



# 2010 CHARTER REVIEW COMMITTEE

## COUNTY OF SAN MATEO

### AGENDA

Wednesday, January 27, 2010 at 5:00 p.m.  
455 County Center, Room 101, Redwood City, California 94063

1. Call to Order (County Counsel)
2. Election of Chair and Vice Chair
3. Oral Communications and Public Comment
4. Approval of Minutes of Meeting of January 13, 2010
5. Discussion and Adoption of Procedural Rules
6. Discussion and Adoption of Approach to Review of Charter Provisions
7. Discussion of Grand Jury Report Regarding Charter Section 203- Filling Vacancies on the Board of Supervisors
8. Discussion of Grand Jury letter of June 30, 2009 to the Board of Supervisors regarding Charter Section 202- Electing Board members by District rather than at large.
9. Identification of Potential Charter Amendments for Further Consideration by the Committee
10. Discussion and Approval of Schedule for Future Meetings
11. Written Communications Received by the Charter Review Committee
12. Adjourn

*If your subject is not on the agenda, the Chair will recognize you at this time. Speakers are customarily limited to two minutes. A speaker's slip is required.*

*A copy of the 2010 Charter Review Committee agenda packet is available for review at the office of the County Counsel, 400 County Center, 6<sup>th</sup> Floor, Monday through Friday 8 a.m. - 5 p.m and at <http://www.co.sanmateo.ca.us/CharterReviewCommittee>.*

*Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Shirley Lectura, Legal Executive Assistant at least 2 working days before the meeting at (650) 363-4684 and/or [slectura@co.sanmateo.ca.us](mailto:slectura@co.sanmateo.ca.us). Notification in advance of the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Attendees to this meeting are reminded that other attendees may be sensitive to various chemical based products.*



## COUNTY OF SAN MATEO INTERDEPARTMENTAL CORRESPONDENCE

**To:** Honorable Members, 2010 Charter Review Committee  
**From:** Michael P. Murphy, County Counsel *MPM*  
**Subject:** Election of Chair and Vice Chair (Agenda Item 2, Meeting of 1/27/2010)  
**Date:** January 21, 2010

Board of Supervisors Resolution No. 070497, establishing the 2010 Charter Review Committee, specifies that the Committee "shall appoint a Chair to preside over meetings of the Committee, and a Vice Chair to preside in the absence of the Chair." Following is a proposed procedure for conducting the elections of a Chair and Vice Chair.

1. Nominations for Chair, which must be seconded, will be taken from the floor, after which the nominations will be closed. A nominee may decline the nomination.
2. If only one member is nominated, a vote will be taken, by show of hands, as to whether the nominee shall be elected. If nine members vote in favor of the nominee, the member shall be elected.
3. If two members are nominated, a vote will be taken by show of hands as to each member (the order of the vote will be determined by a random draw of the names). If nine members vote in favor of one nominee, that nominee will be elected. If neither nominee receives nine votes, additional votes will be taken until a Chair is elected.
4. If three or more members are nominated, a vote for each nominee will be taken by a show of hands (the order of the vote to be determined by a random draw of the names). If one of the nominees receives nine votes, that nominee will be elected. If none of the nominees receives nine votes, a runoff vote will be held as to the two top vote-getters using the procedure in (3) above. In the event of a tie among two or more nominees for second place, additional votes will be taken including all nominees until one nominee is elected or two nominees qualify for a runoff.

The election process for Chair will be presided over by County Counsel. Upon election of the Chair, the Chair will conduct the election for Vice Chair.

cc: David Boesch, County Manager

**DRAFT**



## **2010 CHARTER REVIEW COMMITTEE COUNTY OF SAN MATEO**

### **MINUTES**

Wednesday, January 13, 2010 at 6:00 p.m.  
455 County Center, Room 101  
Redwood City, California 94063

The meeting was called to order at 6:00 p.m.

#### **ROLL CALL:**

**Present: All appointed committee members, except Daniel S. Cruely, representing SamCEDA**

1. Call to Order (President of the Board of Supervisors)

**Meeting called to order by Rich Gordon, President of the Board of Supervisors.**

2. Welcome, Introductions, and Address by President of the Board of Supervisors

**Speaker Rich Gordon, President of the Board of Supervisors.**

3. Review and Discussion of the Resolution Establishing the 2010 Charter Review Committee

**Speakers Michael P. Murphy, County Counsel, Brenda B. Carlson, Chief Deputy County Counsel.**

4. Discussion and Approval of 2010 Charter Review Committee Meeting Schedule

**Upon motion and second, Committee approved next meeting date and time for January 27, 2010 at 5:00 p.m. Schedule for follow-up meetings was deferred.**

**Vote: unanimous**

5. Oral Communications and Public Comment

**Speakers recognized:**

**Sabrina Brennan (650-728-2867), who presented a letter from the Midcoast Community Council, in favor of Board election by district.**

**Anita Spangler, who spoke of importance of Brown Act to Committee proceedings.**

**Michael Stogner (650- 921-7001), who spoke in favor of special election for vacant Board positions.**

**Committee member Foote indicated he would be forwarding a number of questions based on his review of the San Mateo County Charter.**

6. Adjourn.

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## COUNTY OF SAN MATEO INTERDEPARTMENTAL CORRESPONDENCE

**To:** Honorable Members, 2010 Charter Review Committee  
**From:** Michael P. Murphy, County Counsel *MPM*  
**Subject:** Discussion and Adoption of Procedural Rules (Agenda Item 5, Meeting of 1/27/2010)  
**Date:** January 21, 2010

We have prepared the attached proposed set of procedural rules that the Committee may wish to consider. We believe that the only matter for which procedural rules are necessary is the consideration of items on the Committee's agenda, as the Brown Act itself provides the basic framework for the noticing and placing matters on the agenda. Our experience has been that the more formal and complicated the rules become, the more they tend to slow down the business of the decision-making body. Our goal in developing these proposed rules was to make them simple for the Committee to use, and easy for the public to understand, while maintaining some flexibility to allow the proceedings of the Committee to proceed in a timely fashion.

The proposed rules are for the Committee's consideration and may be modified (or other rules may be substituted) as the Committee sees fit. Further, if a rule or rules prove to be unworkable as the Committee proceeds with its business, the rules can be modified as appropriate.

Please note that with respect to the time allowed for public comment, we have mirrored the procedure used by the Board of Supervisors and have: (1) required a speaker's slip to maintain as a public record; and (2) limited each public speaker's comments to 2 minutes. The Committee can modify this procedure if it so desires, and we will modify the speaker's slip accordingly.

Attachment: Proposed Procedural Rules

cc: David Boesch, County Manager

## 2010 CHARTER REVIEW COMMITTEE

### Proposed Rules of Order

Each agenda item can be handled by the Chair in the following basic format.

- Chair announces the agenda item number and subject.
- Chair invites the appropriate people to report on the item, including any recommendation they might have.
- Chair asks if members have any questions for clarification.
- Chair invites public comment.
- Chair invites a motion from the governing body members. Chair announces the name of the member who makes the motion.
- Chair asks for a second to the motion. Chair announces the name of the member who seconds the motion.
- Chair repeats the motion and invites discussion of the motion by the members.

*Member Comments-(For members who are not presenting the agenda item)* In order to ensure that all committee members can comment on the item, each committee member may only comment on the item one time until all committee members have had an opportunity to comment. Members shall make their comments brief and succinct limit in order to ensure the timely completion of all committee business. The Chair may intercede as necessary to maintain the flow of committee business.

*Amending Motions-* Members may request to amend a motion. A motion that has not been seconded can be amended with the approval of the member who made the original motion. A motion that has been seconded can be amended with the approval of the members who made and seconded the original motion.

- Chair takes a vote by asking for the “ayes” and then the “nays.” Nine “aye” votes are needed to pass the motion. The Chair or any other committee member can request a roll call vote through the Chair. All final votes on recommendations to be submitted to the Board of Supervisors shall be subject to a roll call vote.
- Chair announces the result of the vote.



## COUNTY OF SAN MATEO

### INTERDEPARTMENTAL CORRESPONDENCE

**To:** Honorable Members, 2010 Charter Review Committee  
**From:** Michael P. Murphy, County Counsel *MPM*  
**Subject:** Discussion and Adoption of Approach to Review of Charter Provisions  
(Agenda Item 6, Meeting of 1/27/2010)  
**Date:** January 21, 2010

At the January 13<sup>th</sup> meeting of the Committee, we suggested that the Committee may want to consider the use of ad hoc subcommittees to facilitate review of current provisions of the Charter, and/or the investigation and research concerning proposed Charter review amendments. The advantage of such ad hoc subcommittees is that it allows smaller groups (constituting less than a quorum of members of the Committee) to meet and discuss issues and proposed amendments outside of the regularly scheduled meetings of the Committee, with a requirement to report back to the entire Committee, and thus serves the interests of the Committee as a whole.

A possible approach to organizing into ad hoc subcommittees would be to follow the organization of the current charter. An example of how the subcommittees might be organized would be as follows:

Subcommittee A: Article I - Powers Of The Electors  
Article II - Board Of Supervisors

Subcommittee B: Article III - County Manager

Subcommittee C: Article IV - Department Heads, Boards and Commissions  
Article VI - Finance

Subcommittee D: Article V - Personnel

We will be prepared to assist the Committee in its discussion of this matter, and to suggest other possible approaches that might facilitate the work of the Committee.

cc: David Boesch, County Manager

MPMBBC:sl

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**CHARTER REVIEW COMMITTEE**  
**County of San Mateo**

January 27, 2010

Agenda Item 11

To: Charter Review Committee

From: Michael P. Murphy, County Counsel

Subject: Written communications received by the Charter Review Committee

A. List of written communications received from the public since last meeting:

1. January 21, 2010 e-mail and letter from Sue Lempert (attached)

B. List of written communications received from Charter Review Committee members:

1. January 17, 2010 e-mail from Rosalie O'Mahony (attached)

2. January 16, 2010 e-mail from Sean Foote (previously distributed)

----- Forwarded message -----

From: **Susan Lempert** <[babalulempert@gmail.com](mailto:babalulempert@gmail.com)>

Date: Thu, Jan 21, 2010 at 2:49 PM

Subject: letter to charter review committee

To: [chaterreview@co.sanmateo.ca.us](mailto:chaterreview@co.sanmateo.ca.us)

Dear Charter review committee members:

I had planned on attending your next meeting, Wednesday at 5 p.m. and actually say something during public comment but that is the same time as the President's State of the Union speech. So I hope you will read this before your meeting or if it is necessary to send a hard copy I would be happy to do so.

Basically there are two points I wanted to make:

1. I know district elections vs. countywide elections is your hot topic. My understanding is that people who wish to move to district elections want elections to be more competitive, make it easier and less expensive for candidates to compete. I hope before you make a decision either way you will first examine how can we make the present system of countywide elections more competitive. The League of Women Voters has some suggestions 1. limit overall spending in county campaigns; 2. county-financed mailings of candidates' biographies and statements with the ballot booklet. ( currently it is very expensive to have a write up in the ballot booklet.) 3. Don't use the term "incumbent" And there may be others which you can recommend.

2. I hope you will also consider the pros and cons of the current system of elected administrative positions. I am sending as an attachment a column I recently wrote in the San Mateo Daily Journal which addresses my concerns.

Thank you for listening and good luck!

Sue Lempert

## OPEN LETTER TO COUNTY CHARTER REVIEW COMMITTEE

( The Board of Supervisors has appointed members of a citizens committee to review changes and updates to the county charter. They will hold their first meeting Wednesday evening at 6 p.m. at the county center in Redwood City.)

Dear committee members:

A majority of you have been appointed by the Board of Supervisors ( two appointees from each of the five districts). My guess is that the Board is pretty satisfied with the status quo. After all, the current system has served them and the public pretty well. The County is well run and the supes take their job of caring for the neediest responsibly.

Should your attitude then be, if it ain't broke, don't fix it? I hope not. The Grand Jury has made several recommendations which you must consider and several citizens are pressing for certain changes. Dave Pine, for one, who is on the committee representing the School Boards Association, is an advocate for district elections and for filling board vacancies by election, not appointment. Those two issues will definitely be on your plate.

My main issue is clear lines of responsibility. Presently we have six administrators—the assessor-county clerk recorder; the controller; the coroner; the district attorney; the sheriff; and the tax collector-treasurer—who are responsible to you the voter. These are elected positions with no oversight from anyone else but the electorate. Perhaps some of these positions need to be elected because of their high public profile such as the sheriff and the district attorney. But as for the rest, you need to ask whether the current system is working well and will continue to work well in the future. Fortunately we have been blessed with several outstanding administrators, many of whom would actually be appointed if that were the system. But there have been glitches along the way and potential problems in the future. How can the voter monitor the work of these individuals? Most don't even know what these positions do or the names of the people who hold them. In a strict county-manager form of government, there is an annual performance review of all administrators by the county manager who in turn is responsible to the Board of Supervisors. There is no such review under the current system. The Supes control the department budgets and that's their only

leverage. And it is too much to ask the voter to monitor the performance of all the people they elect, especially when the jobs are operational and not policy.

In June, voters will be asked to pick a new tax-collector treasurer because of Lee Buffington's retirement. There are two excellent candidates. How can the voters decide between the two? Will this election be based on qualifications or who can raise the most money and big name endorsements? The Grand Jury has suggested certain qualifications for this position ( which will not impact the current race) and they may be on the right track. If the committee and ultimately the voters decide they want to continue to elect these administrators, then at the very least there should be strict qualifications. And, the Civil Grand Jury should monitor the performance of these department heads on an annual basis.

Clear lines of responsibility are also clouded when a supervisor is appointed rather than elected. Is the appointed supervisor then responsible to the colleagues who appointed him/her or to the voters?

One of the black marks on the otherwise good history of county government in recent years is the lack of competitive elections. About the only time there is opportunity for a competitive election is when there is a vacancy. (There is a 12 year term limit.) If the supes appoint someone who is bound to win in the next election, then the chance for a competitive election is gone That's why a major topic before you will be shifting from at large to district elections. (District elections are supposed to make it easier for more candidates to run.) Perhaps you might first want to consider how to make elections more competitive under the present system. Should there be stricter campaign contribution limits for both individuals and PACs to level the playing field? Should there be a ban on appointments when there is a vacancy unless the appointee is someone who will not run in the next election? Maybe there are some other solutions you can recommend. I am not a fan of district elections but I can understand the frustration of many in the community with the present system. Maybe this will have to be decided at the polls together with your other recommendations.

Finally, when the supervisor district lines are drawn after each census, please ensure that the districts make geographical sense and are not gerrymandered.

Charter Review - Discussion Issues

From: "rosalieomahony1@netzero.net" <rosalieomahony1@netzero.net>  
To: <CharterReview@co.sanmateo.ca.us>  
Date: 1/17/2010 12:27 PM  
Subject: Discussion Issues

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Dear Michael and Brenda,

(1) Issues that I put forward for review / revision by the Charter Review Committee:

(a) Fill supervisor vacancy (by Board of Supervisors) if fewer than two years of resignee's term remain.

Otherwise, call for an election.

(b) Supervisors' salaries - tie them to salary-increases of judges.- Measure E Proposition in November-'04 proposed the Civil Grand Jury recommend salary adjustment. 48% of the electorate said Yes.

Is there another mechanism the voter might find more palatable? However, maybe judges are even less desirable a metric than Grand Jury, from the public's perspective ???

(c) District elections

(2) Hold 4 public evening hearings March 2,9,16,23 - in the north, central county, south county and coast.

Getting info and input early from citizens will help committee members to keep from over-extending "change areas".

(3)Keep Charter Committee meetings on Wednesdays, ..., 5:00 - 7:00

Can the committee have a standing rule that a speaker should not have a second opportunity "on the floor" until all other members have weighed in, should they wish to do so ?

Thank you!  
Rosalie M. O'Mahony