CHARLOTTE

Charlotte City Council

Restructuring Government Committee

Meeting Summary for February 24, 2011

COMMITTEE AGENDA TOPICS

I. **Subject:** **Four Year Terms for Mayor and Council**

Action: 1. Motion made to forward a recommendation to the full Council to form a Citizen's Advisory Committee to review 4-year terms (passed 3-1, Cooksey opposed)

2. Motion made to recommend including a timetable on referendum options with Council's request for action at the March 28 Council meeting (passed 4-0)

COMMITTEE INFORMATION

Present: Warren Cooksey, Patrick Cannon, Patsy Kinsey, and James Mitchell
Others present: Jason Burgess and Nancy Carter
Time: 12:10 p.m. to 1:10 p.m.

ATTACHMENTS

1. Agenda
2. J. Mitchell Letter

DISCUSSION HIGHLIGHTS

Chairman Cooksey called the meeting to order and asked everyone in the room to introduce themselves.

I. Evaluation of Four Year Terms for the Mayor and City Council

Chairman Cooksey made mention of the binders with 4-year term information that the entire Council received before their Council Retreat. Council member Cannon requested a quick synopsis of why this issue is before the Committee.

Assistant City Manager Eric Campbell said that Council referred this issue in February 2010 to this Committee. At that time, the Manager's Office and the Attorney's office worked to find as much information on the background of the issue. It had been before Committee several times before. As a result of the initial referral, the binders were created, which included minutes from previous meetings, other cities that are Council-Manager forms of government, length of service and incumbent rates.

Deputy City Attorney Bob Hagemann quickly reminded the Committee of their options and processes. State law gives the authority for Council to make changes to office terms. You can have 2-year or 4-year terms. If you go to 4-years, it can be staggered or concurrent. The Mayor can also be 2-years or 4-years, but the Mayor's terms don't have to be the same as the Council. Procedurally, there is a notification public hearing requirement. You can't take action the same night of the public hearing. Once you take action, your action can either propose that it be put on the ballot for the voters to decide or Mayor and Council can do it directly themselves. If you do it directly, the law provides a petition process whereby citizens can sign a petition to force a referendum. Therefore there is no guarantee that the decision by the Council won't get overturned by the voters. If it's approved by the voter, it has to be adopted at least 90 days before the election where it was to be first applied.

[Council member's Burgess and Carter entered the meeting]

Chairman Cooksey said the last Committee that reviewed this opted to not move this forward. (He requested any action this Committee may have.)

Cannon: First, I'd like to know if this body of the Committee and Council decides to move forward in the form of a referendum, what is the timetable to have something like that take place and moved to the state level?

Hagemann: This can be done without any action by the legislature. State law gives the City Council the authority to run this process, make the decision, and then decide whether or not you will submit it to voters on the referendum.

Mitchell: Where I struggle is with not having community involvement in this discussion. Every time we talk about this it's only been with those at the dais. We take pride in trying to be

transparent, but also more inclusive. I sent out a memo (copy attached) before the meeting that I'd like for us to discuss. We need engagement from the community in some fashion. If we wait until the public hearing it becomes very tense. I'd like to propose we form an Advisory Stakeholder Committee, consisting of 9 individuals listed in the memo. I included a timeline that I think should be considered. I would suggest a change in terms not be implemented until 2013. I'd like to make a motion to consider this proposal.

Cannon: Second for discussion.

Carter: This is an outstanding proposal. I see one missing element and I'd like to recommend that you put a former Council person on here. Then to make it an odd number, you could add someone from the International Cabinet.

Cannon: Prior to coming to this meeting, I had a meeting with the International Cabinet and they have asked for us to knock on their door so they can help us with representation from the Native American community and the East Indian community. So, if we can alter our motion to include that, then that would be great. In regards to the former Council member request, I would suggest that the person would need to be of an independent status. Greg Phipps is an independent and maybe he could be considered. I say we find an independent or leave out the Council member piece.

Kinsey: I agree that if we put a former Council member on we need to know they are totally independent or we need to know where they landed the last time this was talked about. I do have a concern with Ted Arrington, listed in the letter, because he is generally considered a republican commentator. I admire him very much, but if we use him then we will need someone else that would be considered a democratic commentator. It could be someone like Luther Moore or Mike Daisly.

Mitchell: My reason for Ted Arrington was I was struggling with how you get the other voices, which are not part of a party, heard. I always thought Mr. Arrington had that nice balance. If we need to have Mike Daisly to balance that out, then I'm fine with that.

Kinsey: If everyone else is comfortable with it, then that's fine.

Cannon: Well, for the record, he's no longer at UNCC. We need to know if he can be objective. My thought is that he has been objective in the past. If UNCC is going to be at the table then maybe we should have JCSU. However, you also have Queens College out there and there may be someone else out there that is actually an independent. Maybe we should try to find someone who is registered as an independent. I don't feel like we are really comfortable yet and we need to get there first.

Mitchell: Well if we put Mike Daisly on there, that would balance it. He's the only named person on my list and for the others, we can ask the organization to give a name. I want us to be removed from this process. We could always take Mr. Arrington off and just stick with organizations.

Kinsey: I'm fine with keeping Mr. Arrington and would suggest adding Luther Moore.

Mitchell: So, that gives us 10 and then we can add the International Cabinet, to make it 11.

Burgess: I appreciate how far this has come and I'm glad it's going in this direction.

Carter: Who would staff these meetings? Our Attorney?

Cooksey: That's a fair question because Council member Mitchell did say he wanted it to be as separate as possible from Council, since it's a political matter. I'd be worried about any staff support at all.

Cannon: I believe staff should serve to answer questions. If the people involved don't understand the process then how else would they be informed or advised on procedure? From that perspective, it would be appropriate to have a resource there.

Carter: Perhaps the Chair of the Board of Elections could do it?

Mitchell: Why can't we use staff resources?

Campbell: It's unique because we haven't done it in this manner before. I think the staff support needs to be defined a little more. Do we just give information to the Committee or will we have to do other tasks like agenda preparation and meeting summaries?

Mitchell: I don't see why it's different. You have staff support for all our Stakeholder Committees. This shouldn't be looked at differently.

Campbell: Most of the Boards that go through the City Clerk's office are aligned with a City Department. This is more of an ad hoc Committee. We need to work through a better understanding of the staffing expectations and that would decide who will staff the Committee.

Kinsey: We could look to the Chamber to if they would be interested in staffing. They've looked at political consolidation and 4-year terms in the past.

Cannon: It seems that because it's this Committee that is asking for this to be brought back to us, it should automatically align us to have a staff person from the City to take the minutes, do the reporting and provide any necessary information to the group.

Cooksey: I don't support this idea at all. If these groups are interested in 4-year terms, Council members don't need us to convene them. They can convene themselves and work on it. The district versus at-large effort that occurred in the 1970's was not a Council driven activity. That was citizens banding together and saying they do not like a City Council that is elected all at-large. They came together and got the kind of government they wanted. I'm very wary of City Council leading the issue of how we serve. That's up to the people. To go thru this effort, of Council creating a Citizen Committee, Council providing staff support, and already saying, "if there is 4-year terms then it will take effect in 2013," gives the whole thing away.

Burgess: I think that comparing the at-large versus district representation is not a fair comparison. That was from people that felt like they weren't being fairly represented. It's not the same type of issue. I agree people aren't going to band together for 4-year terms, but that doesn't mean it's a bad idea.

Cannon: Some people already think we serve 4-year terms. For a future Council, you have to involve the people. I don't think by saying it would take effect in 2013, makes it a done deal. I think, what it says, is you are opening up a process to determine what the deal should be. If people come back and decide not to recommend 4-year terms, then we should hear that. This will help us to determine facts and not make assumptions.

Mitchell: This is just a vehicle to facilitate discussion. Consolidation is going on right now and we didn't wait for people to come down to the chamber and say they want to talk about consolidation. This is another way of trying to deal with this and keeping people engaged. This, at least, gets us to the point of saying we have heard input and it's been vetted. I hope this Council never gets to the point of eliminating voices of the community.

Cooksey: I agree we don't want to eliminate voices. I also don't want to manufacture a voice to people. We are creating a voice of the people that doesn't exist, at present. If it did, we would hear from them. Four-year terms restrict the ability of voters to decide who is representing them because it takes our appearance before voters from every 2 years to every 4-years, which cuts back their choice.

Kinsey: I respectfully disagree. Most people don't even know how many years we serve. They won't come forward on something like this; they will only respond to it. If they come back and say they don't think it's a good idea to go to 4-year terms, then that's fine. At least we've had a Citizens Committee looking at it. I'm willing to do this and see where it lands. Where I would go from there, I don't know.

Mitchell: I'd like to make a motion to recommend this process to the full City Council.

Kinsey: Second.

Cannon: I will vote in favor based on the idea that I want the people's voices to be involved in this.

(Motion passed 3-1 Cannon, Kinsey, Mitchell – for, and Cooksey – against)

Campbell: There is a Council meeting for Monday, February 28. The agenda is already published, so if you want to bring this up on Monday, you would have to do it under Mayor and Council topics. Otherwise, it would be a policy recommendation on March 28.

Cooksey: It may take the groups awhile to recommend their individuals to participate, so that may push past the 60 day timeframe noted in the letter.

Hagemann: The state statues lay out a specific set of processes with some windows when different actions have to occur. Technically, if Council approved going forward with a referendum on June 27, that's outside the window to have the referendum at the primary or the general election. There is a requirement that the election be held no less than 45 and not more than 90 days after the Council publication of the action. I would like to be able to include in a memo that can go out tomorrow, a laid out timetable working back from the general election and the primary election. Then the Council can look at that and see how much time the Citizens Committee can have to make a recommendation.

Cooksey: So, a November referendum would anticipate a July action.

Hagemann: Correct. I would look at your meeting schedule and layer it on the statutory timetable to show you when you would need to take which actions.

Mitchell: Just for clarification, how many referendums have we had on the primary?

Cooksey: Generally, you don't do a referendum on the primary.

Hagemann: You have three choices for when you can have a referendum. You can do it at the general election, the primary or you can call a special election where this is the only thing that is on the ballot.

Mitchell: Okay, I think seeing the timeline would help.

Hagemann: Does the Committee want me to prepare the timeline for both the general and primary election?

Mitchell: Yes, that would be helpful.

Cooksey: So, does the Committee want to see a timeline before Council sees this action or do you want the City Attorney staff to create a timeline for Council to see at the same time they see the request for action? If this Committee sees it again, then Council action would probably be in April.

Cannon: I think it should come back to us first, only because we need to have a level of understanding about the timetables.

Mitchell: I will make a motion that we have Mr. Hagemann come up with a timeline for the referendum options and incorporate that into a recommendation for the full Council and have that reviewed at the March 24 Restructuring Government Committee meeting.

Kinsey: So, is this still on the March 28 Council agenda? If it doesn't go on March 28, then I think we are really pushing this.

Cooksey: Let me re-clarify what I think I'm hearing. You are proposing that when the March 28 agenda is printed and distributed on March 23, it would have an action item for Council that

recommends creating a Stakeholder Committee to advise Council on whether or not to pursue 4-year terms. On March 24 the Restructuring Government Committee will meet again and Mr. Hagemann will present what the actual lawful windows are for the three ways to have a referendum. This Committee will then roll an overall timeline recommendation that states when the Stakeholder Committee has to come back to Restructuring Government Committee to give a recommendation. We will be able to add a timeline recommendation in the March 25 Council packets based on what we heard on March 24. (All Council members agreed)

(Motion passed 4-0)

Chairman Cooksey thanked everyone for the information.

Meeting adjourned at 1:10 p.m.

Restructuring Government Committee
Thursday, February 24, 2011
12:00 – 1:30 p.m.
Charlotte-Mecklenburg Government Center
Room 280

Committee Members: Warren Cooksey, Chair
Patrick Cannon, Vice Chair
Patsy Kinsey
James Mitchell
Warren Turner

Staff Resource: Eric D. Campbell

AGENDA

I. Evaluation of Four Year Terms for the Mayor and City Council
Staff Resources: Mac McCarley & Bob Hagemann
At the February 14, 2011 City Council meeting, a referral was approved for the Committee to review and consider four year terms for the Mayor and members of City Council. Staff will provide the Committee with an overview of this issue. No decisions or recommendations are requested at this meeting.
Note: Please bring the 3-ring binders recently distributed in your packets to the meeting.

Next Meeting: Thursday, March 24; 12:00 – 1:30 pm, Room 280

Distribution: Mayor & City Council, Mac McCarley, Curt Walton, City Manager, Bob Hagemann, Leadership Team

CHARLOTTE.

OFFICE OF THE CITY COUNCIL
MEMORANDUM

February 24, 2011

TO: Members of the City of Charlotte Restructuring Government Committee

FROM: Council Member James Mitchell, Jr.

SUBJECT: Four-Year Term Stakeholder Committee

I propose a stakeholder committee be formed with representatives from the following eight organizations, as well as Professor Ted Arrington of UNC-Charlotte, for a total of nine individuals:

- Ted Arrington, UNC-Charlotte
- League of Women Voters
- Republican Party
- Democratic Party
- Native American Council
- Latino Coalition
- Asian Coalition
- Charlotte Chamber
- Black Political Caucus

Each organization would nominate a representative to serve on the committee. The committee would study four-year terms for Mayor and Council from a democratic governance perspective.

The stakeholder process would last approximately 60 days, with the following proposed timeline:

- May 26, 2011: Stakeholder Committee presentation and recommendation to the Restructuring Government Committee;
- June 13, 2011: Council briefing and public hearing; and
- June 27, 2011: Council action, if necessary.

This schedule will allow for committee changes and for a scheduled referendum, if needed. All approved changes will apply to the 2013 election cycle.

c: Curt Walton, City Manager
Eric Campbell, Assistant City Manager
Dewitt McCarley, City Attorney

JEM/ts