



PROS & CONS

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General Election · November 6, 2018

In this general election, Piedmont voters will find candidates for the Piedmont City Council and the Board of Education for Piedmont Unified School District. Also on the ballot will be City of Piedmont Measures BB and CC, which are explained in the Pros & Cons document. Visit VotersEdge.org to see everything on your ballot, your polling place, and unbiased information on all of your voting choices.

How to Evaluate Ballot Measures

- Examine what the measure seeks to accomplish. Do you agree with those goals?
- Is the measure consistent with your ideas about government? Do you think the ballot measure proposed changes will make things better?
- Who are the real sponsors and opponents of the measure?
- Is the measure written well? Will it create conflicts in law that may require court resolution or interpretation? Is it “good government,” or will it cause more problems than it will resolve?
- Does the measure create its own revenue source? Does it earmark, restrict, or obligate government revenues? If so, weigh the benefit of securing funding for this measure against the cost of reducing overall flexibility in the budget.
- Does the measure mandate a government program or service without addressing how it will be funded?
- Does the measure deal with one issue that can be easily decided by a YES or NO vote? Or, is it a complex issue that should be thoroughly examined in the legislative arena?
- Be wary of distortion tactics that rely on the image but tell nothing of substance about the measure. Beware of half-truths.

Makes General Amendments to the Charter of the City of Piedmont

THE QUESTION

Shall the measure amending the Charter of the City of Piedmont to modify procedures for filling of vacancies in elected offices for City Council and Board of Education for the Piedmont Unified School District, modify term limits for the City Council, and making other clarifying amendments regarding City recordkeeping, format of City ordinances, public posting, City contract approval, operation of City Council meetings, and other minor technical amendments, be adopted?

BACKGROUND

The City Council's discussion of possible City Charter amendments to be placed on the ballot in 2018 began in June 2017. Although the initial impetus for amending the Charter was modifying the current cap on the General Fund Reserve, the Council agreed that since the Charter had not been reviewed comprehensively since 1980, each member would examine all Charter provisions for clarity and relevance. In addition, the City Clerk, City Attorney and City Administrator also conducted their own independent reviews. All suggestions were compiled into a document used for further discussion. The Council subsequently discussed these potential Charter changes at several Council meetings in 2018.

Two of these meetings were special Council meetings, for the purpose of receiving community input and discussion of possible Charter amendments. After receiving resident feedback, the Council revised language in several of the proposed amendments, eliminated the proposed amendment removing the cap on the City's General Fund Reserve, and divided the amendments into two ballot measures (Measure CC with amendments relating to the duties and reporting structure of City officers and employees, and Measure BB with all other proposed amendments).

THE SITUATION

Following are descriptions of what the City's Charter currently states in various sections:

- SECTION 2.03 and 7.02 – (City Council Term of Office and School Board Term of Office) Members of the City Council and School Board who have served two full terms must wait four years before running for Council again.
- SECTIONS 2.05 (C) and 7.04 – (Filling of Vacancies on Elected Bodies) The City Council and Board of Education must fill a vacancy in their respective membership within thirty days, and if unable to do so, the Mayor (or School Board President) shall appoint someone qualified to fill the vacancy.
- SECTION 2.07 (A) – (Meetings) The City Council must meet twice in each month.
- SECTIONS 2.07 (C) and 7.06 – (Meetings) Less than a quorum (3) of members at a meeting of the City Council or Board of Education may compel other members to attend.
- SECTION 2.12 – (Ordinances) The term “posting” is defined to mean to post ordinances on the official, physical City bulletin board.
- SECTION 2.15 (A) – (Authentication and Recording, Codification, Printing) Ordinances and resolutions are required to be kept in a fully indexed book.
- SECTION 3.02 – (Official Bonds) The City is required to maintain performance bonds for certain officers of the City.
- SECTION 4.11 – (Contract Work) All expenditures for public projects above the limit set from time to time by State law shall be contracted for and let to the lowest responsible bidder after notice.
- SECTION 5.02 – (Appointments and Promotions) The City Charter's nondiscrimination policy currently reads: “The City shall not discriminate against any employee or applicant for employment because of sex, race, creed, color or national or ethnic origin.”

THE PROPOSAL

If adopted by the voters, Measure BB would amend various sections of the Charter of the City of Piedmont in the following ways:

- **SECTION 2.03** – (City Council Term of Office) would be amended to prohibit any councilmember who has already served two full consecutive terms from holding such office again until two full intervening terms (eight years) have elapsed.
- **SECTIONS 2.05 (C) and 7.04** – (Filling of Vacancies on Elected Bodies) would be amended to increase the time the City Council and Board of Education have to fill a vacancy in their respective membership, from thirty to sixty days. If the respective body does not act within the sixty days, the vacancy would be filled by special election.
- **SECTION 2.07 (A)** – (Meetings) would be amended to delete the requirement that the Council meet at least twice a month and provide instead that the Council have a goal of meeting at least twice a month.
- **SECTIONS 2.07 (C) and 7.06** – (Meetings) would be amended to remove the archaic and difficult to implement provision providing that a non-quorum of the City Council or Board of Education could compel the attendance of absent members.
- **SECTION 2.12** – (Ordinances) would be amended to update archaic language regarding the enacting clause of ordinances to be more in line with modern practice and update ordinance posting to be done electronically rather than on the City bulletin board.
- **SECTION 2.15 (A)** – (Authentication and Recording; Codification; Printing) would be amended to remove the requirement that the City keep ordinances and resolutions in an indexed book. The City's electronic records management system presently serves this function.
- **SECTION 3.02** – (Official Bonds) allowing the City Council to require faithful performance bonds for officers of the City would be deleted and all remaining provisions of Article III would be renumbered. As is common with other cities, the City's risk due to the performance of City officers is managed by the City's insurance programs.
- **SECTION 4.11** – (Contract Work) would be amended to remove reference to the state law threshold requirements for public bidding. This would clarify the City's authority to set competitive bidding requirements for contracts by local ordinance, as is allowed for charter cities. Current City ordinances, which may be amended by the City Council after proper process, provide for the procurement of goods and services as follows: less than \$5,000 – in most cases, no competitive bidding is required; \$5,000 - \$75,000 – contract must be awarded to the lowest responsive, responsible bidder after informal solicitation in the open market without public advertisement; and above \$75,000 – a full formal bidding process is required.
- **SECTION 5.02** – (Appointments and Promotions) The City Charter's nondiscrimination policy would be amended to mirror current legal requirements, yet anticipate future changes in applicable law: "The City shall not discriminate against any employee or applicant for employment because of sex, race, creed, color, ancestry, national origin, religion, disability, age, genetic information, marital status, sexual orientation, gender identity, gender expression, AIDS/HIV status, medical condition, political activities or affiliations, military or veteran status, or status as a victim of domestic violence or on any other basis protected by law."

Fiscal Impact: The City foresees little or no fiscal impact from these Charter amendments.

A “**yes**” vote on Measure BB would be a vote to adopt the various amendments to the Charter of the City of Piedmont as described above.

A “**no**” vote on Measure BB would be a vote against adopting the various amendments to the Charter of the City of Piedmont as described above and the Charter would remain the same.

Supporters Say:

- Requiring an eight-year wait before incumbents can run again gives new people an opportunity to run for office and makes elections more open and competitive.
- Providing the City Council 60 days to select a replacement removes the unilateral authority of the Mayor, allows a special election if a replacement is not made in 60 days, and is a more democratic and transparent process.
- Removing outdated language ensures the Charter is consistent with current practices and changes, such as the posting of City notices and record keeping, reflecting new technology and modern practices.

Support – Signers of official arguments/rebuttals

Robert S. McBain – Mayor
Tim Rood – Council Member
Dean Barbieri – Former Mayor
Valerie Matzger – Former Mayor
John Chiang – Former Council Member

Opponents Say:

- These amendments are not “minor” technical changes.
- This measure eliminates important rules for obtaining the best bids for taxpayer dollars.
- Measure BB limits who incumbent City Council members run against, further protecting incumbency and others by prohibiting proven, voter-supported volunteers from serving again until they have been out of office for two terms.

Opposition – Signers of official arguments/rebuttals

Garrett Keating – Former Council Member
Melanie Robertson – Former Planning Commissioner
George Childs – Piedmont Resident
Jim McCrea – Piedmont Resident
Greg Jurin – Piedmont Resident



Changes Management Reporting Structure in City Government

THE QUESTION

Shall the measure amending the Charter of the City of Piedmont to clarify the duties and reporting structure for officers and employees of the City be adopted?

BACKGROUND

The City Council's discussion of possible City Charter amendments to be placed on the ballot in 2018 began in June 2017. Although the initial impetus for amending the Charter was modifying the current cap on the General Fund Reserve, the Council agreed that since the Charter had not been reviewed comprehensively since 1980, each member would examine all Charter provisions for clarity and relevance. In addition, the City Clerk, City Attorney and City Administrator also conducted their own independent reviews. All suggestions were compiled into a document used for further discussion. The Council subsequently discussed these potential Charter changes at several Council meetings in 2018.

Two of these meetings were special Council meetings, for the purpose of receiving community input and discussion of possible Charter amendments. After receiving resident feedback, the Council revised language in several of the proposed amendments, eliminated the proposed amendment removing the cap on the City's General Fund Reserve, and divided the amendments into two ballot measures (Measure CC with amendments relating to the duties and reporting structure of City officers and employees, and Measure BB with all other proposed amendments).

THE SITUATION

SECTION 3.01 – (Officers and Employees) As the current Charter stands, the following are listed as administrative officers of the City of Piedmont:

- City Administrator
- City Clerk
- City Attorney
- Director of Finance
- Chief of Police
- Fire Chief
- Director of Public Works
- City Engineer
- Planning Director
- Director of Parks and Recreation
- Such other subordinate officers, assistants, deputies and employees as the City Council specifies by ordinance or resolution.

Although the Charter currently provides that officers of the City are hired, directed, and fired by the City Council, the Charter contains conflicting provisions stating that the City Administrator has responsibility for the administration and supervision of all departments.

SECTION 3.10 (Department of Public Works) The Charter states that this department is in charge of the maintenance and repair of all City streets, sewers, storm sewers, and any other related activities assigned by the City Council.

SECTION 3.13 (Department of Parks and Recreation) The Charter states that this department is in charge of the maintenance of the City's park lands and recreation facilities, as well as the organization and administration of the City's public recreation programs.

SECTION 5.01 – (Personnel Classification) This section of the Charter currently divides the administrative service of the City into unclassified and classified service, listing certain City officers as a part of unclassified service.

THE PROPOSAL

If adopted by the voters, Measure CC would amend various sections of the City Charter as follows.

- Measure CC amends Sections 3.01, 3.03, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13 to reflect that all City officers would be appointed by the Council, but only the City Administrator and City Attorney would be directed and fired by the City Council.
- These amended sections would further clarify that all appointed officers, other than the City Administrator and City Attorney, would serve at the pleasure of the City Administrator instead of the City Council. Under amended Section 3.01, however, the Council would retain its right to reorganize the City government and combine or eliminate departments. As discussed at the City Council's June 25 meeting, the practice is that the City Administrator would consult with the City Council before firing a City officer, and the City Council said that it may adopt an ordinance reflecting this expectation.
- **Section 3.06** would be amended to clarify that the City Attorney represents all officers of the City.
- **Section 3.09** would be amended to state that the duties of the Fire Chief include the provision of emergency medical services.
- **Section 3.10** would be amended to provide that the Department of Public Works, in addition to being in charge of the maintenance and repair of all City streets, sewers and storm sewers, would also be responsible for maintenance and repair of all City parks and other public facilities.
- **Section 3.13** would be amended to state that the Department of Parks and Recreation would be designated as the Department of Recreation, headed by a Director of Recreation, who would be responsible for recreation programs in the City.
- **Section 5.01** would be amended to conform the list of City officers to those officer positions listed elsewhere in the City Charter, eliminating inconsistencies.

Fiscal Impact: The City foresees little or no fiscal impact from these Charter amendments.

A “**yes**” vote on Measure CC would be a vote to adopt the various amendments to the Charter of the City of Piedmont as described above.

A “**no**” vote on Measure CC would be a vote against adopting the various amendments to the Charter of the City of Piedmont as described above and the Charter will remain the same.

Supporters Say:

- Measure CC would reconcile conflicting provisions about the responsibility for hiring, directing and firing City officers, thus reflecting both the City of Piedmont's actual practice and the prevailing practices in similar cities.
- Under Measure CC, the City Council would retain authority to hire, direct and fire the City Administrator and City Attorney, and the authority to hire the other officers, ensuring clear lines of accountability for City officers and removing political considerations from personnel decisions.

Support – Signers of official arguments/ rebuttals

Robert S. McBain – Mayor
Tim Rood – Council Member
Dean Barbieri – Former Mayor
Valerie Matzger – Former Mayor
John Chiang – Former Council Member

Opponents Say:

- Measure CC would decrease the authority of the City Council, and treat the City Administrator and City Attorney differently from other City officers.
- Measure CC would take away Piedmont's checks and balances that have kept Piedmont's government running smoothly for years, as well as change Piedmont from a strong City Council form of government, to a strong City Administrator form of government.

Opposition – Signers of official arguments/ rebuttals

Alice Creason – Former Mayor and
Planning Commissioner
Patty White – Former Mayor and Planning
Commissioner
Melanie Robertson – Former Planning
Commissioner
Bobbe Steher – CIP Member, Former
Planning Commissioner
Gala Mowat – Resident
Bruce Mowat – Resident
B. Suzanne Farley – Resident