Charter references to “assessment roll” and “assessor.”
It was moved by Pete McCracken, seconded by Teresa de la Rosa that this particular section be postponed until later in the meeting. The motion carried unanimously.

(8) Section 51 providing for the establishment of the budget.
Pete McCracken and Ron Irish stated they would like to see specific language for this section. No other discussion occurred on this item. It was moved by Patricia Young, seconded by Carmen Eoff that this item be revised as recommended by the City Attorney.
   Ayes: Mekeel, Alba, Focke, Sullivan, Hebebrand, Young, Gelobter, de la Rosa, Martinez, Garcia, Roman, Eoff.
   Noes: McCracken, Irish.
   Absent: Bonds.
   Abstain: None.

(9) Provisions of Section 39 relating to fiscal year.
It was moved by Stephanie Gelobter, seconded by Larry Sullivan that this item be revised as recommended by the City Attorney. The motion carried unanimously.

(10) Section 48 relating to indebtedness and petty cash.
A motion was made by Teresa de la Rosa to amend the language to have values set by ordinance, which motion was not voted upon.
After extensive discussion, clarification, and attempted wording, it was moved by Ron Irish, seconded by Patricia Young that this item be postponed until the next meeting when the City Attorney can provide specific language for consideration by the committee. The motion carried unanimously.

(11) Section 61, dealing with competitive bidding for construction work.
The committee asked for input from the City Manager and the Administrative Services Manager concerning their thoughts on the amounts that should be considered. There was also a discussion as to the best method for periodic increases whether it be based on the CPI or the construction index. After considerable discussion, it was the consensus of the committee that the City Attorney and City Manager provide them with specific language for consideration together with information on the CPI tables relating to Los Angeles and San Francisco, and the construction index. This information will be provided for consideration at the next meeting of the committee.

(12) Provisions of Section 65 regarding newspaper advertising.
It was moved by Pete McCracken, seconded by Larry Sullivan that this item be revised as recommended by the City Attorney.

5. Set Date for Next Meeting

Pete McCracken then suggested that the committee consider Item No. 5 on the agenda - setting the next meeting of the committee. After polling for attendance, the next two meeting dates were set. The next meeting is scheduled for Thursday, May 2, 2002, at 6:00 p.m., followed by a meeting the following week on Wednesday, May 8, 2002, also at 6:00 p.m. Gary Mekeel will chair the meeting of May 2, and Teresa de la Rosa will chair the meeting of May 8.

The committee returned to Sections (a) and (b) of the White Paper Issues for action.
Section (a) and Section (b).
It was moved by Pete McCracken, seconded by Patricia Young that these items be revised as recommended by the City Attorney. The motion carried unanimously.

The committee then returned to Item No. 7.
(7) Charter references to “assessment roll” and “assessor.”
It was moved by Pete McCracken, seconded by Patricia Young that this item be revised as recommended by the City Attorney in the memo dated April 22, 2002. The motion carried unanimously.

2. Prioritization of City Charter Issues

The committee discussed the process for prioritizing City Charter Issues. It was decided the most expedient way to process the requests was to have all committee members submit their lists, with each member highlighting three to five priority items he/she would like to consider. City staff will then check the lists for duplicates and prepare a summary of items for discussion. The committee can then review the summary at their next meeting and determine if they want to review the items by way of priority, or by dealing with them in sequence as they are outlined in the Charter. The members were asked to turn in their priorities to the City Manager’s office by Thursday, April 25, 2002, at 5:00 p.m.

It was moved by Pete McCracken, seconded by Patricia Young that this process be completed as outlined in the discussion.
3. Sharing Addresses, E-mail and Phone Numbers

The committee discussed the list of addresses and information prepared for each committee member and whether to have this information distributed to the committee. It was moved by Pete McCracken, seconded by Larry Sullivan that this material be shared by the committee. The motion carried unanimously.

4. Requested Agenda Items for Next Meeting

The committee discussed agenda items for the next meeting and by consensus chose to deal with those items scheduled to be brought back from the Attorney’s White Paper, as well as the summary to be provided relating to the priority items.

The meeting adjourned at 7:40 p.m. to Thursday, May 2, 2002, at 6:00 p.m. at the Library Community Room.

John Longley, City Clerk
Gary Mekeel, Chairman
Oral Communications

Ron Monroe addressed the committee stating he just came in to see what the meeting was all about.

Old Business

1. Attorney White Paper Legal Issues

The first item addressed was Section 21. There was discussion as to how the 60 days had been designated, and clarification requested about “establish intent.” Alternate language was suggested by the City Attorney.

It was moved by Pete McCracken, seconded by Ron Irish that the committee approve the language as read by the City Attorney: “The City Manager shall establish residency in the City of Porterville within a reasonable period of time within the discretion of the Council.” The motion carried unanimously.

Section 48 was then discussed referring to a previous motion made by Teresa de la Rosa at the last meeting to approve an amendment regarding changing the limits.

It was moved by Pete McCracken, seconded by Ron Irish to make an amendment that instead of changing limits in the Charter, to have the City Council establish its limits by ordinance with a four-fifths vote. The motion carried unanimously.

It was moved by Ron Irish, seconded by David Hebebrand to reinstate the motion originally made by Teresa de la Rosa at the previous meeting of the committee, which motion referred to setting specific amounts or limits. Discussion ensued with substitute language offered by the City Attorney.

It was moved by Pete McCracken, seconded by David Hebebrand to replace the motion on the floor with the language read by the City Attorney: “No money shall be expended and no indebtedness shall be incurred on behalf of the City for any purpose unless and until the same shall have been authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the amount of money that may be expended or the indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization.”

The motion carried unanimously.

The third paragraph of Section 48 was then discussed.

It was moved by Pete McCracken, seconded by Larry Sullivan that the committee adopt the language as read by the City Attorney: “The Council may provide for a revolving cash fund as authorized by ordinance by a four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the revolving cash fund. The amount shall be paid to the City Manager, and used by him for the payment in cash, of expenditures provided for in the budgets that cannot be conveniently paid otherwise. He or she shall account to the Council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the Council may require, and they shall thereupon be charged against the proper appropriations.”
The motion carried unanimously.

Section 61 was then reviewed.

It was moved by Patricia Young, seconded by Rudy Roman that the committee adopt the language as read by the City Attorney: “When a required expenditure exceeds $15,000, it shall be contracted for and let to the lowest responsible bidder after notice, provided that effective January 1, 2004, and following every Council election thereafter, the Council may adjust this expenditure cap by the same percentage as the San Francisco Consumer Price Index.”

It was moved by Pete McCracken, and seconded by Herb Bonds to amend this motion to replace San Francisco Consumer Price Index with the United States Bentley Construction Cost Index. The motion failed with only two members in favor - McCracken and Bonds.

A vote was taken on the original motion by Patricia Young. The motion carried with one vote in opposition - Bonds.

Section 16 - Dealing with “felony” or “moral turpitude”

Discussion ensued about crimes of “moral turpitude.” A question also arose as to whether this section dealt only with elected officials - what about appointive offices? The City Attorney stated he would further research this section and bring back additional information.

It was moved by Pete McCracken, seconded by Ron Irish that this item be postponed for consideration until the City Attorney provides additional information. The motion carried unanimously.

Patricia Young asked if they could review the priority summary briefly prior to adjourning. She asked if they would be permitted to bring up something new for consideration that had not already been addressed in the Charter. Gary Mekeel summarized what he felt the direction was. That they would stay the course with what’s in the Charter and take the top five most important issues to address. When those have been addressed, they would have the opportunity of going further into the body of the Charter; and at the end, they could look at other things that might need to be added or addressed.

John added that when he prepared the summary, he was looking at general areas of interest. He said in his mind there was no question that all of the sections will be addressed.

Gary stated he would like to test the committee’s resolve and try to work through this and see how time consuming it gets. He suggested the committee attempt it for a meeting and see what happens. If it gets too burdensome, then they can discuss a different path.

Larry then questioned how all the substantive changes that have already been made can be addressed so as to avoid confusion when further areas of the same section are to be reviewed. It was decided that the committee will be provided with the changes in each section in the best format possible so as to avoid confusion. Staff will work to provide those changes as soon as possible after they have been made.

It was also decided by the committee that any work that is requested of staff be made through the Chair.

The meeting was adjourned at 8:03 p.m. to May 8, 2002, at 6:00 p.m.
John Longley, City Clerk

Gary Mekeel, Chairman
Advisory Committee Members Present: Teresa de la Rosa, Herb Bonds, Ron Irish, Pete McCracken, David Hebebrand, Adela Alba, Pete Martinez, Larry Sullivan, Kelly Focke, Stephanie Gelobter, Patricia Young, Rudy Roman.

Advisory Committee Members Absent: Gary Mekeel, Carmen Eoff, Cassandra Garcia.

Staff Members Present: Gary Irish, Colette Parnell, City Attorney, Julia Lew. Council Member, Cameron Hamilton was also in attendance.

Approval of Minutes

It was moved by David Hebebrand, seconded by Larry Sullivan that the Minutes of May 2, 2002 meeting be approved. The motion carried unanimously.

Oral Communications

None.

Old Business

1. Attorney White Paper Legal Issues

The first item addressed was Section 61. Pete McCracken referencing the last part of the section: “... the Council may adjust this expenditure cap by the same percentage as the San Francisco Construction Price Index.” Upon further discussion the City Attorney agreed the language was to read – “…the same percentage change in the San Francisco Price Index.” The addition passed unanimously.

The next item addressed was Section 16, more specifically the language of officer vs. elected officer, relating to Crimes of Moral Turpitude. Julia Lew said that looking at the Charter the term “officer” is ambiguous, although implied as an elective officer. She recommenced adding the term “elected” officer in the second paragraph of Section 16. She says that generally speaking an officer can be elected and/or appointed. For example, she said the City Manager/City Attorney are appointed officers. A lengthy discussion ensued on the pros and cons of the recommended change by the City Attorney. Currently the City Council can remove the appointed officials as long as there is a 4/5 vote for whatever reason. Exploring other alternatives were also discussed, as in changing the language to include crimes of moral turpitude added in this particular section. Gary Irish references Section 13: this particular section pertains to two kinds of officers, legislative officers and administrative officers and doesn’t use the term elected or appointed. Administrative officers being the Council in this context wouldn’t matter if appointed or elected Council, it would still be legislative. Getting away from the term of elected and appointed vs. legislative could clear up the issue.

A motion was made by Patricia Young that Section 16, second paragraph be changed to the following: “If any legislative officer of the city shall remove from the city or absent himself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall wilfully fail or refuse to perform
the duties of his office, though able so to do, or shall fail to qualify, or shall resign, or be convicted of a felony and/or a crime of moral turpitude, or be adjudged insane, his office shall thereupon become vacant.” Ron Irish seconded the motion. Discussion ensued on what constitutes a felony. Teresa reminded the committee that any crime relating to moral turpitude, like petty theft, the person can be removed from office. Julia Lew clarifies it’s while the person is in office, not from past history on the current Charter wording. Julia recommended to postpone the issue and consider as a substantive topic, instead of a “housekeeping” issue, as far as making changes to the Charter vs. doing it right now. Pete McCracken asked to postpone the item until the Council comes back with additional information. Patricia Young seconded the motion to withdraw, needing more clarification on the topic. The withdrawal of the previous motion passed unanimously.

The Committee asked for clarification from the City Attorney on the following:

1) More information on the kinds of crimes and how the Brown Act violations fall under it,
2) Outline the specific mechanism and the time line for how that works,
3) Prior issues: could this prevent the person from running again. If it isn’t covered by the Charter is it already covered by the law,
4) Bring back the wording in Visalia’s Charter related to moral turpitude and elected officials.

2. Prioritization of City Charter Issues

Agreeing to go with the top five issues, the committee started with Section 9 - Legislative Body; Compensation, etc. It was suggested to start at the top and work through the section. Changing odd to even number years for elections was discussed. Pros and cons were addressed, i.e., some advantages to the change to even would be to have a greater voter turnout. Keeping it the way it is now, odd-numbered years, would mean those who really mean to vote for a candidate will do so, not just picking one. But logically, even-numbered years has shown a greater voter turnout. Transition period discussed, the term would be extended the term of the existing council person by one year. Gary Irish said the cost of the election would remain stable to include the increased anticipated cost of the Charter revision, budgeting $40,000 this next fiscal year for example. Gary Irish will find out if the cost to run on the state ballot will cost more or less and will report this back to the Committee. The term of office extension and effective date of change were discussed. A motion was made by Pete McCracken to conform the general municipal elections to the election cycle of the county and state to improve the opportunity of a voter participation. There are three parts to the motion: Part A to amend Section 5, first sentence, striking out the word odd and replacing it with the word even. Part B to amend Section 9, second sentence by striking out the word odd and replacing it with the word even. Part C of the motion to amend Section 9, second sentence of the second paragraph, by striking out all after the semicolon following the word qualified, and inserting the following: “provided the respective terms of any Council Member presently serving or elected at the time of the adoption of this amendment, shall be extended one additional year to the even-numbered year following the expiration of their respective terms.” Ron Irish seconded the motion. Discussion followed when the primary elections and general elections fall. The motion was amended by David Hebebrand to read: “To be held in the said City at the same time as the Primary election for the State of California.” Ron Irish seconded the amendment. Discussion followed on the changes to three sections at once vs. going through each section one at a time. Julia Lew said she plans to incorporate the changes and bring it to the committee to review in the same format currently doing. She will also compare the old version with the new and keep the two current as well as other sections that don’t conflict with the changes already made. Teresa reassures the group that Counsel will keep it all current. The amendment was unanimously approved. For clarification the last sentence of the second paragraph remains in the section: “In the event that two (2) or more persons shall be elected by the same number of votes, their term shall be fixed by lot.” Discussion
followed on the last sentence. Ron Irish amended the motion to also strike the last sentence. David Hebebrand seconded the amendment. The last amendment was approved unanimously.

After a five minute break, the Committee continued with Section 9. Other issues brought out were the Council’s compensation, last changed in 1971, and to also include insurance coverage. For example, changing the $20 council meeting compensation to $75 per meeting. Discussion ensued, i.e., looking at the whole package of compensation, rather than just one part. Teresa stated the Committee would deal with the dollar amount at this point, then go forward with the added compensation. Julia Lew said there are specific laws that relate to general law cities on what City Council members can get, which is tied to population. She will obtain the information for the sake of providing examples and present it back to the committee. The committee also requested what the cost of living has increased to since 1971. They also requested information on the life insurance cap, or policy if provided while in office. Counsel is to also bring back to the Committee what the cost of health insurance, as well as worker’s compensation, at today's pricing. Age of the Council member was discussed in relation to the cost of the insurance.

Next the Committee continued with paragraph 5 of Section 9 - How the Mayor is chosen. Patricia proposes a set of rules, i.e., one year or not. Parliamentary procedures, Robert’s Rules of Order discussed, i.e., how the board is formed, and when it is changed, every 2 years, or election to election. The discussion ensued on topics of setting term limits, how the mayor is selected, strong mayor vs. mayor, and the language in the Charter referencing the President of the Council running the Council meeting. Committee members also discussed the wording of the term in the Charter, 2 years or 1 year. Julia Lew said when the language is ambiguous you can look to the intent in the Charter and it does create ambiguity not being explicit in the Charter, from a legal perspective. Teresa says the language is to be clear and she will not settle for the ambiguity in the current language. Much discussion continued in the language of term limits of the Mayor in the current Charter. Julia Lew said she will bring back examples how this is handled in other Charters. After more discussion Ron Irish made a motion to formally invite all of the past mayors’ for a discussion group. Patricia Young seconded the motion and said this can happen downline, say in three weeks. Discussion followed on amount of time allotted to each mayor, i.e., 3 minutes each was suggested. The motion carried unanimously.

Teresa asked the committee if they wished to continue on with other issues or end tonight’s meeting. A motion was made by Pete Martinez to not take another issue, and seconded by David Hebebrand. Apposed was Ron Irish who said he could continue on. The rest agreed to stop at this point.

New Business

1. Discussion Regarding Next Section

Committee will set one meeting only, until Gary Mekeel can return and Chair the next meeting. Motion made by Pete McCracken, and seconded by Larry Sullivan to set the next meeting to 6 p.m., Wednesday, May 15. The motion was approved unanimously.

2. Requested Agenda Items for Next Meeting

Patricia Young made a motion for the very first agenda item of the next meeting for the committee to create a calendar schedule from now until July 19.

At this point, 8:10 p.m., motion was made by Pete McCracken to adjourn, seconded by Larry Sullivan. Teresa thanked everyone for their patience and their attendance.

Gary Irish, Deputy City Manager
CHARTER REVIEW ADVISORY COMMITTEE MEETING
May 15, 2002
LIBRARY COMMUNITY ROOM, 6:00 P.M.

Advisory Committee Members Present: Herb Bonds, Ron Irish, Pete McCracken, David Hebebrand, Gary Mekeel, Teresa de la Rosa, Larry Sullivan, Kelly Focke, Patricia Young, and Cassandra Garcia.

Advisory Committee Members Absent: Adela Alba, Carmen Eoff, Pete Martinez, Stephanie Gelobter, and Rudy Roman.

Staff Members Present: John Longley, Gary Irish, Linda Clark and City Attorney, Julia Lew.

Approval of Minutes

It was moved by Teresa de la Rosa, seconded by Herb Bonds that the Minutes of the May 8, 2002 meeting be approved. The motion carried unanimously.

Oral Communications

There were no Oral Communications.

Old Business

1. Attorney White Paper Legal Issues

The City Attorney clarified several issues discussed at the prior meeting. In regard to moral turpitude, she stated that it generally applies to the kind of work in which the professional engages. If it relates to his/her profession, then it is on a case-by-case basis, but it’s extremely broad. She stated they are unable to provide a complete list because it depends on the crime and the circumstances.

Regarding qualifications for running for office involving a prior felony conviction, the City Attorney stated that the person cannot be in prison or on parole for a conviction of a felony. There can be a prior felony in that person’s background, but as long as the person is out of prison and not on parole, he/she is allowed to run for office.

Regarding the Brown Act and a conflict of interest charge, the City Attorney stated it is a faster mechanism to deal with when it is spelled out in the Charter. Otherwise, there have been instances where it has taken up to a year to eject a council member for a conflict of interest charge. She stated it’s also common to require this of appointive officers, and she would recommend that inclusion.

New Business

1. Setting Calendar Schedule from May 15 to July 19

Herb Bonds suggested with only 8 meeting dates left, perhaps the committee should consider establishing sub-committees to review certain sections and bring back proposals to the whole committee on Wednesday evenings.
Several members questioned if more meetings of sub-committees would result in faster solutions, or if it would be better for the committee as a whole to meet additional days or longer hours. The committee also discussed not getting bogged down with legal verbiage, but to rely on the City Attorney to formulate their recommendations into the proper wording.

MOTION:

It was moved by Patricia Young, seconded by Pete McCracken that the committee meet on all remaining Wednesdays from 6:00 p.m. to 10:00 p.m. at whatever location may be available, with preference to the Library Community Room, when possible. The motion carried unanimously.

The meeting dates of May 22, 29, June 5, 12, 19, 26, and July 3, 10 & 17 will be scheduled for committee meetings from 6:00 p.m. to 10:00 p.m.

2. Discussion Regarding Next Section

Section 16: Relating to the last paragraph in Section 16, the following action was taken by the committee:

MOTION:

It was moved by Patricia Young, seconded by David Hebebrand that the following language be incorporated:

If any legislative officer of the City shall remove from the City or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the Council, or for said period shall willfully fail or refuse to perform the duties of his/her office, though able so to do, or shall fail to qualify, or shall resign, or be convicted of a felony, or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

The motion carried unanimously.

The City Attorney stated that in regard to Section 17, she would use similar language and prepare a recommendation for the committee’s consideration at the next meeting.

Section 9:

The committee discussed possible inclusions in Section 9 relating to compensation per meeting and benefits. Ron Irish and David Hebebrand both stated when they were previously discussing this section, they were not considering health insurance. Their idea related to some type of life insurance policy to cover the Council Member which would benefit his/her family if something happened while in office. Gary Irish reported that the City’s third party administrator is researching the workers compensation issue. The discussion also centered around the “community service” aspect and proper compensation.

MOTION:

It was moved by Ron Irish, seconded by David Hebebrand that the compensation be increased from $20 per meeting for Council Members to $70 per meeting, and from $25 per meeting for the Mayor to $75. The motion failed.

MOTION:
It was moved by Teresa de la Rosa, seconded by Patricia Young that the compensation be increased from $20 per meeting for Council Members to $50 per meeting, and from $25 per meeting for the Mayor to $60. The motion passed.

Chairman Mekeel stated that in regards to an additional form of compensation, since this is an addition to the Charter, this item can be discussed after all existing Charter sections have been reviewed.

The committee then discussed inviting past Mayors to the May 29 meeting to allow each of them three minutes to speak about the provision which relates to the term of the Mayor. In the letter of invitation, the past Mayors will be invited to submit a written recommendation, if they will not be able to be personally present at the meeting, or if they would prefer to submit their recommendations in writing.

The committee decided it would wait until after the meeting on May 29 to consider the remaining portions of this section.

Section 16:

MOTION:

It was moved by Pete McCracken, seconded by Ron Irish, for discussion purposes, the following amendment to the first paragraph of Section 16:

A vacancy in any legislative office, from whatever cause arising, shall be filled by a special election. The City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

The committee discussed the motion as it relates to additional expense, taking the discretion away from the Council, and whether or not this provision needs to be revised.

After the discussion, the vote was taken. The motion failed. The committee did ask that “elective” be changed to “legislative.”

Section 8:

Teresa de la Rosa stated that this section was one she wanted to consider in regard to district elections, but after speaking with the City Attorney, felt it should not be considered because it may be a fundamental change to the Charter, in the opinion of the Council, and they have been charged not to make any fundamental change recommendations.

Pete McCracken objected to the consideration of this item.

The City Attorney stated this was a decision the committee would need to make.

A discussion followed regarding Roberts Rules of Order and how strictly the committee has been adhering to the procedures in the past, and how strictly they will adhere to the procedures in the future.

Pete McCracken stated that to go ahead and consider this, it would take four affirmative votes. A vote was taken, and with only two opposing votes, the committee chose to consider district elections. There was also discussion as to the need for clarification from the Council whether or not this would be a fundamental change to the Charter.
MOTION:

It was moved by Patricia Young, seconded by Pete McCracken that this question be referred directly to
the City Council at their next meeting for clarification.

The City Manager recommended that this not be sent back to the Council, because he felt the Council expects
the committee to act on its own.

The committee then called for the vote. There were five votes in favor of the motion, and five votes in
opposition. The motion failed.

Herb Bonds stated he would like to discuss this issue, and Larry Hebebrand stated he would like to rely on staff
and the City Attorney for direction and assistance.

MOTION:

It was moved by Teresa de la Rosa, seconded by Cassandra Garcia that this section be modified to state:

The elective officers of the City of Porterville shall be five (5) councilpersons who shall be elected by
district at a general municipal election therein.

Larry Hebebrand asked how many districts the City would have.

Patricia Young stated that she hopes in the future, Teresa’s vision would be in place, but fears at the present
time there would be an uneven distribution.

Ron Irish stated that all five members look at the entire City when considering a vote. He felt that any and all
districts in Porterville are already adequately represented.

Pete McCracken asked if the committee did recommend district voting, how would the districts be defined.

John Longley stated that he has a great deal of literature available, and would also contact the League of
California Cities, and all information would be provided to the committee once it has been received.

Patricia Young stated that she did not feel that all areas are now adequately represented. She stated there are
different ways you can construct districts; the committee, if they decide they want to do it, can then decide
which way to construct the districts.

Discussion continued whether or not to take the vote on the motion, or wait until the information had been
provided to the committee for further consideration.

Pete McCracken stated he didn’t feel the issue could be separated without a grasp of how those districts may
be created. He stated in some instances he could see how this could be something he might vote for, but in
other instances, definitely not.

Herb Bonds then stated you can divide the City into five different districts. A person can then choose to run
by each district, but the vote would be at large within that district. But the person would have to live in that
district.

Pete McCracken added he would like to see the material offered before a vote is taken on this matter.
MOTION:

It was moved by Herb Bonds, seconded by Pete McCracken to table this matter until the next meeting, and instruct the City Manager to provide the committee with information concerning district elections. By consensus, the committee chose to table the matter.

The committee adjourned at 8:00 p.m. to May 22, 2002.

John Longley, City Clerk

Gary Mekeel, Chairman

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CHARTER REVIEW ADVISORY COMMITTEE MEETING
May 22, 2002
LIBRARY COMMUNITY ROOM, 6:00 P.M.

Advisory Committee Members Present: Ron Irish, Pete McCracken, David Hebebrand, Adela Alba, Gary Mekeel, Teresa de la Rosa, Carmen Eoff, Pete Martinez, Kelly Focke, Rudy Roman and Cassandra Garcia.

Advisory Committee Members Absent: Herbert Bonds, Larry Sullivan, Stephanie Gelobter, and Patricia Young.

Staff Members Present: John Longley, Gary Irish, Linda Clark and City Attorney, Julia Lew.

Approval of Minutes

It was moved by Ron Irish, seconded by David Hebebrand that the Minutes of the May 15, 2002 meeting be approved. The motion carried unanimously.

Oral Communications

There were no Oral Communications.

Old Business

The City Attorney provided the Committee with a memo outlining amendments to Sections 9 and 16, which were approved by the Committee on May 15, 2002.

The City Attorney also provided the Committee with a memo suggesting amendments to Section 17 to parallel the language used in Section 16, as requested by the Committee at the last meeting held on May 15, 2002.

The City Manager stated it makes this section awkward because Section 16 deals with elected officials, and Section 17 deals with administrative appointments. The City Manager and City Attorney agreed the section does now contain ambiguities that should be clarified. The City Attorney offered to revise the section during the meeting, and provide suggested language at a later time for Committee review.
Ron Irish asked the City Attorney to use her discretion in the future and provide them with suggested language for consideration, other than that suggested or recommended by them, in those instances where ambiguities or inconsistencies may arise.

The Committee then returned to their list of priorities and began further discussion by section.

Section 9:

The Committee discussed the information provided by the City Manager relating to pros and cons for the formation of districts.

Ron Irish asked the Committee if their reason for talking about districts was because they felt the City doesn’t have good representation from the east side. He added that perceptions are one thing, but the facts may be another. He asked for permission to have a few minutes for a short presentation. He presented a map of the City with information dating back to 1927 and showing where all of the prior and present City Council members had resided. He stated that almost two-to-one they were from the east side. He also stated that in the past eight years, $3 million to $5 million had been spent on the west side of the City, and about $16 million to $18 million had been spent on the east side of the City to make improvements. He added that the City is already doing a lot for the east side without having to form districts, and he didn’t feel that creating districts would further benefit the citizens, if this was the reason the districts were being considered.

Mr. Irish added that the reason we see road development on the west side of the City is because developers are required to make those improvements, but creating districts would not improve development on the east side because that was a completely different problem.

The Committee then continued to discuss having Council Members elected from specific areas, and how that may, or may not, assist the community in encouraging participation from minorities and provide them with better representation.

Pete McCracken stated he felt it was very important to consider how those districts would be created prior to deciding whether or not forming districts would be a good idea.

Gary Mekeel stated that if the City were to form districts, but have Council candidates generally elected, we would be able to preserve our votes for all candidates. He thanked Ron for the data and also questioned the Committee whether or not there were other underlying concerns that may have generated the interest in forming districts.

Several Committee members stated there is a need for diversity, and referenced low voter participation. They felt that possibly by forming districts, this would open up the idea of more interest in voting and the feeling among some of the citizens that the opportunities were available.

Ron asked if information could be provided about whether districting generates a better voter turn-out. The City Manager stated he would attempt to find some information relating to this. After further discussion, the City Manager stated he would attempt to gather information also relating to whether districts have positively or negatively influenced voter turn-out; participation on committees, etc.

The Committee also discussed the division of revenue if districts are formed, and the possible number of districts that would be formed.
MOTION:

It was moved by Ron Irish, seconded by Teresa de la Rosa that staff bring back more information as outlined, specifically contacting the cities of Hanford, Dinuba, Watsonville and Hollister, for consideration of this issue. The motion carried unanimously.

Section 17:

The Committee reviewed the recommended changes to this section as provided by the City Attorney.

MOTION:

It was moved by Teresa de la Rosa, seconded by Adela Alba that the following language be incorporated:

“Except as may be otherwise in this Charter provided, the affirmative vote of three (3) members of the Council shall be required for the appointment of or the removal of any administrative officer for cause. For cause includes, but is not limited to, refusal to perform the duties of his/her office, being adjudged mentally incompetent, or convicted of a felony or crime of moral turpitude. The administrative officer is entitled to a hearing before the Council on the validity of the grounds providing the basis for removal for cause.

The Council may remove any of its administrative officers at its pleasure, without cause stated or at hearing had, by the affirmative vote of four (4) members cast in favor of such removal, and the determination of the Council in such matters shall be final and conclusive.”

The motion carried unanimously.

Section 60:

The Committee reviewed this section, and the City Attorney cautioned that this section may be pre-empted by State law.

MOTION:

It was moved by Ron Irish, seconded by David Hebebrand that this section be tabled and deferred to the City Attorney for further clarification. The motion carried unanimously.

It was requested by Ron Irish that the City Attorney also check into the term “existing” contracts rather than a new contract being entered into or renewed.

Section 48:

This section was reviewed and noted that it had already been revised and approved by the Committee.

Section 13:

The Committee questioned why the City has five Council Members and discussed the pros and cons of more than five members. The City Manager stated he would contact the League of California Cities to see if he could obtain information.

MOTION:
It was moved by Pete McCracken, seconded by Ron Irish that the Committee consider the number of Council Members with the discussion on forming districts, and postpone consideration of this matter until information has been provided to the Committee to pursue further discussion. The motion carried unanimously.

Section 71:

Adela Alba asked for clarification on this section and questioned if there were any regulations regarding unsafe structures. The City Manager and City Attorney responded to her question and reported on the process of condemnation.

Section 67:

The Committee raised questions relating to the portion of this section dealing with City employees not being permitted to contribute money to municipal elections.

MOTION:

It was moved by Pete McCracken, seconded by Carmen Eoff that this section be tabled until the City Attorney is able to provide clarification and answers to the questions raised. The motion carried unanimously.

Section 66:

The City Attorney stated she believed this section would fall under the guidelines and requirements of the Public Records Act.

MOTION:

It was moved by Pete McCracken, seconded by Kelly Focke that this section be tabled for consideration until the City Attorney is able to provide the necessary information to make a decision regarding possible amendment. The motion carried unanimously.

Section 67:

The Committee raised additional questions relating to this section previously discussed. It was suggested that possibly stronger language needs to be inserted and clarification added relating to the Council’s handling of administrative functions of the City. The City Manager recommended that possible language may be that the Council shall only have direct contact with the Directors for the purpose of questions, and all other direction to the Directors shall be through the City Manager.

MOTION:

It was moved by Ron Irish and seconded by David Hebebrand that the City Attorney provide language relating to this section. The motion carried unanimously.

Section 63:

There was a general discussion of Committee members relating to franchises, and specifically to the Charter Communications franchise. The City Manager reported that he had received a phone call from Charter wanting to come to the City for a public presentation.
Section 22:

The Committee discussed the procedure to be followed upon an extended absence of the City Manager, and a process established so as not to limit the flexibility of the Council or City Manager in making temporary appointments.

MOTION:

It was moved by Ron Irish, seconded by Rudy Roman that a recommendation be prepared by the City Attorney and provided to the Committee for consideration at the June 5 meeting. The motion carried unanimously.

Section 19:

The Committee discussed the importance of having the Mayor and Council reacting in such a manner that would be consistent with the City’s disaster plan. The City Attorney stated she would provide a recommendation relating to this section.

Pete McCracken also requested adding a sentence at the end of this section stating the following:

“In the absence of the Mayor, for whatever reason, the Vice President of the Council shall assume the duties as Mayor Pro Tempore.” Mr. McCracken asked that terminology relating to Vice President, Mayor Pro Tempore, be consistent with language incorporated throughout the Charter document.

MOTION:

It was moved by Teresa de la Rosa, seconded by Rudy Roman that the City Attorney provide appropriate language together with the incorporation of the sentence recommended by Mr. McCracken. The motion carried unanimously.

Section 11:

Section 11 was discussed briefly only for clarification.

Section 10:

Pete McCracken recommended addition of the following sentence at the end of this section:

“In the event Council shall fail to adopt rules for conducting its proceedings, ____________ shall be deemed as the parliamentary authority.”

Mr. McCracken deferred this matter to the City Attorney for recommendation but would personally prefer that Roberts Rules of Order, the most recent edition, be added.

The City Attorney stated she would review this section and bring back a recommendation.

MOTION:

It was moved by Pete McCracken, seconded by Ron Irish that the City Attorney bring back a recommendation relating to the above discussion. The motion carried unanimously.

ADJOURNMENT:
The Committee adjourned at 9:04 p.m. to May 29, 2002, at 6:00 p.m. at the Library Community Room.

John Longley, City Clerk

Gary Mekeel, Chairman
Advisory Committee Members Present: Herbert Bonds, Pete McCracken, David Hebebrand, Adela Alba, Teresa de la Rosa, Carmen Eoff, Pete Martinez, Larry Sullivan, Kelly Focke, Stephanie Gelobter, Patricia Young, Cassandra Garcia and Gary Mekeel.

Advisory Committee Members Absent: Ron Irish and Rudy Roman.

Staff Members Present: John Longley, Gary Irish, Linda Clark and City Attorney, Julia Lew.

Past Mayors Present: Earl Smith, Steve Tree, Joe Faure and Virginia Gurrola.

Members of the Audience: Teri Bergfalk, Grace Munoz-Rios, Roberto de la Rosa, Sal Gurrola and Fred Beltran.

Approval of Minutes

It was moved by David Hebebrand, seconded by Adela Alba that the Minutes of the May 22, 2002 meeting be approved. The motion carried unanimously.

Oral Communications

There were no Oral Communications.

Vice-Chair Teresa de la Rosa stated she received an article from Joaquin Avila, who was an expert on district elections, and he is willing to speak to the committee at their June 5 meeting. She stated she will contact him and invite him to attend so the committee can hear his views on the pros and cons of district elections.

Vice Chair Teresa de la Rosa, in an effort to accommodate the past Mayors who were in attendance to speak to the group, suggested that their presentations occur next in the meeting, ahead of Old Business.

Joe Faure was the first to speak. He had a prepared statement, a copy of which is attached to these Minutes, and stated he resides at 375 N. E Street, Porterville. He further stated he served as Vice Mayor and Mayor during the period of 1971 to 1975; he was a Planning Commissioner for five years; and had been involved in about 10 City elections. Mayor Faure indicated it was his understanding that the Mayor is elected to a two-year term – it’s traditional and it works well. He added that the Mayor and Mayor Pro Tem shall be elected by fellow Council members at an organizational meeting following the municipal election, and they shall serve at their pleasure until the next election. He added that this allows for orderly transitions and keeps the Mayor and Mayor Pro Tem in a majority relationship with their fellow councilmen. Mayor Faure added that he did not agree with elections by district and felt there would be a very well organized campaign on both sides of the issue. He stated he served on the 1971 Charter Review committee, and feels the system works well. He expressed his feeling that Porterville is not big enough to go to district elections and would not justify the expense, divisiveness and disruption that would be caused by that change. He also added that in a town this size, everybody should have the right to vote on every Council person.

Mayor Faure stated that it takes about a year to get used to the job, and the second year is really the best year in terms of being productive. He added that the Mayor needs to create a sense of harmony among the Council,
and it isn’t good for a community to be divided along the lines seen recently, and that people are fed up with what they see and hear.

Earl Smith made the second presentation and stated he has lived in Porterville over 50 years; he was a teacher at Porterville High School for 37 years, and with a political science major in college, has always had a strong interest in government. Mayor Smith stated he served from 1973 to 1977. He added that a Mayor is another Councilman with the confidence of two other Council people. He is a symbol and leader of the community. He added there’s a lot of work involved with being Mayor. He stated he would meet with the Manager, and he would explain the agenda, and he did a good job. He stated he would always ask the Manager what his opinion was about an issue because that’s what he is paid for. He said when he asked the Manager how he could determine what the right decision may be, the Manager would always say to ask, “is there a long-term benefit to the City.” Mayor Smith stated from that point on, it wasn’t difficult to make decisions. If there was a long-term benefit to the City, he would vote yes; if not, he would vote no.

Mayor Smith stated he strongly favors the two-year term for the Mayor adding that the first year, you’re overwhelmed; but the second year, you really get your teeth into it. He added that not every Council person elected is fit to be Mayor; some are more content to stay with the group. If you can convince other Council people to support you, you can be Mayor. The Mayor does lead a City, and he has to be cautious not to make a fool of himself by saying things in public that shouldn’t be said.

In response to questions, Mayor Smith stated that the Council controls the Mayor. If you get a bad one, but without the Council’s backing he has no votes, so then he just makes noise. He added that if he no longer enjoys the support of the Council, he may need to be removed.

Steve Tree addressed the committee and stated he served on the Council from 1979 to 1983, and served as Mayor for two years, 1982 and 1983. He explained the purpose of the Association of Former Mayors of Porterville, and was there representing those members not able to be present. He submitted a letter, a copy of which is attached to these Minutes, signed by Steve Tree, Nero Pruitt, Richard Spencer, Ted Ensslin, Judi Gibbons and Daryl Nicholson.

Mayor Tree stated they wanted to address two issues, the first of which dealt with dividing the City into districts. He stated they would encourage the committee not to adopt districts. They feel it would bring a lot of disharmony to the City Council and the City of Porterville. As far as the second item, the selection of Mayor, he stated that through years of experience, it has been proven that the way the process is represented in the Charter at this time is the best way, and they support that.

Upon questioning, Mayor Tree stated that the Council has to function as a cohesive group to get something done. He added that as long as a Council is working together, the City moves forward. When a Council starts pulling against each other, the City comes to a standstill and sometimes even goes backwards. He related a situation that occurred while he was on the Council where one Council member didn’t want to pull. He started doing things contrary to the Council’s goals. That person was the Mayor Pro Tem; and he was told his actions were disruptive and he needed to cease being disruptive. He stated that he continued to be difficult, and the remaining members removed him as Mayor Pro Tem and someone else was put into his place. He said after that, things came together. Mayor Tree stated the Council should know best who is the leader at the time and who they want to lead. He added that he did not, nor do the other Mayors he was representing, advocate a fixed term for the Mayor where the Council cannot remove that person.

Mayor Tree, responding to further questions regarding districts, stated that the end results get things done, but at what negative feelings that take time to mend. Regarding further questions about the Mayor’s term, he stated that when the Council elects the Mayor, they’re pulling behind him and trying to make the team work. That’s the assumption, and most of the time that’s what happens. He added that if you rotate people in and out, the continuity is lost, friendships are lost, money is lost – continuity is a very important factor. Regarding Council
Members being in touch with the entire community, Mayor Tree stated his experience of being in business for 30 years in a non-profit exposed to the community, being on the Council and serving on other committees, he has not found many people in the City that are shy. They telephone the Council Members with their problems, and he’d go out and talk to the people and see their problems. He stated he didn’t feel that has changed much through the years.

Mayor Faure responded to additional questions. He stated that living in a district but being voted for at large, to him is a frightening concept. He stated he also felt that a person has a lot more clout by being able to call five people rather than one person who is their next-door neighbor.

Mayor Faure also offered the following suggestion in response to a question as to how minorities could have a better chance of being elected. He stated that they all needed to get registered and be encouraged to vote. Then, when a seat is available, try to consolidate behind one or two candidates - find a good candidate.

Mayor Tree also stated you have to find people really willing and wanting to give of their time. Money is not supposed to be an issue, but it tends to become an issue. He stated most business people who have been on the Council have all realized a loss of income while in office.

Virginia Gurrola then addressed the committee stating she resides at 719 N. El Granito, Porterville. She cautioned that since she is presently on the City Council, she would be careful with her remarks so as not to sway the committee with her viewpoints before reaching their recommendations. She stated that in 1995, she won the election by 18 votes; but during her second term, she was the top vote getter. She began her first term as Mayor taking over in September 1996, when Jay Coleman passed away. She explained that she served for six months, during a time when the Mayor’s position was being rotated. She completed his term, then in March of that next year, March 1997, which would have been her term, the Council made a decision in November of the preceding year to change the appointment by the Council. In March of 1997, she was appointed as Mayor to September, 1997, when she completed 1/2 of her term under the rotation system, and one-half under the appointment system. She added that a Mayor is there to represent the community and obtain input from the community. She encouraged the committee that when they look at this process, it was important to be fair, outline specific criteria, outline a procedure to be followed, and not have the appearance of personal bias by the Council. She added that the Mayor only has one vote, and the only evaluation of the Mayor can be made by the voters. She stated that if the Mayor doesn’t represent the community, then the voters have the choice to remove him by recall. She added that it should not be the Council’s choice to make that determination based on their personal feelings and biases. She said the Charter can be a tool to connect the community for the next 100 years. She encouraged the committee to keep in mind the entire community and reflect the community as a whole, both in ethnicity and in gender.

Mrs. Gurrola was careful to respond to questions concerning district elections so as not to influence the committee’s consideration. She stated that the one thing that would concern her the most would be the budget and how it would be divided. She stated the City is already on a very tight budget.

When questioned about the number of Council persons, all Mayors present indicated that five is their preference.

The committee thanked the past Mayors for their time in making their presentations and providing the committee with their viewpoints.

Old Business

The City Attorney reviewed her three memos regarding prior sections discussed.
Section 17

This section has already been approved, and the memo provided to the committee is the revision made to the section drafted from the Minutes pertaining to the committee’s recommendation. No additional action is required.

Section 19

The City Attorney explained that the language suggested is to make this section consistent with the City’s disaster plan, and there is also a new section to be added to the Charter entitled, “Natural or Other Disasters.”

Section 66

The City Attorney informed the committee that the Public Records Act does apply to cities, and it’s inappropriate to have language that pertains to how the City makes records available. This area is governed by law. She stated she had deleted the first paragraph of the section and re-named the section, while leaving in the last paragraph.

The City Attorney stated she had not been able to complete all areas addressed by the committee at the last meeting, with several items still being researched as they are extremely complex.

Pete McCracken asked about the recommendation relating to the change in the election date. He stated that the State of California has changed the date of the primary election except for the Presidential primary. He suggested the committee be sure it is clear on which date would be best to use in the Charter. It was recommended this section be placed on the agenda for the June 5 meeting for reconsideration once the City Attorney has a chance to review this item and make a recommendation. The City Attorney stated the language needed to be revised and she will bring back the item for formal approval.

The committee then discussed what direction the County may be taking. It was then discussed that the decision on this item should be postponed until the committee could gather more information.

At this point, Gary Mekeel arrived at the meeting and took over the Chair duties.

(Approximately 8:00 p.m.)

Section 66

MOTION:

It was moved by Pete McCracken, seconded by David Hebebrand that the committee approve the City Attorney’s recommendation with the addition of a statement that all public records can be available in accordance with State law.

The motion carried unanimously.

New section relating to “Natural or Other Disasters

MOTION:
It was moved by Pete McCracken, seconded by Larry Sullivan that the committee adopt the recommendation of the City Attorney relating to the addition of the section “Natural or Other Disasters.”

The motion carried unanimously.

Section 19

MOTION:

It was moved by Pete McCracken, seconded by Herb Bonds that the committee adopt the City Attorney’s recommendation on Section 19.

The motion carried unanimously.

The City Attorney then recapped sections remaining to be completed for recommendations to the committee. These are all prior sections discussed by the committee but awaiting formal action pending the City Attorney’s recommendation on specific language.

Section 60 dealing with illegal contracts also pertains to the conflict of interest law. She stated they are still researching this section; however, it does appear to be pre-empted, so this section may have to be eliminated.

Section 13 deals with the language on board or committees. She stated she should have a recommendation on this section next week.

The committee discussed possible wording so as to assure the City Manager could still make administrative appointments to committees. Gary Irish recommended using “legislative” appointments when referring to Council appointments and “administrative” appointments for appointments made by the City Manager. The City Attorney will work with Gary Irish in determining appropriate language for her recommendation regarding this section.

Section 67 deals with the interference with the performance of duties of the City Manager, and the City Attorney stated she would work on this language with the City Manager. She stated she is still researching the last paragraph as it may also overlap on pre-emption issues.

Section 22 deals with City Manager Pro Temp. The City Attorney stated she will work with the City Manager to formulate a recommendation on this section. This also will be provided next week.

Section 10 deals with establishment of a procedure for the conduct of open meetings if a Council has not adopted or implemented a policy in this regard.

New Business

Section 9

Relating to the paragraph in Section 9, on page 4, dealing with Mayor and Mayor Pro Tempore, the following motion was made:

MOTION:

It was moved by Pete McCracken, seconded by Herb Bonds that the Council shall reorganize immediately following each municipal election and shall choose one of their number to serve as President of the Council to
be known as Mayor. The Council shall also choose one of their number to serve as Vice-President, and he/she shall act as Mayor Pro Tempore in case of the absence, sickness or other disability of the Mayor. The President and Vice-President shall serve at the pleasure of the Council, and the term shall be from municipal election to municipal election.

The committee discussed “serve at the pleasure of the Council” and whether or not to include criteria for the removal of the Mayor or Mayor Pro Tempore.

After discussion, Pete McCracken stated he wanted to re-state his motion. Herb Bonds agreed to the re-statement.

“That the Council shall reorganize immediately following each municipal election and shall choose one of their number to serve as President of the Council to be known as Mayor. The Council shall also choose one of their number to serve as Vice-President, and he/she shall act as Mayor Pro Tempore in case of the absence, sickness or other disability of the Mayor. The term of the Mayor and Mayor Pro Tempore shall be for a two-year term, either of which may be removed by the Council by a four-fifths vote.”

The motion carried unanimously.

The committee instructed the City Attorney to take this motion and reword it into proper legal language to capture their intent.

Section 7

This section was discussed for clarification purposes only regarding enforcement. No action was taken.

Section 6

Pete McCracken referred the committee to Section 6 and the language used regarding a recall of the Council.

MOTION:

It was moved by Pete McCracken, seconded by Patricia Young that the City Attorney re-draft Section 6 to make it readable and understandable. The motion carried unanimously.

There was further discussion from the committee members wanting to explore whether or not they should be able to simultaneously replace recalled Council Members on the ballot. They directed the City Attorney to review charters of other cities to see how recalls are handled, and review how this process works in general law cities. The City Attorney stated she would provide information to the committee relating to this process.

Patricia Young also asked about the mechanism whereby a private citizen can put any provision on the next ballot. The City Attorney stated she would provide that information as well.

ADJOURNMENT:

The committee adjourned at 9:37 p.m. to June 5, 2002, at 6:00 p.m. at the Chamber of Commerce Building, 93 N. Main Street, Suite A.

John Longley, City Clerk
Gary Mekeel, Chairman
Advisory Committee Members Present: Ron Irish, Herbert Bonds, Rudy Roman, Pete McCracken, David Hebebrand, Adela Alba, Teresa de La Rosa, Larry Sullivan, Patricia Young, Cassandra Garcia and Gary Mekeel. Carmen Eoff arrived at 7:00.

Advisory Committee Members Absent: Pete Martinez, Kelly Focke, and Stephanie Gelobter.

Staff Members Present: John Longley, Gary Irish, Georgia Hawley and City Attorney, Julia Lew.

Past Mayors Present: Joe Faure

Members of the Audience: Joaquin G. Avila, Roberto de la Rosa, Case Lok.

Approval of Minutes

It was moved by Larry Sullivan, seconded by Pete McCracken that the Minutes of the May 29, 2002 meeting be approved. The motion carried with ten Ayes and Ron Irish abstaining.

Oral Communications

There were no Oral Communications.

Vice-Chair Teresa de la Rosa introduced Attorney Joaquin Avila, an expert on district elections.

Joaquin Avila spoke regarding his thirty years of experience working for participation in voting rights. He stated that his job was to make sure that local entities were in compliance with the Federal Voting Rights Act. He stated that California was becoming increasing Latino, which raises the question of integration in the communities. Mr. Avila stated that we all live together in our communities, and there was a need to make sure there was diversity on our local government councils, school boards, hospital boards, etc. He stated that this does not have to be mandated by law it could come from the local community, such as San Jose Evergreen Community College, who voluntarily went to district elections. Mr. Avila that cities could not afford the absence of a sense of vested interest in the community by a large segment of their population. He stated that they needed to give them a feeling of impact in the election, and the opportunity to participate. He stated that with racially polarized voting there was a legal problem, and his recommendation was to avoid legal problems. He stated that he was not here to take the City to court, he was here to give his input. Mr. Avila stated that this was an opportunity to put up the question of districts to a vote of the people, and if the community votes it in, then the issue would be resolved, and if not, then they would need to look at the election results. He stated that this would get people involved and to the table that were not there now, and give them a sense of ownership. He stated that the process of converting to district elections can politically integrate the community, and would spill over into economic and educational integration. He stated that the City could put it out there and let the people vote it up or down. He stated that there were concerns that having districts would create divisive politics with elected officials concerned with their district only, or that the City is too small for district elections. Mr. Avila stated that when Watsonville went to court they were only 25,000 to 30,000. He stated that they should talk to the Watsonville City Manager and see what their expenses have been. He stated that they should talk to Watsonville and Salinas about the benefits and problems they have had with district elections. Mr. Avila stated that if the committee did not see this as an opportunity, then that was where he came
in. He stated that when they came in to look at a community, they looked at several factors to see if they met federal court standards. He stated that the three factors they look for are:

1) Geographical compactness—If they divide the City into five districts, is there a district with a population of over 50% eligible minority voters.
2) Minority political cohesiveness - does the minority block vote together
3) Non-majority voting blocks - ones that vote against preferred candidates or measures of the minority community.

Mr. Avila stated that experts would decide if the community met all three of those factors, and if they did, then they were a target for litigation. He stated that litigation was expensive to fight, and expensive to lose. Mr. Avila stated that his recommendation was to let the people decide.

Pete McCracken stated that if the people voted against district elections, and all three factors exist, then the City was in trouble. But if one of the factors didn’t exist, then it was not a problem.

Committee members questioned Mr. Avila on “geographical compactness” and asked for a definition of the term “minority eligible”. Mr. Avila stated that it referred to a minority person at least 18 years old and eligible to register to vote.

Ron Irish questioned Mr. Avila as to whether he was a biased or unbiased professional, and how he was paid.

Mr. Avila stated that he was a very passionate professional, and if the City did not meet the criteria, then he did not have a problem with that. He stated that he paid himself. The cases were very expensive, and he worked on contingency only, so he was only paid when he won, which was about 70% of the time.

Pat Young questioned whether the prevailing party was paid when Mr. Avila lost. Mr. Avila stated that would happen only if it was determined that it was a frivolous lawsuit. The committee and Mr. Avila then discussed the results of the Shaw and Thomburg lawsuits. Mr. Avila stated that the three factors for the federal court came from the Thornburg case.

When asked about the number of districts that could be set, Mr. Avila stated that the districts would be based on eligible voter population, and it would have to be shown that the existing at-large voting method violates the Federal Voting Rights Acts. He stated that rarely would the Federal Court increase the size of the Council for district elections.

Gary Mekeel stated that he deeply respected the experience that Mr. Avila brought to this discussion, but he wondered if the committee should be asking Mr. Avila other types of questions than the ones that the City Attorney would be providing opinions on.

Pat Young stated that there have been several sensitive issues, and they could ask the Council to put them as separate questions on the ballot. She also asked Mr. Avila what had happened in Dinuba after they went to district elections—did it correct the problems?

Mr. Avila stated that five lawsuits were filed against the Hospital District, the City of Dinuba City Council, the Dinuba Elementary School Board, the Dinuba Joint High School District, and the Cutler-Arosi High School
District who all settled and went to district elections. He stated that Latino candidates were getting elected now. He stated that he didn’t know about increased voter turnout. Usually there was better turnout for several elections, and then people feel comfortable with their candidates and participation levels off.

Rudy Roman questioned Mr. Avila on ‘voting blocks’ and how it was determined there was a problem.

Mr. Avila stated that just because Latino candidates were not elected did not mean there was a problem. He stated that they would have to look at election returns and the heavily minority precincts and non-majority precincts and how the votes went.

The committee members discussed district elections versus elections at-large, and which were more common. Mr. Avila clarified that if the City had district elections, but continued to elect at-large, it would not meet Federal law. They would need to vote by district also.

Teresa de la Rosa questioned how long it would take to go through the process of determining whether the City had a problem and whether it met the three factors and how much it would cost. Mr. Avila stated that it would probably take a month, and the City would have to hire experts to look at the data, and it could cost from $5,000 to $25,000.

Pete McCracken stated that it sounded like it would require an internal investigation to make a determination, and he asked if Mr. Avila could give them some guidance for them to identify if they likely have racially polarized voting.

Mr. Avila stated that could be directed to the City Attorney and City Council to direct to the staff for investigation.

Gary Mekeel thanked Mr. Avila on behalf of the committee for coming and sharing his expertise with the committee. Teresa de La Rosa stated that Mr. Avila came on his own time and expense and she was very grateful and thanked him for coming.

Mr. Avila stated that he knew this was not an easy task for the committee because they had competing pressures, but they needed to look at the long range picture. He stated that they needed to politically, economically, and educationally integrate the community.

Herb Bonds stated that the problem would be redistricting every ten years it was easy to begin with but becomes harder later with redistricting.

The committee took a break from 6:50 to 6:58.

Carmen Eoff came in at 7:00 p.m.

Old Business

1. ATTORNEY WHITE PAPER LEGAL ISSUES
The City Attorney reviewed her memos regarding prior sections discussed.

Section 66

This section has already been approved, and the memo provided to the committee is the revision made to the section drafted from the May 22, 2002, Minutes. No additional action is required.

Section 10

This section has already been approved, and the memo provided to the committee is the revision made to the section drafted from the May 22, 2002, Minutes. No additional action is required.

Sections 5 and 9

Section 5
The City Attorney explained that the language was changed from March of odd years to the same time as the Primary election for State Offices for the State of California, as recommended by the committee.

Section 9
This section includes the changes from Section 5 above. It was pointed out that the sixth paragraph shown in this section should have been deleted. This section also includes the recommended changes for selection of the mayor and mayor pro tempore in paragraph five.

The committee questioned that having a set two-year term for those positions did not take into consideration a shorter term for someone filling an unscheduled vacancy.

The City Attorney stated that the final sentence of that paragraph could be changed to read “The mayor and mayor pro tempore shall serve a two year term, or until the next municipal election, whichever comes first, but either may be removed at any time by a four-fifths (4/5) vote of the council”.

MOTION:

It was moved by Pete McCracken, seconded by Herb Bonds that the committee approve the City Attorney’s recommendation for Section 5 and 9 per the memorandum dated June 5, 2002, with the change to the last sentence in paragraph five as stated above.

The motion carried with ten Ayes. Ron Irish and Pat Young were opposed.

Sections 13 and 67

Section 13
This section reflects the recommended changes for appointments.

Section 67
The City Attorney stated that this section reflected only the change regarding Council contact with directors of city departments. The provisions for election contributions had not been revised at this time as she was still looking into the statues.
Pete McCracken asked about the term ‘municipal office’ in the last paragraph and whether that applied to Porterville only.

The City Attorney stated that if they kept that sentence, then she could add that in.

Ron Irish stated that there was nothing in Section 13 that stated that appointments had to be City residents.

MOTION:

It was moved by Pete McCracken, seconded by Pat Young that the committee approve the City Attorney’s recommendation for Section 13, paragraph three.

The motion carried unanimously.

MOTION:

It was moved by Larry Sullivan, seconded by David Hebebrand that the committee approve the City Attorney’s recommendation for Section 67, paragraph two.

The motion carried unanimously.

Section 60

The City Attorney stated that this Section was on conflict of interest, and the Charter could go more restrictive than State law. Right now the Charter was technically more restrictive. She recommended that it be taken out so there would not be any conflicts down the line. She recommended that the section say that it was in compliance with State law.

The committee clarified that future Councils could revert to more restrictive requirements if they so desired.

The City Attorney stated that they were recommending all of Section 1090 to cover Section 60.

MOTION:

It was moved by Ron Irish, seconded by David Hebebrand that the committee adopt the State of California Government Code Section 1090.

The motion carried unanimously.

Section 6

The City Attorney stated that the Charter stated that recall elections were currently held according to State law, and she had provided information on that subject. She stated that the Charter did not allow for a recall election and special election to fill the vacancies to be held simultaneously—it had to be done separately.

MOTION:

It was moved by Carmen Eoff, seconded by Teresa de la Rosa that recall and candidate elections be held simultaneously.
The motion carried unanimously.

The City Attorney stated that there was still Section 22 that she needed to work on with the City Manager, and she would bring that back next week.

The committee then got into a discussion on the number of signatures required for a recall petition. Several felt that the percentage of signatures required was too high, while others felt the number was high to prevent recalls from being done on a whim, and to keep the entire community involved in the decision. A suggestion was made to limit the number to the average voter turnout in the last ten elections.

MOTION:

It was moved by Carmen Eoff, seconded by Rudy Roman that recall petitions require signatures by 20% of the registered voters.

Members of the committees stated that they felt the number was too high based on the average numbers of voters participating in City elections. It was suggested that they require the number of people who voted in the last election, plus ten to fifteen percent above that. It was also suggested that the number of signatures required should be closer to the number of signatures that got someone elected.

The City Attorney stated that she would check the California Constitution on this matter.

Pat Young stated that she would like a summary of why the percentage of required signatures had jumped up over time.

MOTION:

It was moved by Pete McCracken, seconded by Pat Young to table the motion until the Counsel can come back with the information requested.

The motion carried unanimously.

The City Attorney then handed out the information the committee requested on citizens getting a measure on the ballot, and on enforcement of the Charter terms. She stated that this was just for information.

The committee took a break from 8:00 to 8:07 p.m.

2. PRIORITIZATION OF CITY CHARTER ISSUES

Teresa de la Rosa stated that she felt they had taken care of every section except those coming back for final vote. She stated that they were still waiting for information from the Attorney.

Pat Young stated that they still had the big issue they began with today. She questioned whether they had the information available on the percentage of minorities 18 years old or older in the City limits.

Gary Mekeel asked Gary Irish to help answer the questions being raised.
Gary Irish stated that the City had an in-house Planner assigned to census information. He stated that he had a map prepared from the 2000 census with a breakdown of voters.

The committee entered into a discussion on district elections. Pete McCracken stated that perhaps the staff could bring back what they could to see whether the City had a problem. When questioned whether districts would encourage greater voter turnout, Teresa de la Rosa stated that it was also a question of having a more diverse council, and although she would not do districts at any cost, she did feel that $5,000 to $25,000 was not too much to spend.

Pat Young suggested that staff find out what the voter turn out in Dinuba has been since they went to districts.

Gary Mekeel stated that it was not up to the committee to choose what consulting firm the Council would pay for, it was up to them to bring an opinion that may ask the Council to have the sensitivity to look into this issue and leave it to the decision of the Council. He stated that he didn’t know if the Attorney had the time, or the Council had the money to spend on a consultant. He stated that he had evidence that a qualified Latino person could be elected to the Council, and serve as Mayor.

Cassandra Garcia stated that if they increased the number of people on the Council, they may eliminate the need for districting. David Hebebrand stated that increasing the number to seven also appealed to him.

Herb Bonds stated that increasing the number was only buying time. He stated that the College had done it and they did not get any diversity. He stated that he agreed with Rudy Roman, if they went to Council they needed to define the problem and what they wanted to accomplish.

Rudy Roman stated that if he had a choice he would like to see seven council members, but they had to look at things with an open mind. He stated that even if they didn’t put in district elections, perhaps it would plant a seed for the future, because if it wasn’t a problem today, it would be in the future.

Gary Mekeel stated that for the next meeting they could come prepared for this to be a single item. He stated that perhaps there were some questions they could get answers too. They could ask what kind of input would be important to them at the beginning of the next meeting, and they could have this discussion again.

John Longley stated that the committee did not have the time frame for the staff to work through whether the City met the three criteria for the Voting Rights Act.

Rudy Roman stated that it should be done by professionals, or not at all, because of the litigation prospects involved. He stated that he didn’t want to put the City into any jeopardy.

The City Attorney stated that a couple of her cities had gone through this process and she would look at that. She stated that she was uncomfortable with them talking about anticipated litigation in an open meeting.

Larry Sullivan stated that he thought that as a general rule the City was aware of the issue, and he didn’t think the committee would have the time frame to come to a decision on that matter.

Pete McCracken stated that whether or not they have a problem, each of them needs to closely understand the ramifications of whatever they were recommending to the Council, and that it addresses the real or perceived
problems in the City. He stated that they needed to make sure their solutions do not create more problems than they cure.

Pat Young stated that they could not solve this issue in the next couple of weeks, and proposed that they tell the Council that it may be a potential problem, but the committee could not make a recommendation but feels that the Council has an obligation to set up another committee to study this problem. She stated that this committee was not ready to do that and she did not see them just spinning their wheels.

MOTION:

It was moved by Pat Young, seconded by Teresa de la Rosa that the committee recommend to the Council that districting needs to be investigated and that a certain amount of resources should be put into the investigation.

The committee briefly discussion whether the recommendation was appropriate or was outside the purview of the committee. Gary Mekeel stated that he felt the committee was at the point where they were dealing with the most difficult question in the Charter. He stated that he believed that with the right motivation they may find themselves closer to a solution.

Pat Young stated that they were exposing themselves and the City to a tremendous liability in this matter. She stated that she would rather put the City’s money in potholes than in litigation.

The vote was taken here. The motion carried unanimously.

New Business

The committee agreed that they would submit any new sections, or proposed new revisions, to Kari in the City Manager’s Office by 5:00 p.m. on Friday, June 7.

Gary Mekeel stated that staff would bring back any new items, any homework by Counsel, and the tabled items at the next meeting.

The City Attorney stated that she was aware of the items she would be bringing back, such as bonds.

MOTION:

It was moved by Pete McCracken, seconded by Pat Young to adjourn until next week.

The motion carried unanimously.

John Longley asked that the items turned in have the members name and be legible.

ADJOURNMENT:

The committee adjourned at 9:10 p.m. to June 12, 2002, at 6:00 p.m. at the Police Department Briefing Room, 350 N. D Street.
Advisory Committee Members Present: Gary Mekeel, Pete Martinez, Ron Irish, Herbert Bonds, Rudy Roman, Pete McCracken, David Hebebrand, Adela Alba, Teresa de la Rosa, Patricia Young, Cassandra Garcia and Kelly Focke.

Advisory Committee Members Absent: Larry Sullivan, Carmen Eoff and Stephanie Gelobter.

Staff Members Present: John Longley, Gary Irish, Georgia Hawley and City Attorney, Julia Lew.

Members of the Audience: None

Approval of Minutes
Teresa de la Rosa asked that the minutes reflected that the cost of a study to determine compliance with the Federal Voting Rights Act was $5,000 to $25,000.

It was moved by Ron Irish, seconded by Teresa de la Rosa that the Minutes of the June 5, 2002 meeting be approved as corrected. The motion carried unanimously.

Oral Communications
There were no Oral Communications.

Pat Young and Kelly Focke came in at this point.

Old Business

1. DEBRIEFING REGARDING THE DISTRICTS DISCUSSION AND ACTION BY CHAIR

Gary MeKeel presented a letter to the committee members asking them to reconsider leaving the discussion of District elections. He was uncomfortable with the way they left the meeting last time. He stated that the issue of trying to find a way to provide a vehicle for the City to be more representative in all its institutions and providing the public with more of a voice was the most important thing they could have to do.

Pete Martinez came in at 6:11 p.m.

Gary Mekeel stated that he would like to know if there was anyone else in the room interested in continuing the discussion. He stated that they could move the City from where it was today to somewhere closer to where they would like to see it.
Pete McCracken stated that it looked like Gary was moving to reconsider their action on the district elections. He stated that he would like to renew his original objection that it was beyond the scope of the committee as directed by the Council. He stated that he did believe this deserves discussion.

Cassandra Garcia came in at 6:15 p.m.

Pete McCracken stated that there were options like cumulative votes. He stated that he had reviewed the election results of the last ten years. There were a wide variety of candidates, and one minority candidate elected twice. They had from 34% to 16% voter turnout, and from eight candidates for four seats to four candidates for two seats. The results of the candidates in each precinct matches the overall outcome of the election. There does not seem to be a precinct voting differently than the other precincts. The problem was voter turnout, and getting people to run. 800 votes could have taken the last place vote getter and put them in first place in the last election—which was only 10% of the registered voters in the City. Rather than trying to correct the mechanism, the problem was with voter turnout and not doing something in the campaign.

Ron Irish asked Gary Mekeel what he was asking the committee to do—look at apathy and correct it through the Charter. He felt this was a community problem. Was Gary looking more into a mechanism to offset apathy, or was he trying to cure apathy.

Teresa de la Rosa stated that she appreciated Gary’s concerns, and she understood because she had her own thoughts, but she also tended to be practical. Did they want to reconsider their action and did they want to look at district elections. She stated that they were in a good position to make a recommendation to Council that there was a problem. She felt that if they reopened the issue the committee response would be the same. She stated that she was not concerned that the citizens would feel that the committee could not come to an agreement, because they did look at the matter. It could always be looked at again later.

Cassandra Garcia stated that she agreed that this needed to be done correctly, and not set the City up for litigation. They should still recommend to the City Council to investigate the matter.

Teresa de la Rosa strongly suggested to the Chair that Council know they struggled with the issue, and it was a difficult issue, and make them aware how strongly they feel about the recommendation.

John Longley stated that the Committee would define how the committee recommendations were presented. He assumed that they would prepare a document and then the Chair and Vice Chair would attend the Council meeting and present it on behalf of the committee.

Pat Young echoed that it was a practical motion last time—they were running out of time and did not have enough background and information on districting. They risked not being able to complete what they had been working on. She stated that on June 6 there was an article in the Fresno Bee about the City of Reedley considering district elections. She gave everyone a copy of the article. She stated that she felt she was being characterized for her comments during this discussion at the last meeting.

Ron Irish asked if they were talking about districts because of the division of the Hispanic and Caucasian community, or was it about apathy overall. He stated that if that was what they were going to consider, then he wanted to hear a professional on the other end.

Pete McCracken stated that he didn’t mean that they were not capable of discussing this and coming to a decision—he felt it was beyond the scope of the committee. He stated that they were probably the more aware group of people in the City concerning this issue, even more than the Council. There were legal issues to be
considered about discussing this further, and he felt like Mr. Irish, the City has one problem that is apparent—voter apathy.

Gary Mekeel stated that he was not trying to change the apathy of the voter, he was interested in pursuing the framing of what the issues and interests are. He stated that Pete Martinez summarized very eloquently what some perceptions were in the community. Districting was only one solution. There were a number of solutions that get at the fundamental issues of access, value, voice, and an inclusiveness in the political process—those were the issues that someone said districting would solve. He stated that maybe there were other things that the Charter would address—another vehicle that could accomplish what was needed. He stated that he worked in a setting where there were a number of advisory groups that they include. Maybe somewhere in the language they sent to the City Council there were other things they could be saying to the City.

Pete McCracken stated that twice within a short period of time the Council has had the opportunity to address the questions of diversity on the Council, and twice a non-minority candidate has been chosen to fill an empty seat with 60% voting yes and 40% voting no. He stated that he still felt that district elections would take away 4/5’s of everyone’s voting privilege and restrict it to a narrow point.

Gary Mekeel stated that he was not advocating for district elections, but advocating for the concepts and issues behind it. He stated that there were hundreds of other ways to make it more inclusive.

Ron Irish stated that he and Rudy had talked about solving some of the problem with more people on the Council.

Pat Young spoke about the Council meeting held last Saturday, and stated that what was being proposed was more communication with the community.

Ron Irish stated that he had looked at the 1995 Strategic Plan, and apathy was on the list back then.

David Hebebrand stated that he was trying to see what they talked about on the perceptions. He stated that he didn’t understand why some people say they are not represented.

Rudy Roman stated that a good example was the letter to the editor.

Pete McCracken stated that speaking of voter apathy—when the last person was appointed to the Council, not one of the three people nominated, or any of their supporters, were present, and only three or four people from the public were in attendance. Pete stated that if the gentleman that wrote the letter to the editor that once again the City did not get an Hispanic appointment, and really felt it was a problem, why wasn’t he there, and five, fifteen, or five hundred people supporting their candidate.

Teresa de la Rosa stated that she was surprised when people say they didn’t know the feeling of being disfranchised. People feel others do not care and what they say has no effect—it was not just lack of diversity, it brings other issues. They needed to look at voting blocks. She stated that she would go back to the same issue they were discussing—if they were going to discuss district elections, then let’s do it, or they could leave it as it is. But if they pursued it, then they needed to be dedicated to looking at a study.

Adela Alba stated that when she talked to some Latino members who had won elected positions in the City, most felt that they were voted in by other than Hispanic votes. She stated that she always voted for the candidate that had the best interests of the City at heart. She stated that she was not even sure if she could say that another Latino would support a Latino.
Herb Bonds stated that they were talking about quick fixes. They needed to get to the core and know where they were going, how to get there, and what to do. He stated that he was not sure this committee was equipped to do all the research to get the information they needed. They needed professional help.

Gary Mekeel stated that he felt that where they left this was at the core. He stated that he was in favor of looking at the question of why they do not have diversity. He asked the committee if it was their desire for them to go before the Council and speak eloquently about districting and also talk about the need for the City to roll up its sleeves and look at its voting practices. They needed to figure out what the issues are.

Teresa de la Rosa asked Mr. Mekeel if he was saying that the action the committee took last time was not well-thought out. She stated that they could find out how to rescind that action.

Gary Mekeel stated that he just wanted to know if the entire committee feels that was the end of the discussion— to make a recommendation to Council.

Pete McCracken spoke about Councils, Boards and Commissions being influenced by the number of people in the audience regarding an issue. He stated that what the committee did last week—he felt it was a complex issue and they were basically suggesting that the Council might continue this same group past this, but they were handing it back to the Council because they did not have the time or have a budget to do a study or a budget for the staff to provide information, and perhaps they should not be doing it in public according to the City Attorney. Part of the decision to pass the motion was on the advice of the City Attorney that they were getting in areas of liability.

Pat Young read the motion on this issue from the last minutes.

Gary Mekeel questioned the committee about their willingness to reopen the issue.

Pete McCracken spoke on the Roberts Rules of Order procedure to reconsider the motion.

Gary Mekeel stated that the discussion was ended as there was no motion to reconsider.

1. ATTORNEY WHITE PAPER LEGAL ISSUES

The City Attorney reviewed her memos regarding prior sections discussed.

Section 22

This revision gives the City Manager some flexibility to appoint someone as city manager pro tem.

Rudy Roman questioned how this would affect the City Council being able to appoint an Acting City Manager if a current City Manager left.

The City Attorney stated that she could add ‘an individual can be appointed to an acting position as well as a regular position as City Manager.’
In answer to committee comments, John Longley stated that when it was an absence, the office was not vacant. When the office was vacant, the Council could appoint an interim City Manager.

The City Attorney stated that she would look at amending the language. She stated that in the Charter when there was a vacancy, there was a process for appointing a City Manager. She stated that she would also remove the words “or employee” in the last paragraph.

Section 60
The City Attorney stated that this Section was changed to be in compliance with State law.

MOTION:

It was moved by Ron Irish, seconded by David Hebebrand that the committee adopt Section 60 as revised.

The motion carried unanimously.

Section 67
The City Attorney stated that this section reflected the change regarding political activities by officers and employees pursuant to Government Code 3207. She stated that she added the terms ‘during working hours’ and ‘on the city’s premises’ because they could do that if the committee agreed.

The committee agreed that there was some ambiguity in the term ‘premises.’

The City Attorney suggested ‘on the city’s premises except those areas open to all the public for those purposes.’

Gary Mekeel stated that the committee would defer this section back to the City Attorney for revision.

The committee took a break from 7:17 p.m. to 7:23 p.m.

Sections 5

Section 5
The City Attorney stated that she had removed the reference to the first election in March of 1979.

MOTION:

It was moved by Herb Bonds, seconded by David Hebebrand that the committee accept this revision.

The motion carried with eleven Ayes. Pete McCracken was absent.

Section 9

Section 9
The City Attorney stated that this section reflected the recommended changes to paragraph five regarding length of term for a mayor appointed during the term.

It was suggested changing “for the remainder of the prior mayor’s term” to “until the next organizational meeting.”
The committee briefly discussed whether approving this section would affect the discussion on a seven member council.

The City Attorney stated that they could still look at that issue.

**MOTION:**

It was moved by Ron Irish, seconded by Kelly Focke that the committee approve the City Attorney’s recommendation for Section 9, with the change to the last sentence in paragraph five as stated above.

The motion carried unanimously.

Teresa de la Rosa stated that they said they would have a list of all the sections they had discussed.

The City Attorney stated that she had that and would bring it to the next meeting and they could go through it.

**Section 67**

The City Attorney stated that this handout was for information only.

**Section 6**

The City Attorney stated that the committee had questions on the percentage and number of signatures required for recall petitions. She stated that the Charter had full control over procedure unless it proved to make the recall process prohibitive. She stated that they could set the percentage or number, but they could not make the number too high. She stated that in 1931 the requirement was 25% of the entire votes cast for the office.

Ron Irish made a motion to tie the number of recall petition signatures with the number of votes the person got. Cassandra Garcia seconded the motion.

Pete McCracken stated that in looking at the last six elections, they should remember that the number of votes not cast could have changed the election results.

Herb Bonds asked how an appointed Council Member could be recalled then.

The City Attorney stated that it would have to be the number of votes for that position. She stated that the committee wanted to be cognizant that they could make it really easy for a small cohesive group to start recalls.

The committee discussed the differences in voter turnout, and the number of votes that could be required—from the number of votes for that position, to an average of the votes, to the question of different numbers if more than one position is recalled.

Ron Irish and Cassandra Garcia withdrew their motion and second.

The City Attorney pointed out that a person could not be recalled until 90 days after taking office, or if they have less than six months left in office, or if they are appointed.
MOTION:

It was moved by David Hebebrand, seconded by Teresa de la Rosa that recall petitions require signatures in compliance with general law.

The motion carried with ten AYES. Ron Irish and Cassandra Garcia voted NO.

The City Attorney stated that they would just defer to general law as the Charter currently does.

New Business

Gary Mekeel stated that the three items for discussion would be brought back at the next meeting when they could be listed on the agenda.

Pat Young asked the City Attorney if the items listed were already addressed anywhere in the Charter, or by resolution or ordinance.

The City Attorney stated that she would review the questions.

John Longley stated that he would like some clarification on the proposals so research could be done.

Pat Young questioned whether donations of City funds was addressed in the City Charter. It was an issue that has caused unpleasantness and divisiveness. And on sales tax, she thought it should say that when buying, it should be taken into consideration on awarding bids.

John Longley clarified that under Item 3 then, if a local bidder was within 1% of the low bidder, then they should get the bid.

Pete McCracken stated that because Pat Young would not be here the next couple of meetings, he asked what her position was on donations.

Pat Young stated that she was opposed to donations.

Ron Irish made a motion to table those three items until Pat Young came back. Pete McCracken seconded the motion. When it would pointed out how few meetings were left, the motion was withdrawn.

Gary Mekeel asked that Pat Young express her position on her two items and e-mail it to the City so her views could be taken into account during the discussion next time.

Pat Young stated that she could do that.

Cassandra Garcia stated that she would like to add the discussion of a seven member council to the next agenda also.

ADJOURNMENT:

The committee adjourned at 8:10 p.m. to June 19, 2002, at 6:00 p.m. at the Porterville Public Library Community Room, 41 W. Thurman Avenue.
Advisory Committee Members Present: Adela Alba, Herbert Bonds, Carmen Eoff, Cassandra Garcia, Pete McCracken, Gary Mekeel, Rudy Roman.

Advisory Committee Members Absent: Kelly Focke, Stephanie Gelobter, David Hebebrand, Ron Irish, Pete Martinez, Teresa de la Rosa, Larry Sullivan, Patricia Young.

Staff Members Present: John Longley, Gary Irish, Georgia Hawley and City Attorney, Julia Lew.

Members of the Audience: None

Due to the lack of a quorum, the Committee meeting was not called to order.

At 6:20 p.m. the members present choose to meet as a ‘subcommittee of the whole’ for discussion purposes.

The City Attorney reviewed her handout which included every section the committee had revised so far. She stated that Sections 6, 9, 22 and 67 would require approval of the committee.

Gary Irish pointed out that Section 16 would also need a minor revision, such as “excluding recalls,” to go with Section 6.

The City Attorney stated that she would bring back the revision for Section 16.

The subcommittee then briefly discussed the four questions on the agenda.

1. PROPOSE TO PROVIDE IN THE CHARTER, LANGUAGE AUTHORIZING THE (CITY) CITY COUNCIL TO ENTER INTO ASSOCIATIONS, ORGANIZATIONS, JOINT VENTURES AND JOINT FINANCING AUTHORITIES FOR THE PURPOSE OF PROMOTING A PUBLIC PURPOSE IN SUPPORT OF PUBLIC SCHOOLS AND OTHER GOVERNMENTAL ENTITIES. (Gary Mekeel)

John Longley explained how joint power authorities operated and the difference between a ‘public purpose’ and an ’educational purpose’. He stated that increasingly cities have the desire to operate within the area of education due to economic development programs.

The City Attorney stated that Lindsay and Exeter both have a Charter section on Joint Power, and if we wanted to add this, we would need to do something broad and then look at the Powers Section of the Charter and see if it needs to be amended.

The subcommittee and staff then discussed schools and cities working together, and what joint power authorities can accomplish. It was pointed out that the term JPA might have a negative connotation for the public.

Gary Mekeel stated that it made sense to bring together as many agencies as possible for the good of the City.
Pete McCracken stated that with all the County islands and adjacent properties, it would be ideal if there was some way to do road repairs of the entire street with County cooperation.

The City Attorney stated that the best way would be to put in an intra-governmental power section. She stated that she would take a better look at the Section 4, General Powers of the City, in the City Charter. When asked about liability issues, she stated that a JPA was a separate entity and they would have their own insurance and the liability would go to them.

Gary Mekeel stated that basically Section 4 was sufficient, but they should think about language that clarifies that they could work with other agencies for the City’s best interest.

Pete McCracken stated that Section 4 basically says the City can do anything that is legal.

John Longley stated that unless it was stated somehow, there was always an opportunity to challenge the action.

Pete McCracken stated that he would like to see the section more general than specific, and Gary Mekeel asked the City Attorney to please give them some suggestions on this section at the next meeting.

2. PROPOSE TO PROVIDE IN THE CHARTER, RESTRICTIONS ON DONATIONS OF CITY FUNDS TO COMMUNITY ORGANIZATIONS. (Pat Young)

Everyone received a copy of Pat Young’s memo on this matter.

Pete McCracken stated that state law already addressed the issue of gifts of public funds.

The City Attorney stated that there were laws on gifts of public funds, but it could be done as long as there was a public purpose. She stated that if they wanted to go to a complete prohibition, it would have to be complete.

Rudy Roman stated that the City now assists the Veterans Parade and the Cinco de Mayo Parade by providing police officers, and he would not want to see that jeopardized.

The City Attorney agreed that this could be opening a can of worms.

The subcommittee brought up the Excellence in Business event and the funds given to the Chamber of Commerce.

Carmen Eoff pointed out that there was also a Hispanic Chamber of Commerce.

John Longley stated that the City has a contract with the Chamber, and Gary Irish went over the list of services they provide. John stated that the Excellence in Business event was a City event which the Chamber sets up.

The subcommittee members stated that seniors, fireworks, and the Chamber seem to be the issues that brought up the question of City donations.

Gary Mekeel stated that he didn’t want to do something that would prevent some of the good things that are happening now. He stated that they could have Counsel bring something back to design a standard—and the other part of the discussion was if it’s not broke why fix it.
Pete McCracken stated that they needed to be sure they were not putting something in the Charter that would block working together with local groups.

John Longley stated that there would need to be a rationale that there is a public purpose, and it would have to be definable.

Herb Bonds stated that he would feel better if it was locked down in the Charter.

3. PROPOSE TO PROVIDE IN THE CHARTER, ASSURANCE THAT THE CITY IS ABLE TO BUY LOCALLY TO RECOUP SALES TAX OF ITS PURCHASES. (Pat Young)

The City Attorney stated that this could be done, but it had to be done carefully. She proposed that instead of making it consistent with sales tax, if they gave local bidders preference for bids within 1%, or 2% or whatever they selected, it was because of additional revenues the business would generate for the City, including sales tax. She stated that this was an area that may be preempted by the courts in the future, but right now it was allowed.

John Longley stated that he had been involved in this situation, and it could be extremely expensive, and in many cases it could depress competition.

Pete McCracken spoke on the problems with dealing with local bidder preference issues when he worked for World Bank.

Herb Bonds spoke about the professional services process.

Gary Mekeel stated that unless there was something else, he didn’t believe that they should try and carve something out.

Adela Alba stated that a lot of time local people did not bid because of time constraints and lack of personnel to write the bids.

The subcommittee agreed to set this question aside and bring it back at the regular committee meeting.

4. CONSIDERATION OF A SEVEN MEMBER COUNCIL.

Pete McCracken stated that he would like to put an item on the agenda for the next meeting to discuss this as well as redistricting. He stated that he would move to amend something previously adopted so they don’t leave a bad impression with the Council. He stated that there was something that should be included in the recommendation to the Council. He stated that they recommended one solution, and he was not sure that would correct the perceived problem. He stated that he wanted to move to amend it.

The City Attorney stated that she found in the Exeter Charter, Section 3, a paragraph on public participation.

Pete McCracken asked that the Attorney bring copies of that section to the next committee meeting.

The subcommittee briefly discussed having seven members on the Council.
Gary Mekeel stated that he would be interested in having that discussion on the reconsideration of the unanimous motion on redistricting. He stated that he would also be interested in staying together and exploring the issues on the question of redistricting, and if anyone else would be interested, let him know.

ADJOURNMENT:

The subcommittee adjourned at 7:40 p.m. to June 26, 2002, at 6:00 p.m. at the Porterville Public Library Community Room, 41 W. Thurman Avenue.

John Longley, City Clerk

Gary Mekeel, Chairman

CHARTER REVIEW ADVISORY COMMITTEE MEETING
June 26, 2002
LIBRARY COMMUNITY ROOM, 6:00 P.M.

Advisory Committee Members Present: Adela Alba, Carmen Eoff, Kelly Focke, David Hebebrand, Ron Irish, Pete Martinez, Pete McCracken, Gary Mekeel, Rudy Roman, Teresa de la Rosa, Larry Sullivan and Cassandra Garcia.

Advisory Committee Members Absent: Herbert Bonds, Stephanie Gelobter and Patricia Young.

Staff Members Present: John Longley, Gary Irish, Linda Clark and City Attorney, Julia Lew.

Approval of Minutes

It was moved by David Hebebrand, seconded by Rudy Roman that the Minutes of the June 12 meeting be approved. The motion carried unanimously.

Oral Communications

There were no Oral Communications.

Old Business

1. Reconsideration of Motion on Redistricting Recommendation

Pete McCracken introduced two documents relating to this item – one was an amendment to a previous motion, and the other was a substitute motion. He stated these documents represented a summary of the committee’s feelings and concerns regarding this topic.

MOTION:
It was moved by Teresa de la Rosa, seconded by Ron Irish:

“That the committee recommend that the City Council adopt a resolution addressing the perceived lack of diversity and disenfranchisement of certain groups or blocks of voters or neighborhoods by calling for the verification and quantification of such perception and identification of feasible alternatives in a manner substantially as follows:

WHEREAS, there is a perception that there is a lack of diversity on the City Council created by the process in which the City Council is elected by the voters; and

WHEREAS, there is a perception that a group, or groups, of eligible voters are being denied the opportunity to express their preferences for candidates to represent them on the City Council by the process in which the City Council is elected by the voters; and

WHEREAS, the range of possible and potential solutions is large and complex and may create future problems; and

WHEREAS, the perception, whether valid or invalid, is adversely affecting the sense of participation by eligible voters in the City of Porterville;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes a citizen committee comprised of 15 registered voters of the City of Porterville for the purpose of investigating the substance behind the perception of lack of diversity on the City Council and the possible disenfranchisement of any group or groups of voters, identifying feasible solutions, and recommending a course of action for adoption by the City Council; and

BE IT FURTHER RESOLVED, that the selection of the committee members be equally distributed among the current voting precincts of the City of Porterville and that, to the extent feasible, each and every potential political minority whether identified by ethnicity, economic status, educational standing, or other perceived or actual separate status shall be represented; and

BE IT FURTHER RESOLVED, that the committee shall examine the advantages and disadvantages of at large elections as compared to the various forms of district elections, the advantages and disadvantages of a five-member council as compared to some odd number greater or less than five, or any other alternative that appears reasonable and feasible; and

BE IT FURTHER RESOLVED, that the committee shall have the power to obtain information deemed essential by the committee including the expenditure of money for such purposes.”

The committee discussed the concerns addressed in the above-stated motion, and the Chairman stated this came about as a result of the committee coming together on the issues.

Pete McCracken, the author of the above-stated motion, wanted the Minutes to reflect that this matter was a summary of the entire committee’s thoughts and concerns relating to this matter.

VOTE: The motion carried unanimously.

2. Consideration of a Seven Member Council
The committee discussed that this matter had been addressed in the above-stated motion.

3. Propose to provide in the Charter, language authorizing the (City) City Council to enter into associations, organizations, joint ventures and joint financing authorities for the purpose of promoting a public purpose in support of public schools and other governmental entities.

The City Manager gave examples of existing types of partnerships in which the City is involved.

The City Attorney referred to a new section she had drafted for consideration entitled “Intergovernmental Powers,” as well as adding a new sentence to Section 4, dealing with the General Powers of the City.

MOTION:

It was moved by Pete McCracken, seconded by Teresa de la Rosa, that a new section entitled Intergovernmental Powers be added. The motion carried unanimously.

Section 4:

MOTION:

It was moved by Pete McCracken, seconded by Ron Irish that a new sentence be added to Section 4, which shall then read as follows:

“The City of Porterville, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution, and which it would be competent for this Charter to set forth particularly or specifically; and the specifications herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of power. General powers of the city include the powers necessary or appropriate to promote the health, education and welfare of its inhabitants. The city shall have and use a common seal and the official seal hereinbefore adopted and now in use by said city shall continue to be the official seal of said city.”

The motion carried unanimously.

4. Propose to provide in the charter, restrictions on donations of City funds to community organizations.

The committee reviewed and discussed the language prepared by the City Attorney for possible consideration relating to this matter, which would be a new section of the Charter entitled “Public Purpose Expenditures.” After discussion, the following motion was made:

MOTION:

It was moved by Ron Irish, seconded by Pete McCracken, to eliminate and not include the section on Public Purpose Expenditures. The vote was taken and there were two No votes cast. The motion carried.

To complete the last section of items prepared by the City Attorney for possible consideration, the committee continued with “Public Participation.” The committee and staff discussed what types of public participation now occur on a regular basis, and the importance of having some type of section making reference to public participation.
MOTION:

It was moved by Teresa de la Rosa, seconded by Carmen Eoff that the following new section be added:

Public Participation. The Council shall continue to encourage the organization of and communication with representative neighborhood groups throughout the city to encourage citizen participation, to seek advice and input, and to provide information to the public relative to city matters and affairs.

The motion carried unanimously.

The City Attorney then continued on with the Attorney White Paper Legal Issues before going back to Item No. 5 under Old Business on the Agenda.

The memo reviewed was dated June 19, 2002, relating to Revised Sections of the Charter.

MOTION:

It was moved by Pete McCracken, seconded by David Hebebrand to approve the recommendation of the subcommittee that met last week relating to Section Nos. 6, 9, 22 and 67. The motion carried unanimously.

The City Attorney stated that Section 6 necessitated a change in Section 16, which the committee reviewed from her handout.

MOTION:

It was moved by Pete McCracken, seconded by Adela Alba that the committee approve Section 16 as presented by Counsel. The motion carried unanimously.

5. Propose to provide in the Charter, assurance that the City is able to buy locally to recoup sales tax of its purchases.

The committee discussed the concerns raised in this issue, but felt this might not be an area that should be included in the Charter. It may be better served to have a matter like this considered by the City Council by way of a resolution or ordinance. They felt there could be implications that would arise as a result of such an inclusion, and felt it would be too large an issue to address in this manner.

No action was taken on this matter.

MOTION:

It was moved by Ron Irish, seconded by Pete McCracken that a letter of appreciation to the City Attorney be prepared thanking her for all of her efforts, which proved to be extremely valuable and helpful.

Pete Martinez questioned whether the Charter could be placed on the web site, and the City Manager stated that staff is anticipating as much of this type of information on the internet as possible.

The committee then discussed the next meeting date leaving ample time to prepare the Charter update document for sign-off by the committee at the next meeting. It was decided the next meeting will be held on Wednesday, July 17, at 6:00 p.m. at the Chamber of Commerce Office at 93 N. Main Street, Suite A.
The committee then discussed their feelings regarding submitting their proposed amendments to the Charter to the City Council for inclusion on the ballot as one entire package, or approval section by section. It was stated that some sections are strictly “housekeeping,” while other sections are closely linked with other sections of the Charter.

It was decided that the committee would wait until the entire document is presented to them on July 17, at which time they would then make a recommendation.

The committee adjourned at 8:15 p.m.

John Longley, City Clerk

Gary Mekeel, Chairman

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CHARTER REVIEW ADVISORY COMMITTEE MEETING
PORTERVILLE CHAMBER OF COMMERCE BUILDING
93 N. MAIN STREET, SUITE A
July 17, 2002 - 6:00 P.M.

Advisory Committee Members Present: Gary Mekeel, Adela Alba, Herbert Bonds, Carmen Eoff, Kelly Focke, Cassandra Garcia, Stephanie Gelobter, Ron Irish, Pete McCracken, Rudy Roman, Teresa de la Rosa, Larry Sullivan,

Advisory Committee Members Absent: David Hebebrand, Pete Martinez, and Patricia Young.

Staff Members Present: John Longley, Gary Irish, Georgia Hawley and City Attorney, Julia Lew.

Members of the Audience: Cameron Hamilton.

Approval of Minutes

MOTION: It was moved by Larry Sullivan, seconded by Adela Alba that the Minutes of the June 26, 2002 meeting be approved. The motion carried unanimously.

Oral Communications
There were no Oral Communications.

Old Business

1. ATTORNEY WHITE PAPER LEGAL ISSUES

The City Attorney did not have any White Paper Legal Issues.

2. REVIEW OF CHARTER REVISION DRAFT

The City reviewed the final draft of the Charter Revision and went over the staff changes to Section 7, which was strictly grammar, and Section 10, which allowed for the Council’s practice of holding meetings outside City Hall.
MOTION: It was moved by Ron Irish, seconded by Larry Sullivan that the Committee approve the housekeeping changes overall. The motion carried unanimously.

Gary Mekeel stated that when he looked over the finished document, it shows the amount of work the committee has done.

New Business

1. DISCUSSION REGARDING ANY NEW REVISIONS

   No new revisions were proposed.

2. APPROVAL OF THE FINAL CHARTER REVISION

It was moved by Ron Irish, seconded by Carmen Eoff that the Committee adopt the writings of the Committee.

Pete McCracken stated that his suggestion to the Council was that they not submit the Charter to the voters as a single document. He stated that Council should be advised that there were simple housekeeping changes, such as he/she, correcting grammar, required conformance with current State and/or Federal laws, etc., that were a separate ballot issue. He stated that it would upset him if the housekeeping issues went down the tubes because of the more complex issues.

Pete Martinez stated that some sections belonged together, and the Attorney could say if they needed to go together.

The City Attorney stated that she had a rough, hand-written list of the major sections.

Pete Martinez stated that maybe the document could be listed by subject matter. He stated that Section 9 had several different things in it and it would be easier by subject.

Larry Sullivan stated that perhaps they could just ask the voter if they approved the change in election date, and the change in salaries, etc.

Gary Mekeel stated that the commission of the Committee was to work though and update the Charter. He stated that they had the conversation from the beginning that the Council would have decisions to make to approve or disapprove the Committee’s recommendations. He stated that the Council would decide to put it through in one document or by sections. The Committee would leave them their work and ask them to consider their resolution. He stated that they recognized that there were some controversial issues that may need to be broken out.

Larry Sullivan stated that he thought that the minutes of the Committee would reflect their concerns about the whole thing.

Pete McCracken spoke about the benefit of having a short, comprehensive staff report only one or two pages, complete with a recommendation to say that this was the way it should be on the ballot according to the Committee’s opinion—whether the Council agreed or disagreed.

Ron Irish stated that in the last couple of months, this Committee had covered more about the Charter than most Councils cover in four years, and in that case it was wise for them to give a recommendation. He stated that they should give some recommendation on how it goes on the ballot.
Pete McCracken stated that perhaps the Council would appreciate a recommendation from the Committee because it would isolate them from the politics.

Larry Sullivan stated that in this case with the piece of work they were bringing the Council, the Council was the intermediary, and the voters would approve or disapprove it. He stated that he would like to see the Council take some ownership of this document and organize how best it would be on the ballot.

Gary Mekeel asked the Committee if there was agreement that they believe it was in the best interest for the Charter Revision to be in sections or clusters—was that the recommendation?

Larry Sullivan made motion that it be presented in related topics to the voters.

Herb Bonds stated that he wanted to discuss the feasibility of putting it on in its entirety.

Cassandra Garcia stated that it would be a gamble either way. She stated that she didn’t think everyone would be as interested as they were.

Larry Sullivan stated that he didn’t think the voters would read the entire thing, and they might vote the whole thing down because of one key issue.

Herb Bonds stated that he would like to see the whole document on the ballot.

Ron Irish stated that he didn’t think the voters would take the time to read the whole thing. He felt it would have a better chance of passing if it was broken down into sections, and a better chance of being defeated if it was kept whole.

Larry Sullivan stated that he envisioned on the ballot “Do you approve the following changes in the City election process be approved,” “The following tax changes are incorporated in the City Charter be approved,” etc.

Gary Mekeel stated that they should get a consensus on the recommendation to Council for putting it on the ballot—did the group want to separate it?

Rudy Roman stated that they should first do the housekeeping items and then have the other issues.

MOTION: It was moved by Pete McCracken, seconded by Ron Irish to amend the motion that the housekeeping items be recognized and put as a separate issue, with the other issues to follow in related topics to the voters. The vote was eleven ayes and Herb Bond voted no.

The motion carried unanimously.

Pete McCracken called for the motion to accept the report.

MOTION: It was moved by Ron Irish, seconded by Carmen Eoff that the Committee adopts the writings of the Committee. The motion carried unanimously.

Ron Irish expressed his appreciation to Gary Mekeel for chairing this Committee as he did.
Larry Sullivan stated that he seconded that and also thanked the City staff for their assistance.

Gary Mekeel asked Georgia to be sure and let them know about the August 6, 2002 Council meeting.

Teresa de la Rosa asked if Mr. Mekeel would make a presentation at the Council meeting and would it be in the agenda item about their work and wishes.

Gary Mekeel stated that he would like all of the Committee to be at the meeting to help him speak. He stated that he would make an opening remark or two, and then he would pass it onto Teresa and the other members.

Teresa de la Rosa stated that they should emphasize the important of this. She asked how the resolution would be presented.

Gary Mekeel stated that he would give the Council their document and speak about his feelings about their work, and then he would give the microphone to Teresa. He stated that he hoped the other Committee members would take a moment to share their experiences.

Adele Alba asked Gary if he would consider coming up with a letter which the rest of the Committee could sign.

Gary Mekeel stated that his comments would be brief and how he felt that night.

Larry Sullivan stated that the fact that fifteen people from the community came together to work was indicative enough of their commitment.

Pete McCracken stated that it was important for the Council, or any interested party, to get copies of the Committee’s minutes.

Staff stated that Council had received copies of all the minutes, and they were available to the public.

Gary Mekeel stated that he hoped the Porterville Recorder and KTIP Radio would be helpful in informing the voters.

**ADJOURNMENT:**

The final meeting of the Charter Review Advisory Committee adjourned at 7:45 p.m.

Georgia Hawley, Deputy City Clerk