



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Minutes Citizens Advisory Charter Review Committee

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Thursday, July 25, 2019

6:00 PM

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### A. CALL TO ORDER

Chair SMITH called the meeting to order at 6:03 PM.

### B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair HILL.

### C. ROLL CALL

**Clerk's Note:** Committee Member SPENCE arrived at 6:08 PM.

Ex Officio Members Present: Mayor Mike MURPHY and Mayor Pro Tempore MARTINEZ.

**Present:** 9 - Shane Smith, Tim O'Neill, Robert Haden, Ryan Heller, Sara Hill, Liliana Prado Nava, Loretta Spence, Sarah Boyle and Stephanie Buttici

**Absent:** 0

### D. PUBLIC COMMENT

There were none.

### E. CONSENT CALENDAR

**SUBJECT:** Citizens Advisory Charter Review Minutes of July 9, 2019

#### REPORT IN BRIEF

Approval of previously held meeting minutes for filing.

#### RECOMMENDATION

**Citizens Advisory Charter Review Committee** - adopt a motion approving and filing the meeting minutes of July 9, 2019

A motion was made by Member Heller, seconded by Member Haden, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 8 - Member Smith  
Member O'Neill  
Member Haden  
Member Heller  
Member Hill  
Member Prado Nava  
Member Boyle  
Member Butticci

**No:** 0

**Absent:** 1 - Member Spence

## F. REPORTS

**SUBJECT:** Continued Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 402 Regarding City Council Compensation Including, but not Limited to, Increasing Council Compensation, Establishing a Salary Setting Commission, or Other Options Presented by the Committee Members

### REPORT IN BRIEF

Consider a potential amendment to Charter section 402 to increase City Council compensation

### RECOMMENDATION

**Citizens Advisory Charter Review Committee** - Adopt a motion:

A. Recommending a change to Charter Section 402 regarding City Council Compensation (specify amount in motion) and directing staff to draft the appropriate language for final City Council Approval; or,

B. Recommending no change to Charter Section 402 or current City Council compensation amounts.

City Attorney Phaedra NORTON gave a slide show presentation on Council compensation models and options.

The Committee agreed on the need for Council compensation. They discussed using the current Government Code section regarding the amount of salary and the possible use of a salary setting committee to maintain transparency.

Ex Officio Member Mayor MURPHY suggested a salary similar to other local municipalities.

Ex Officio Member MARTINEZ stated that an independent committee to

set the salary could help the measure to pass.

The Committee continued to discuss salary and a salary setting committee and generally agreed that a committee could be convened to set the initial salary and meet at a set interval to review and suggest changes to the Council salary as needed. The Committee expressed interest in a seven member committee by Council District be appointed and use the Government Code as a guide for the appropriate salary.

**Clerk's Note:** Committee Chair SMITH continued this item to the next regular meeting.

**SUBJECT:** Continued Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 400 which May Include, but is not Limited to, a Change to the Duration of the Mayoral Term, Number of Terms, and Eligibility Limitations

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**REPORT IN BRIEF**

Considers changing the current Mayoral term length from 2 to 4 years and considers the number of terms for the Office of Mayor.

**RECOMMENDATION**

**Citizens Advisory Charter Review Committee - Adopt a motion:**

A. Recommending a change to Charter Section 400 regarding the length and number of terms for the Office of Mayor and directing staff to draft the appropriate language for final approval by City Council; or,

B Recommending no changes to Charter Section 400 regarding the Mayor's term.

City Attorney Phaedra NORTON gave a slide show presentation on various different Mayoral terms adopted by other municipalities.

The Committee discussed the various options and unanimously agreed that a 4-year term was warranted. They further discussed the number of terms and the possibility of adding language to allow for re-election of an individual after a cooling off period.

Casey STEED, Merced resident - agreed with the 4-year term but suggested no term limits to let the voters decide.

**Clerk's Note:** This item was tabled to the next regular meeting to allow for

the City Attorney to come up with draft language.

## G. BUSINESS

**SUBJECT:** Continued Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 1118 Independent Audit Including, but not Limited to, Additional Transparency and/or Accountability Provisions

### REPORT IN BRIEF

Review Charter Section 1118 Independent Audit

### RECOMMENDATION

**Citizens Advisory Charter Review Committee** - Adopt a motion:

A. Making a recommendation to the City Council to modify Charter Section 1118; or

B. Making no changes to Charter Section 1118.

The Committee discussed Charter Section 1118 for the possible creation of a citizens audit committee or a Council subcommittee. The Committee agreed that if a Council subcommittee could be created, no change to the Charter would be necessary.

**A motion was made by Member Smith, seconded by Member Haden, that no changes be made to Section 1118 and to add comments in the final report. The motion carried by the following vote:**

**Aye:** 9 - Member Smith  
Member O'Neill  
Member Haden  
Member Heller  
Member Hill  
Member Prado Nava  
Member Spence  
Member Boyle  
Member Butticci

**No:** 0

**Absent:** 0

**SUBJECT:** Discussion on Article VII of the Merced City Charter to Potentially Add a Tax Transparency Commission Which Would be Charged with Oversight of Existing and Future Tax Measures

### REPORT IN BRIEF

Allows for Charter Review Committee discussion on Article VII of the Merced City Charter to allow for the development of a Tax Transparency Commission as requested by Staff.

**RECOMMENDATION**

**Citizens Advisory Charter Review Committee** - Adopt a motion:

A. Providing staff direction on the addition of a Tax Transparency Commission to Article VII of the Charter; or,

B. Take no action

Assistant City Manager Stephanie DIETZ presented to the Committee an idea to combine existing tax oversight committees into one Tax Transparency Committee for current and future tax measures.

The Committee agreed that this concept was sound and requested staff return to the next meeting with draft language for Committee review.

**Clerk's Note:** This item was tabled to the next regular meeting.

**SUBJECT:** Review, Discussion, and Recommendation Regarding Potential Modifications, if any, to Charter Section 1111 Competitive Bidding - Supplies, Materials, or Equipment Including, but not Limited to, the Local Vendor Preference

**REPORT IN BRIEF**

Allows for Committee discussion on Charter Section 1111 as requested by Committee Member O'Neill

**RECOMMENDATION**

**Citizens Advisory Charter Review Committee** - Adopt a motion:

A. Providing staff direction on any suggested changes to Charter Section 1111; or,

B. Take no action

**Clerk's Note:** This item was brought forward for discussion by Committee Member O'NEILL.

Committee Member O'NEILL asked for clarification on how the current Local Preference Policy was being implemented.

Finance Officer Venus RODRIGUEZ explained the process used by the

Purchasing Supervisor to ensure that local businesses receive a 5% preference.

**A motion was made by Member Haden, seconded by Member O'Neill, that no changes be made to Charter Section 1111 regarding local preference. The motion carried by the following vote:**

**Aye:** 9 - Member Smith  
Member O'Neill  
Member Haden  
Member Heller  
Member Hill  
Member Prado Nava  
Member Spence  
Member Boyle  
Member Buttici

**No:** 0

**Absent:** 0

**SUBJECT: Review, Discussion, and Recommendation on Charter Sections 501, 604 and 605 Regarding Officers and Employees Including, but not Limited to, Eliminating Certain Financial Responsibilities from the Powers and Duties of the City Manager and Vesting them in the Finance Officer and Modifying the Reporting Structure Set Forth in Section 605**

#### **REPORT IN BRIEF**

Allows for Committee discussion on Charter Sections 501, 604, and 605 as requested by Committee Member Heller.

#### **RECOMMENDATION**

**Citizens Advisory Charter Review Committee - Adopt a motion:**

A. Providing staff direction on any suggested changes to Charter Sections 501, 604 and 605; or,

B. Take no action

**Clerk's Note:** These items were brought forward for discussion by Committee Member HELLER.

Committee Member HELLER presented reasons for possible updates to Charter Sections regarding Charter Officers in order to maintain the proper balance of power. He expressed concern with the combining of Charter Officer Positions, suggested some language changes to the Finance Officer section in the Charter, suggested placing limits on the length of contracting out Charter Officer positions and the way interim appointments

to Charter Officer positions are handled.

The Committee discussed the proposals and agreed that clean up language for the Finance Officer should be considered.

Ex Officio Members Mayor MURPHY and Mayor Pro Tempore MARTINEZ clarified why the Council may use contracted Charter Officers and extend the contracts in order to find qualified candidates to fill the positions.

The Committee agreed that the conversation on the Finance Officer language and discussion on contracted Charter Officers should be continued to the next meeting.

Casey STEED, Merced Resident - spoke in favor of the proposed changes.

**SUBJECT:** Discussion on Charter Sections 707 and Section 711  
Regarding Planning Commission and Recreation and Parks  
Commission Appointments by District

**REPORT IN BRIEF**

Allows for Committee discussion on Charter Section 707 and 711 as requested by Staff

**RECOMMENDATION**

**Citizens Advisory Charter Review Committee** - Adopt a motion:

A. Providing staff direction on any suggested changes to Charter Section 707 and 711; or,

B. Take no action

Assistant City Manager Stephanie DIETZ presented the idea of making both the Planning Commission and the Recreation and Parks Commission members appointed by Council District to align with how Council is now elected.

Ex-Officio Member Mayor MURPHY stated that district appointments would make City Council more accountable in keeping commissions filled.

The Committee discussed Council accountability, moving to districts to include all areas of the City, committees as a stepping stone to running for City Council, and possibly using at-large appointments to fill an extended vacancy in a district with no applicants.

**Clerk's Note:** This item was continued to the next regular meeting to allow staff to present language to the Committee for consideration.

**SUBJECT: Citizens Advisory Charter Review Committee Initiated  
Request to Review Charter Sections**

**REPORT IN BRIEF**

Allows for review requests to be initiated by individual committee members.

**RECOMMENDATION**

**Citizens Advisory Charter Review Committee** - Adopt a motion directing staff to add a Charter Section (specify section in motion) for full committee discussion and review at the next regular meeting.

Ex Officio Member Mayor MURPHY suggested the Committee consider a conversation on Merced having a Strong Mayor.

The Committee agreed that this was out of their scope and declined to bring the conversation to a future meeting.

Committee Member HELLER requested to speak about campaign finance at the city level on the next agenda.

The Committee declined to bring Member HELLER's item forward.

**H. ADJOURNMENT**

**Clerk's Note:** The meeting adjourned at 8:15 PM.

**A motion was made by Member Haden, seconded by Member Prado Nava, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 9 - Member Smith  
Member O'Neill  
Member Haden  
Member Heller  
Member Hill  
Member Prado Nava  
Member Spence  
Member Boyle  
Member Butticci

**No:** 0



Absent: 0