

Closed Caption Log, Council Meeting, 04/03/12

>> Austin city council today, april 3, 2012. It is my understanding mayor lev -- mayor leffingwell will be here shortly. That will bring us items pulled by council member tovo. Do you need for the egr [indiscernible] [09:10:05] >> good morning. Thank you for being here. I did get a memo -- a couple of pieces of information you provide this morning. I will say I didn't have an opportunity to review them. Those are the questions, responses or answers to council member riley's question. I want to go over some of the responses that you offered to my questions. You know, I have obviously missed quite a lot of the discussions that have taken place with the green treatment plan. I'm coming late to this issue. I will say I'm concerned about the changes in affordable housing, especially, that occurred from the time that council approved the project or approved the issuance of whatever the right terminology is. Selected from trammell crowe. So I have asked her a question about that in my q&a and got back information about the parking garage and relationship between the parking garage and affordable housing. I was wondering if you could elaborate on that. >> Kevin Johns, director of economic services. When I read the response, as we were putting it together, i realize it did require a little further explanation. And let me take a quick explanation kind of a brief overview, and then we can dig into it in a little more depth. The original rfp that came out required a minimum of 10% affordable housing. And the trammell crowe response was above that, it was 25% affordable housing. At the time, trammell crowe had [09:12:01] presented a plan to I think develop 320 housing units. So 10% of that was -- 25% of it, excuse me, was about 80 units. A little more than 80 units. So in the negotiations, there was also a critical financial piece, which was the public parking garage, after considerable due diligence over the last year and a half, the parking garage that the city was considering was a \$60 million publicly funded parking garage. That is how the rfp laid out that the city option was the publicly funded parking garage. So the city found out, in doing our own due diligence that the risk was too high. We couldn't afford a \$60 million parking garage. We insisted that the developer do that. So when the developer ran the proform at they proposed that what they would do is they would build over 800 housing units and use the 10%. So still be the same, still be the 80 or so, actually 87 affordable housing units but it wouldn't be 25%, it would be 10%. It would be the same amount as was originally proposed, but they would do that and in exchange, they would build the parking garage at their own expense of the \$60 million. I think there is other nuances. When the original rfp came out, the requirements for smart housing that the housing department require, affordable [09:14:01] housing be for two juries. We worked with the develop tore add an additional five years to that. That is also how we came out with the seven years. So to your original point, the negotiations in the rfp resulted in the same amount of affordable housing the second renegotiation. To confirm this was a good deal, we brought in the housing department, we had discussions with them. They felt very strongly that this was the proper way to go. >> So let me alert the council that today, there is, I guess, probably a high probability that we may lose this quorum about 11:15. We do have the charter committee stuff to do. So let's try to really hone in on our answers and questions pretty quickly. >> Sure, thanks. We may have to take some of this up on thursday again. looking at the original rfp, that would be at 125 rfi that was an additional commitment to workforce housing. I take your point that the number of units at 10%, I mean at 80% are the same number of units, though not the same percentage, I think we have lost the 73% workforce. >> We had that specific discussion with the neighborhood housing team. They said they were less concerned with the workforce housing and more concerned with the affordable housing, the more affordable housing. >> And then the other

provision that I saw in some of the -- at least some of the articles talked about a donation, i believe trammell crowe had made [09:16:00] a commitment early on to an affordable housing donation for every condo, estimated at about \$2.5 million. I see now other kinds of donations, are we still 5 million commitment to affordable housing in terms of the donations from the sales of every condo? >> Good morning [indiscernible] yes, that offer was consummated in the energy control center, master development agreement already approved by council. That included the voluntary bonus for the affordable housing donations to the trust fund which in the condo sales amount to approximately [indiscernible] >> that is in place? >> That is in place. I throw this out for my colleagues, again, I am trying to catch up here on some of the work that you have done before now. One of the challenges has been getting transcripts, some of the information that used to be online is no longer online with the new website, I appreciate the staff trying to research it and pull up the transcripts. As a side note, I encourage our website to make the materials available online, online again. They're a valuable resource for all of us. But one of the things I did -- one of my staff found is the resolution from february 14, 2008. In the resolution language, you know, begins by saying, whereas the city of austin values affordable housing that serves deep income levels for long periods of time throughout the community, including downtown. Seven years is not a very long time. So I appreciate the good work you have done on this agreement, but I am really concerned about seven years. I know we have the option to extend it at a cost to the city. [09:18:00] I have members of the community that were involved and came to council and said -- who had vision for this site really was -- for some of them, for the city to keep it, develop the whole parcel as affordable housing. The city went in a different direction, but I think it is a real critical concern to me that we honor that commitment to keep the long-term affordability. This is our best opportunity, a site that is public land. This offers us the best opportunity to get affordable housing in an area of town where it would otherwise be cost prohibitive. Seven years is a short amount of time. Do we have any options for renegotiating that point. >> Council members, sue edwards, assistant city manager. I would be very forthright and tell you no unless you want to start the whole process over again. The rfp, as it was stated, was the basis for which trammell crowe did their negotiations and the basis on which they designed their whole program for mixed use on the four parcels. Their rate of return right now is extremely low because we have asked so many things of them. It is below what is normally considered an ok rate of return. So if we ask them to continue the affordable housing, I don't have the impact on the top of my head right now but that impact is more than they can bear. I think they indicated to us they're doing the best that they can. So at this point, the answer is no. I find that really discouraging. I understand that they're meeting the minimums in the rfp, but, you know, the rfp also talks about to what extent -- i [09:20:01] think there were 25 points assessed for the question to what extent did the proposal exceed project goals and requirements and they list a bunch of things, including affordable housing. There was another 10 points to community benefits, to what extent did proposal exceed goals they were selected in part because they exceeded the minimum goals. .. I would like to see them exceed the minimum goals. I guess that is all I've got for right now. One last question. The senior-assisted living that was part of the original proposal. I assume that is not part of the plan anymore? >> My understanding is that trammell crowe has maintained that option in the market as they move into future phases and the market will support incorporation of senior housing with the residential. But there is no commitment. >> No commitment to the senior housing. Ok. >> That was another very appealing part of the whole mix. You know, I have been talking with some people lately about where senior housing is located. It is often located in areas outside of the central city where seniors are

disconnected from the services they rely on. And other kinds of services they can walk to or take public transportation to. It is a great opportunity to get seniors right in the heart of our central city where they have access to the vibrancy to the downtown life. >> Council -- I'm sorry. Council member, they're still really committed to that. They thought it was a good idea to begin about w because of the same reasons you mentioned. They will work hard toward doing that. >>Tovo: ok. Thanks. In the interest of time, I will end. >> Mayor if I could follow-up briefly. You suggested a lot of things [09:22:01] were being asked of trammell crowe among affordable housing. We got seven years and other things. Trammell crowe is close to the margin with respect to return on investment, it seems one relatively expedient way of affordable housing is giving up something else instead. Give us a rundown of things. >> I will ask them to respond to that. I don't have a list in front of me. is there something here we might reasonably consider to be less important in a few more years in affordable housing. >> That is an option if council would like to do that? >> Some of the direct contributions that trammell crowe offered up are 350 thousand for parks and public places. [Indiscernible] for music program with them, redevelopment. \$250,000 Contribution toward shoal creek bank. Another big pot of money that is not a direct contribution from trammell crowe, in keeping with the council resolution, 40% of the tax increment will go to the housing trust fund [indiscernible] exceeding \$40 million in terms of contribution. so I will hold off on the housing trust fund. Do we have an expectation in the next oh, seven to 10 years? >> Our estimate was 112 million over 30 years, with 67 million going to the general debt [09:24:00] service funds and 45 million to the housing trust fund. so over a 30-year period, talking about approximately a million and a half for year going to the housing trust fund. Do we have an estimate for what the cost would be to trammell crowe of extending that seven-year period for affordable housing to an eight-year period. In the margin, do we know that? >> I don't think we do, we could probably figure it out. what is the cost in the contract to extend it from seven years to eight years. There could be a marginal deal which would make sense, making off on our public places, for example, or swapping in housing trust fund money for an extra year of affordable housing in a place where it will be extremely difficult for the housing trust fund to get affordable housing, it would be cheaper and easier for trammell crowe to extend the period of affordable housing. >> We can take a look at that. thank you leffingwell council member tovo. I think most of those are public places in the rfp. Maybe thursday we could have a discussion about whether the additional community benefits are part of the original expectations and what might be have been involved. I think the shoal creek was not in the original rfp. Thinking along the lines of council member spelman of where to contemplate shifts. What were the original expectations and things that evolved? are those all the question about these items? [09:26:00] We talked at length about these issues. It appears to me, if we go back and every time a new part of this comes forward, under a different council, if we try to reinvent the wheel every time, this project will never get off the ground and we will never be able to start generating the revenue stream of 40% increased value to really provide a tangible benefit for affordable housing. It is just a comment. I think council, if there is no objection -- did you have a comment? >> I wanted to add one thing. We have had continued discussions on this since the last council meeting. One thing we learned about the question that came up last time was about the laying of the residential parking spaces, sue or fred, can you address that? >> Yes, council member. When we provided the briefing, there was a misunderstanding as to whether -- miscommunication regarding whether the trammell crowe intended to decouple their residential leases from parking leases. And they confirmed after the meeting that it was their intent to decouple those components. [Indiscernible] we had additional information this morning. I

haven't had a chance to process that. I may have additional questions on thursday. I appreciate your continued attention to this. I have one last question really for you. Unfortunately, I think I made this comment before you came in. I understand I am playing catchup here and I missed the important discussions before. I have a question for the council, was there an opportunity, you know, I know we were briefed on this in december, did it come at some [09:28:01] point to council for deliberation about stepping back from some of the affordable housing goals? Mest that has not -- that has not been discussed to my knowledge. >>Tovo: that's it. Thanks. we will digress and go back to item d 1, it is important that we discuss this today. I want to make sure, I think it has been -- mayor pro tem announced that we will probably lose the quorum shortly after 11:00. So we have just about an hour and a half left in this work session. >> Good morning, rubina romero, city department. Next discussion is the preparation for the 20 charter elections. This morning's powerpoint is going to discuss with council the concept of addressing some of the charter amendment election recommendations as ordinances for the items that do go on the ballot, what you will find. Some discussion, follow-up discussion regarding transition, if there is a council structure change, different approaches to that transition. Here is an overview of how we're going to move through the discussion. First, we will talk about the direction to staff that staff hopes to receive this morning. An overview of the recommendations that could be done by ordinance. A discussion of items that could be combined on the ballot. Revisit the calendar, how many meetings we have left and some suggestions for how to move through what remains. [09:30:02] And address the transition considerations. When we get to the transition considerations, john steiner and alicia olmstead have prepared additional pieces of paper for you, we will pass those out so you have something to follow along with. >>Mayor leffingwell: go ahead. do you have copies -- briefings for us? >> Yes, I do. Regarding direction of staff, there are a number of charter revision recommendations that council may wish to implement by ordinance. We welcome decisions on this item this morning. And regarding the items that do go on the charter ballot, there is options for combining some of the items. Just to give you a sense of your options, all of you as a body could collectively give us direction here, if all of you come to some consensus this morning. In the alternative, you could identify here collectively, individual members of council that may take up the task of initiating an ifp between now and a future meeting for purposes of putting in an item on the agenda for approval. Or after this morning's meeting, there may be individual members of council that choose to initiate an ifp of their own volition. Of course, if you would like to do that, staff is here to support you on that approach. Those are the three options we see for ways for you to give us direction. [09:32:00] Now, this slide gives you a recap. brief interruption. >> I know this is the last slide on the ordinance issue, would you like us to discuss the ordinance issue before you move on to the other items. >> Ok. Great. This is a recap from the items of the charter revision committee final report that could be done by ordinance. Again, the numbers correlate with the numbers in the report. Now, obviously you could choose to do or not do any of the items, or if you choose to do them, you could do them by ordinance or charter amendment. These are just the handful that could be done either way. And from a staff perspective, if you know you don't want it on the ballot, that is helpful to know, if you do it by ordinance you could do it by ordinance at any time. You could do it now, after the election, a much more flexible approach. I will go down the list briefly and let you discuss. Number 10 is the ethics review commissions role. Number 11, reporting contributions for the last nine days before election day, number 12 is disclosure -- additional disclosure of independent expenditures. Number 13, creating a campaign finance database. Number 16, increasing bundler information, reported information. Number 17, establishing a limit for

contributions. And finally, the creation of an independent districting or redistricting commission. And on that last item, the commission could be done a range of different ways. We talked about it as a charter item, we talked about it as a resolution. There is great flexibility there. With that, council member morrison? we talked about this before and I asked you in this meeting about the charter [09:34:00] committee druthers as far as on a charter, or ordinance. I had a chance to talk with folks about that issue. We all received an e-mail yesterday from susan moffat who was on the committee that was actually signed by the working grou brought these forward. She said we originally considered these as charter amendments. We're mindful of keeping the ballot as brief as possible. For that reason, they suggest all, except for number 18, be considered as ordinances. So I do think that it makes sense to move forward with these as ordinances, and I would certainly be interested, if it needs to come from council, for helping to do that, or if you think it might make more sense for that. Bring it down either way. I would like to say in terms of timing, you know, the council will have to vote on all of these. So I think that would make sense for us to consider them if they don't pass by the council, to put it to the voters. So for that reason, I would like to move forward as quickly as possible and see from there. We still have the option to consider putting it on the ballot. let me say I agree with all of council member morrison's statement, that is what I advocated before. The note from susan move at you said was signed by all the members? it was signed by the members of the working group that brought it forward. >>Mayor leffingwell: o. those that brought it forward in the first place. it is a wise thing to do. If we didn't do it this week, [09:36:02] there would be mixture. Some regulation in charter, in the ordinance it would create confusion. The purpose is not to put it in an ordinance to change it, the purpose is so that it could be changed if there is a big error and consequence as we have seen in previous campaign events and ordinances. I totally agree with you. I think if there is no objection with the rest of council, they're asking for direction, we could consider that direction, except for council me ortiz -- member martinez. each council member might have different ideas about each different proposal. Maybe we could debate it or not, vote against it or for it. >>Mayor leffingwell: absolutely. The way to approach it would be to fit it into the existing ordinance in the appropriate place. Each one of the changes would be discussed individually at the time of ordinance approval. mayor pro tem. number 18, the redistricting commissioner. I agree with everything that has been said. I am planning on bringing that by resolution if council member spelman wanting to keep that separate and I agree with council member martinez's reason also. I think what we have here -- correct me if I'm wrong. I think the staff can go ahead and proceed with direction. We don't really need that step. I need to clarify something about the e-mail, it does not include number 18. They're not remembering that number 18 be done by ordinance. i understand and agree. Council member spelman -- you get to finish first. [09:38:01] we had an extensive discussion last time about the possibility that the work would not be done at the justice department and establishing an advisory committee. As part of your memo, you talked about an advisory committee and making sure we didn't give the final authority, I say "memo" i mean legal memo. You said it might be a problem to do that with yesterday department clearance. It doesn't matter, one way or the other, if staff brings that by ordinance. I want it clear to be done by resolution and it is the advisory commission. >> I understand the concern [indiscernible] about the districting commission established by ordinance or resolution. And I think in the permanence of the charter. On the other hand, there is specific details about how that commission will be selected to do its work and what particular objectives it will be pursuing and how. I think that might better be determined by ordinance, there is a good possibility we will want to change a number of the people on the committee, the way the people are selected and

what dimensions of value to optimize in coming up with districts. I think you need to maintain the commission and broad outlines probably ought to be determined by the charter. Might be a more complicated division at play there. agree with that also. But I think the agreement is that first items 10-17 should -- you can go ahead and start working on the ordinances for those. There is still discussion to be had on item 18 as to whether or not it is an ordinance and exactly what it looks like. [09:40:00] I think on your timetable kind of wait for the discussion on the process of that, unless there is a desire of the council to start the exploratory meeting early. I think we need to hear from council members on that subject. >> I'm not quite sure what you're -- the discussion in our last work session, correct me if I'm wrong, said you could have a citizens committee start looking at districting options prior to the election and prior to -- not getting any feedback here. Prior to the time when d.o.t. Could actually consider the matter formally. >> My understanding is the charter create advisory bodies, the caveat, I think, is that you can't give the advisory body ultimate authority over a council discretionary task. So with that cav-- caveat, if there is a desire to explore whatever questions you think are appropriate, I don't see any problem with that, as long as the body does not have final authority over any discretionary decision. It is not a preclearable vent -- event. It is just an advisory body. the way it might work is more or less as follows. We set up an ordinance by ordinance or resolution we establish a redistricting [09:42:02] commission as with the committee. First we identify -- we let the public know this is available. We advertise the positions. We get people who would be interested in pursuing that, be members of that. The auditor reviews the list. Has a -- we go through all of the operations associated with selecting members of that commission. The idea of doing that, is that we can select a commission in this way and can come up with reasonable districts in this way and we would actually, theoretically, before november have districts for the public to review, a map for them to look at which they would not otherwise have available, we could come up with our own map, dispatch staff to come up with map, that would be city council created maps, with the commission, we would have a map that came out of the commission rather than the council itself. Suggested since it would have to be an advisory commission, the advice of the commission would be a particular map. We could hold our own feet to the fire, saying we will accept the map provided by that advisory commission unless it clearly doesn't meet the objectives that is provided for or under the proposed charter amendment. I think there is a way to do that in a way that it helps move forward the charter commission and the redistricting commission and the single-member districts. The bad news is the practical one of not much time to do this. We establish the advisory commission now and we went through the drill of selecting them in the relatively time-consuming and arduous process laid out in charter revision commission recommendations, we probably couldn't get working until summer, that would give them two or three months during the summer to actually come up with [09:44:02] draft districts, hold public hearings, select the plan they thought was best, give it to us to review, but that would give little time to advertise what the districts look like. More importantly, more to weigh-in on what the districts look like. I was interested in the subject a couple weeks ago. I'm less interested now because the practical details make it difficult to do exactly what it was we want that commission to be doing. >> Mayor, one issue that we have is the fact that we have to send the ballot in august and actually put a structure decision on the ballot, and that is very late -- I still have a concern about it being late in the process to get everything done, assuming that it passes. So what we could do is review the processes that are in place for establishing the committee and see if we can make that less time-consuming. And then also charge the committee with beginning -- i think it is important that we have the map or some idea and have those in order

before we actually vote on it. We can charge the committee with starting to look at maps with the two recommendations of the charter committee or add one. Practically, you brought up to the 10 one I mean the 10-2 one is no different -- that was you [09:46:02] that said that. >> The idea is that it is still 10 districts. it is still 10 districts. If there is an alternative the council wants to put on the table. We have a problem until we make that decision and get some of the hearings. What are you thinking? we want to get a map before we set the ballot into office, it will be difficult. The public hearings take place that would be susceptible to the attack of I wasn't able to participate, it happened at the wrong time. If we hold the whole thing off until after presumably the charter amendment passes, we start in november, we still have the problem with getting something done by may anticipating november election, we probably have to have it done by may for districts to be established for people to decide what to run for in november of 2013. So we may not be able to implement a district plan until 2014 and I think -- I don't believe that that is where the center of gravity of the public is right now. They would like to see it done more quickly than that. If there is a way of getting a headstart and not necessarily having a definitive map to make sure that a commission would have a map by may or whatever the drop deadline is. I agree with that, but it doesn't have to be a permanent map, just advisory. If there are advisory options, we can change it. here is what a 10-district map looks like. in fact, it [09:48:00] can't be a permanent map until is my understanding. It is a sample, here is what the districts might look like. Council member martinez. I think that is completely within our realm to get a committee going to start talking about it. The one thing I heard from the last presentation is that there are two 60-day preclearance periods. One if the charter amendment passes, two, the maps. So when you a together, that is 120 days. From november to may is 180 days. We have extremely little wiggle room, plus we have holidays, couple of weeks of holidays in there. I see it as being difficult that we have two, at a minimum, 60-day waiting periods for preclearance in between november and may to get it done with the filing and fund-raising for a potential 2013 election. Am I still getting the same assessment. >> That is correct. troubling to that point. whatever passes substantively as charter amendments would have to be cleared for. Because of section 5 in voting rights act precludes your ability to begin to implement until things are preclear, it means the committee commission would not really be able to start work until preclearance. Its final product, depending on how it is structured, the charter revision committee's proposal was that the ultimate decision, the ultimate plan be developed by the committee, by the commission. That product would have to be precleared as well. That is the other 60-day period. [09:50:03] There are other possibilities for how a charter commission would work. It were more advisory and final decisions would be different than what the charter revision he has proposed. But also possible there is a model used in dallas, where there is an independent committee or commission appointed but the city council has the ability to modify their recommendation or substitute council's own plan and ultimately, in that sense, may have the final decision. There is another option, generically, which is to have the redistricting commission or committee be advisory and the final decision rest with council. But in any of those models, once the plan is finally adopted, whatever mechanism gets you there, that plan itself must be precleared. on that point, i asked the question last time we discussed this, I want us to clarify more. The recommendation as an independent redistricting commission, the point you just made is that council may decide this without necessarily a redistricting commission doing that. Did we go back to the charter revision committee and ask them specifically if the recommendation is for redistricting or initial districting and then subsequent redistricting? >> I believe their intention was for the body to play the role the first time that the map was drawn. I understand we're balancing that against the time

line that is created and where you hold [09:52:00] yourself with that request. >> So if the council chose to implement the initial district, would it still have to go through a 60-day preclearance process? >> Yes. so whether council decides or the commission decides, we still have to go ? I'm trying to figure out if there is an opportunity to close the window tighter, will that be because council decides or we move it to the commission will it open the window farther? >> I've got a suggestion, i would like to run it past you. If we appointed an advisory commission, an advisory commission would be selected in the same way as the proposed charter amendment. They would not finish their work until after november. Suppose the charter amendment passes and now we have the authority -- now we have an independent redistricting commission with authorities to actually draw districts, not to just advice us. Is there an instrument to use to roll the authority that the district would have, after the authority had been granted to us through the preclearance process? Could we keep the same group? >> That is an interesting question. I confess that I have not thought that one through. My initial reaction is that there may be a practical way to do that. I have not thought about the legal particular preclearance ramifications. I will paraphrase, it makes it a little awful it begin to implement a change that is subject to preclearance. [09:54:02]

>>Spelman: right. >> The question you raised is how far can we go before we are implementing violations to section 5. >>Spelman: exactly. >> I don't have a good answer on my head. you are next. >>Spelman: I'm sorry. If we can't find some way of getting started with the commission before november, we would not be able to make the deadline before 2013. If we want to make 2013, we have to find a way to getting in the circle. I think this might have been an idea you raised last time, mayor, which is another option, which would be for us to constitute the advisory committee now to ask them to make recommendations to the council in the fall before november for the council to potentially pass something that says, yes, these are the first-time districts that we would implement. On the ballot, we put something that says constitute -- the first time around the districts would be the ones that council just approved as recommended through the same process of the independent redistricting committee in 2020 and beyond, the redistricting committee would operate without requiring the council to commit to adopting their plan. It seems to me if we do that -- I'm not sure if I am making myself clear -- if we were to do that, november 7, we could then go and start with the preclearing of the map. Because the maps -- we know how they were adopted. They were adopted by the council having committed and the ballot [09:56:02] ensuring that. We don't have to send -- we save the time of preclearing the redistricting committee that way. But we in essence, imitate that whole process, the first time and commit to the voters that that is what we're doing. Would that save us two months? >> I think there are caveats with every approach because of lawyers. >>Morrison: of course. [Chuckling]

>> I think you need to be very careful about retaining final authority and discretion in the council. even beyond a ballot that says we want to -- the voters are voting on the map that council has put their ratification on from the committee prior to the ballot. >> There is some fine lines to be drawn. Frankly, I would prefer to talk to you iecutive session about them. we have an executive session scheduled for thursday. >> We will add that to the list of topics to discuss. you are right. We need to do the legal analysis before we make a decision on this. I will say that I support council member morrison's session as a way to get this started. I mentioned not so well fleshed out as she just described but the basic principles that we have council-drawn districts with the expressed extent to make a citizen commission. [09:58:01] let me make one comment on this context before you leave the subject. It may or may not be something that you ultimately decide is an appropriate thing to do. But were the approach available to you to have council adopt the first single-member plan and thereafter have an independent redistricting commission

do it without council discretion in the process, there is nothing to prevent that first independent redistricting commission job from happening before 2020. It is when feasible and appropriate. I wanted to make two other comments. One, Mayor Pro Tem Cole was talking about maybe moving forward with redistricting maps, which is the 10-1 plan. Which it comes to the maps it is equivalent to the 10-2-1 plan. My preference would be to also have folks look at an 8-2-1 plan. I think to understand all our options and that different perspective is of interest to me. That is for my colleague's information. In terms of the timing of the drafting of the ordinances for item 10-17, as I mentioned, my preference would be earlier rather than later so we could consider putting them on the ballot if it is not something that passes council. I wanted to ask staff what your thoughts are on feasibility and timing. >> They would need to be I.F.C.s. So part of the timing would be how quickly the council member can type them or sponsor them all. Staff has already given these items thought. I think we would be able to be responsive within the next couple of meetings. Just for your information, Council member Martinez, you wanted to take them up independently -- individually. Are you OK with that instead of SIX IFCs. Out of these or everything? >> Morrison: 10-17 excluding 18. To do an -- >> you do one ifc, 10-17 but ask them to come back as individual ordinance adoptions. >> Morrison: absolutely. Right. Council member Tovo. Looking at the council member committee recommendations. Moffat's e-mail again. So the two related to campaign issues that still go forward is create a new 30-day fund-raising period. Council member Morrison is that -- sorry to call you out -- is that your thought, number eight, create a new 30-day fund-raising president. That is not eligible to be considered as an ordinance, that is not on this list here. >> Tovo: ah. Thanks for the clarification. Council member Spelman I need you to clarify for me, the sequence of your idea of moving autoidea that you and Mayor Pro Tem Cole were talking about moving forward with an independent commission. You bring forward the ifc. It was identical to the original idea that Council member Morrison mentioned, Laura mentioned. >> Tovo: hypothetical. >> Spelman: identical. My concern is we won't have time to do it that way, but we might have time to do the following, appoint a commission, get it started, have them put out ideas that are not necessarily the final idea, maybe not finish the public hearings process. But we will have an idea of what maps can be generated, then we preclear the commission and whatever redistricting form we adopted in November. That would be -- find some instrument to allow our advisory commission to try to get to a formal commission with the authority of coming up with a map. Thanks, I wanted to get solid in my head the sequence of those things. Clear direction that 10-17 will be incorporated as ordinances, tentative procedure for legal analysis to discuss in two days on number 18. That all correct? Ok. We can go to the next page. By the way, could you get this print a little bit smaller. >> Yes, sir, I can. >> Mayor Leffingwell: all right. >> The next items in the topic of discussion is items that can be combined. Each charter amendment item may only contain one subject. It is broad discretion in what constitutes one subject. So we have suggestions for recommendations made by the charter revision committee that if you choose to put them on the ballot, would stand alone either because there is no similar topics on the list to couple them with or they received individual attention or for whatever reason you want to ensure they stand alone. These are items you may or may not decide to do. You could combine or stand alone. So they are these six items. The May to November council election move. The council appointment of the city attorney, clarification regarding term limits. We say clarification, you heard us explain, we feel the edits made to the charter in 2006 were intended to accomplish the results the charter committee recommended this time around. If we did revisit that language, we would be ensuring that the edits from 2006 are better explained. The initiative and referendum items and the ex officio member items. Council

has addressed the planning commission on the matter by ordinance. So to put it in the charter would be simply to put that clarification in two places. Now, this next slide gives you a sense of the items staff feels could be combined on the ballot, if you wanted to couple them by topic. One thing you do have to keep in mind is when you combine items, if they pass, they pass together. If it fails, it fails together. That is the pro and con to an item standing alone or coupled. In the increase amount of the office holder act to 40,000 these have to be charter amendments because we addressed them only in the charter. The personnel items regarding department directors appointing their deputies this applies to the city attorney's office, council offices, city clerk's office and city auditor's office. And the election items. Here, we mentioned may to november on the stand alone list as well. That is an example of how flexible this is. The election items if you want to combine by topic is may to november. The council structure, independent redistricting commission, although it wasn't a recommendation from the charter revisioning commission, it is considering staggering term length as well. As mentioned in susan moffat's e-mail, keep in mind there is a great deal on the bol -- ballot. We are considering combining items. We would like to ask if there are items you know you would like on the ballot together or in the corollary, items you would like off the table, not going forward. I will go first. I do not support the bullet for the last item. I think you are basically making what I think is a critical item that we need to change with the elections from may to november sort of held hostage by approving the other things that may be more problematic. I would like to see the may to november item stand alone and the second two under the third bullet structure. I think I want to hear more discussion on that. But definitely may to november i think should be stand alone, shouldn't be held hostage to some other. Mr. we were talking about potentially moving elections from may to this november, there was a conversation about where we would end up on the electronic voting machines on the ballot. And because we were nonpartisan, we would be first at the top or at the bottom. So would all of these like the city elections be at the bottom of the ballot, the last page? That is another reason why we should consolidate as much as we can to have a clear and concise message. It is going to be a hefty ballot. I believe the county clerk weighed in on that question and said absolutely she would put the city items first on the ballot. She has the discretion to do that, that is what she indicated. That is a one-time thing. I think it is statutorily mandated how ballots are created. I would like her as opposed to her saying she's able to do that, that she's going to do that, otherwise, it will be at the end of a lengthy docket. >> We can get that clarification for you. >>Martinez: ok. council member tovo, kathie. what would happen if 18 and 19 are separate. 18 Passes, 19 doesn't, I assume we still have an option. But the council would still have an option of creating a commission like the independent commission by ordinance. >> Correct or resolution. I say, it may not be a good option because fort people said they don't want it, but then turn around and do it. That is a different kind of choice. 18 And 19 seem so closely wedded together [indiscernible] it would make sense to put those together. I'm curious about why we are taking up staggering term lengths. The charter committee, it went to them for recommendation, they didn't make any recommendations on it. ? I correct? They chose not to make recommendations about it? Is there an interest in this group in taking that up again? >>Mayor leffingwell: yes. >>Cole: mayor? I don't have an entrenched decision, i think we need a discussion. I think those will have to be definitely part of the discussion after the election and part of the transition and senate bill 100 not only gave us the authority to do by council resolution changing it from may to november but gave us the authority to give us staggered term in even and odd year spoeps after elections we would still be able to pass an ordinance on those items. so the 31st of this year? looking at it just in transition. I understand we need to do thinking about the transition, .. >> Let me say this,

those provisions are currently in our charter. So I think that if you are going to look at them, we just have maybe looked at it in the last year [indiscernible] very important how future elections flow and how [indiscernible] I understand the purpose of keeping the ballot as simple as possible, especially if it is a lengthy ballot. I do wonder and wonder if we will have better understanding with the hearings if there are concerns about some of them and not others thinking altogether like [indiscernible] number one is the city attorney item there. That has already been approved. The resolution has already been passed by the council for that item through the charter election. That is a given, certainly someone raises an excellent point, if that item were not to pass, potentially have the city attorney and manager and all the staff, so we need to question that now. >> Yeah, I think they all make good sense to just [indiscernible] >> on that note, staff would like clarification regarding the items like for example, the city attorney item because those were mentioned in the resolution last year. It mentions the yet of the city attorney appointing the deputy city attorneys, but currently the org chart has one deputy city attorney under the city attorney. Are these personnel changes affecting the one position below the department director, as opposed to in the law department the assistant city attorneys like myself that are rank and file. To make sure we're on the same page. It is something we can discuss further with the person that sponsored the ifc. We want to make sure we're on the same page of what it is. so could we have something [indiscernible] >> mayor? >>Mayor leffingwell: [Indiscernible] I have a few questions, comments, especially about number four. That is something we wanted to talk to the voters. On the second slide, the deputy city attorney. Is there anything about who appointed deputy city attorneys? Is this a clarification if in fact if we change it so that the council appoints the attorney, to clarify that if that passes that in fact. there is something, i apologize. I don't think I have the language in front of me. I think it talks about the budgeting. The current charter talks about maybe the budgeting for the assistance in the office. >> Article 5, section 6. In the final paragraphs, that section says shall be such assistance as may be authorized by council and ooh, pointed by the city manager who may be authorized to act for and on behalf of the city attorney. That makes clear that the rank and file in the law department are all under the city manager. But I don't know -- I don't see an immediate reference to the deputy city attorney. So it would be clarifying the relationship between the city attorney and the deputy city attorney. >>Morrison: I see. So those are really two separate elements. The city attorney being appointed by council and then clarification independent of who is appointing the city attorney that the deputy city attorney is appointed by the city attorney. Ok. All right. I suggest that for all council-appointed officials. For one thing, that would automatically take care of the situation we still have in existence right now where the deputy city auditor -- excuse me, the deputy city clerk is a council-appointed. We saw all the things we had to go 32 to correct the difficult situation with that recently. >> I agree we want to make clear the council appointments, the top-level appointments. But I didn't understand, lee, your point about on the staff or council, how would you incorporate that item that seems to be a different situation. whatever the council works out along those lines. It seems to me counsel staff is different from elected council. Whatever language works. >> Let me clarify council member morrison, what was trying to clarify, those are generally just administrative titles that have been created throughout the system. So you can call them second in command. When I was holding the title it was called first assistant. Are you suggesting or is it council's will to have those people that you appoint appoint not only their second in command but all of the employees within that department? No matter what the title is? One of the things I got caught up on is the deputy. There is one title in the department with the people who has that title. Maybe we need to clarify that if it is the council's will, you're saying all of the appointees

appoint all of the people that report up to the elected officials? >> That is clearly my intend. >> Ok. a couple other comments on number nine, [indiscernible] not allowed in the [indiscernible] 40,000. That recommendation from the charter committee came in tandem with another recommendation that, as I understand it, is actually something covered by ordinance. Can you talk about that so we can get that issue on the table? >> The charter revision committee suggest that the office-holder account be increased, but then the uses of that account be further restricted. You are right, it is our city code that lists the permissible uses for an office-holder account. That charter amendment would be coupled with an ordinance. >>Morrison: ok. But in fact, the ordinance amendment would be something that the council considers? Or you could also put an ordinance amendment on the ballot? >> The backup, the transition language would include changes to the ordinance and effectuate the changes on the ballot, if we put the limitations as a notation in the charter. there is a way to put to the voters, the joint recommendation of increasing it plus somehow a commitment on the city's part that if it increases, the limitation would go into play? >> [Indiscernible] the only way to do that is with those restrictions in the charter. So the restrictions are in the office holder account. Then of course you couldn't unrestrict it, but you could add to it by ordinance. If you wanted them to be fined, something the council could change. We'll have to work on that. having talked with some of the review committee members, the charter review committee members, they were, from my understanding and their take on it, they were wrong on the 40 thousand and the increase for 40,000 should go to the limitations but [indiscernible] take a look at the report and understand what they are suggesting. They're suggesting, to put it in a nutshell, maybe I'm misstating it, the office holder account only be used for office expenses not restricted from nonprofit donations, things like that. I think we need to talk about that [indiscernible] see if folks have thoughts on that. >> If you could it will us about those. >> Would you like the list, I'm reading from page 5, office holder accounts should not be used for contributions to nonprofit organizations, members used in advertising or news letters. These expenditures could serve a political purpose. this is additional. Those would be permissible under the current ordinance? >> It is my understanding that is tandem, if it is going to increase. It is the balance of the office holder account could not be used in the subsequent campaign. >> [Indiscernible]. >> [Indiscernible] >> I guess, one, I would like to look at the newsletter and whether that is political or not I know one thing I don't get it done often -- >> maybe this is one of the issues that we could take up in executive session on thursday when we're discussing. All of them came from charter commissions. So it is broad enough that we can give you legal advice on that particular recommendation of the charter. We should leave them off the ballot. And I wanted to stress that the folks on the committee thought they should not be put on the ballot because they thought that was not an appropriate thing to consider moving toward. I think we discussed that before. I do want to mention one other consideration that leads to keeping them off the ballot. We had the discussion last time where we went down the rabbit hole looking at the enormous number of potential combinations that we have to think about in terms of transition and adding stagger and term length to that set of permutations we have to consider. Significantly increase the complexity of the number of potential scenarios we have to look at. You think about this may or november passed, the stagger pass, does the term limit pass, you have to layout all of the possibilities. As soon as you take stagger and term limit off the table, it is simplified. That is my comment. well, i appreciate the comment. I think we need more discussion on that. I originally put that forward, one of the big points I tried to make was to save the city a lot of money. It costs a lot elections. Trying to make it more democratic. What is [indiscernible] every six months? Another point is about the election I believe which if you went

to four-year terms, you didn't stagger, then you have one election every four years, whereas under the current structure without changing anything, two elections every three years. You can do the math for that. It turns out the other item is equity, if you have staggered terms or don't go to a four-year term, then your situations where some council members are going to be facing an electorate that is probably half or less than half of what other council members are facing. So if for example, you're up for election in november of an even year, with the presidential election, the turnout has historically been, as in the future, very high. If you are up the income year or year after that, the turnout is probably going to be half of previous electorate was the last election. Those are the things in my mind. I'm willing to listen to counter point on those issues. My feet are not in concrete. I thought it was a good idea. I would like to hear my discussion. Mayor pro tem. I'm not sure if anyone here knows anything about average fund-raising. Because to me, what the mayor states, the big difference between what the mayor is advocating for and what council member morrison is advocating for coincides with the fact that we're limiting campaign contributions and other contributions. You have got one person with the potential to raise so much, more money, muing er rate in the presidential race. [Indiscernible] item nine, i think we will discuss this further in closed session, possibly tomorrow. I think there is consensus on the personnel item bullet we could have the general item in this stuff, adequately without specifics, I think there is. Further discussion on items 18, 19. >> Is there a member to be the isp sponsor for the personnel item. >> I will say that I will. [One moment please for change in captioners] >> the bottom line is we all run on odd or even years, if they're staggered. Everybody would run on an odd or even year. >> Not at the same time. It would be staggered. 10-1, It would be 6-5 running every odd year. >> Would it be possible to have it so that staggering could be something that we can consider outside the context of a charter change? >> Anything's possible. And the way, I think, that you would go about doing that would be to -- then you would need a charter amendment to give to council the authority by ordinance to either create or not create a stagger. Then at some point -- so the default would be no stagger. If you chose to create a stagger at some point by ordinance, then that ordinance would then be subject to the pre-clearance. So, yes, you could do that. >> But you would need a charter change -- >> you would need the charter change to give the council the power. >> The current charter is very specific about when you conduct them, when the stagger is and who's staggered where. So we would need to change this language in the charter to basically just say, you know, maybe amend this or delete this as the council determines stagger and term limits. It's really specific. So it's going to take a charter change some way, if you want to change what the charter currently says. >> In theory, the charter could just say that the council has the authority by ordinance to change the number and makeup of the council and to create districts from time to time and to add districts. So you could give yourselves the power to do almost anything. >> Let me just say that I think, with any transition, the way the current charter is stated -- like it says, you know, the mayor and those serving in places 2, 5 and 6 are elected, and this was from 2006 and every three years after, those serving in 1, 3, 4, 2008 and every three years after. If we go to whatever the governing structure, is we're going to need to know when the people will be elected. The current charter provision is to specific, it won't address the new governance structure. Because this charter provision talks about places which is the current governance structure. So there will be top discussion, whether the new governing structure could trump this. I think it will need to be a discussion about it because to have the detail and about the current charter says about that. >> Mayor Leffingwell: You just said something that makes us think there is a lot more than we thought about. The place, if they could change, also. >> So we do have some things where we'll initially begin to have

discussions about transition and then we have the executive session on thursday, which is going to be about transition, but we've added a lot of issues to that. So I think we have direction on these and I think we can move to that and ps that discussion more about specific transition issues related to the governance. >> Mayor Leffingwell: Laura. >> Morrison: I'll do an ifc and request on the campaign finance. I hope I will be able to find a co-sponsor and -- okay, kathie. >> Tovo: I'd like to co-sponsor the personal items with council member spelman. I think you were the only voice I heard saying that. >> I have council member spelman and martinez for the personnel items. >> Tovo: Thank you. >> Morrison: And mike and cath kathie will be on the campaign. >> You will want to talk more about that. And that's a good segue to this next slide which is a calendar just to kind of give you a sense -- >> 8 and 9 combined, is that your understanding for this ifc. >> That's my understanding of the direction that will come via the ifc. >> Okay. >> Here's a sample calendar of the weeks we have left. At this point, council has had two executive sessions, two work sessions, the briefing from the charter revision committee and we'll be on track with the sample calendar. Week of april 10 and 12 council meeting will have the personnel the group decide on today. Moving to the stand alone items, campaign finance items, and we built in time to talk about the election items. As alts, we recommend the last possible meeting week not be an action week so we have a buffer built in between the council and the august 20 deadline. In the background of the calendar, staff will be working on ordinances, individual members may wish to bring in IFCs. You don't see it on the calendar, but it's happening in the background. So the last topic we wanted to address is transition. This is our follow-up from the last meeting. At the last meeting, council requested trandigs scenarios for three structures, the 10-1 council structure, the 10-2-1 and then the 10-1 recommendation in the charter revision committee just as it suggested it play out. Just to give you a sense of how staff approached this, as an example decision tree, you asked us to start with council structure. So the graphs that we'll hand out in a moment you will see have an x and y axis. Across the top is the structure you asked us to begin with. Then we sort of moved through the variables. A may or november election, because those are very different election environments, and then once we had reached that destination, talk about a three-year or a four-year term. And then, once we had mapped in a three-year or four-year term in the graphic, talking about staggering or unstaggerring. Even if you decide on council structure and you have to talk about how you'd like the process to work, transition is not just about from where we are now to where we might go via council structure, it's also about transition between elections from one set to another. So when it comes to moving from the current structure to a future structure, whether it's 10-1 or whatever the case may be, you have three basic options we'll discuss, the re-start, the temporarily enlarged council and phase-in. Restart is everyone leaves their seats and there is an election for every seat with some folks moving into shortened terms. Then the temporarily enlarged council concept where everyone who currently sits in a place service out their term, and we simultaneously fill all of the district seats, some of those for shortened terms. And then the phase-in, which is temporarily. The very nice logo is a balloon which hopefully gets big and small. Last is the phase-in, which is, as each place term is replaced by a person who represents it. So with that introduction, I'll stand it to john steiner for discussion of a graph he and alisha olmsted have prepared for you today. >> Okay. You probably don't want to spend too much time right now trying to figure out the graphs. You will probably want to take those back to your office and kind of look at them more at your leisure. But, essentially, there are three basic types of transitions that we could do to get from a seven-member council with all the members elected at large to a much larger council with most of the members elected from district. So we made some assumptions to reduce the

number of charts that we would be looking at. But the three basic types of transition are the restart, which is just go cold turkey. Everybody's term is cut off, and we elect a new council and the new council goes. And that one is -- has the advantage of being very simple. It has the advantage of it doesn't really matter what year we start in. And it has, I guess, if you consider it, a disadvantage, though, of truncating some existing terms. So the second type of option is a temporarily enlarged council. Essentially, it is just the restart, which is we elect the whole new council. But sitting council members who still have time left on their terms would have the option of either resigning to for one of the district seats or just hanging on until their term expired. And then, as their terms expired, their seat would be abolished. And then, finally, we would be just left with the new council. >> So could they just stay on the payroll or never come to meetings or the office? >> Well, just like now. [Laughter] the -- what would be necessary, while we still have more council members, would be that, during that time, when we had one or two extra council members, the quorum would have to be slightly enlarged and the number of votes to pass an item would have to be enlarged for that brief period. It would only last a year or two until everybody was off. In fact, it may turn out, if everybody wanted to resign to run for one of the new seats, there wouldn't be anybody left. The third type of option dash and all of these options have a number of permutations, the third type of option would be the phase-in, and that would mean that, in the first election in which we implemented the new system, we would look at the council members whose terms were not going to be up anyway in that year, and that number of council members would equal the number of -- equal the number of district seats we didn't elect in that election. So all the other district seats would be elected in that first election. If there is any stagger we wanted to create, they would draw lots to get the stagger going. Then as the sitting at large council members naturally came up for reelection, they would be replaced by district members. That one has the advantage, if you will, of avoiding the temporary expansion of the council. It has the advantage of not cutting anybody's term off. It has -- but it does result in at least some districts waiting for a year or two until they get their districts. >> Tom, let me ask you a quick question because I thought, if single-member districts passed, that we would think of an option of a 2013 election. I'm not seeing that in here. >> All of the options I drew a chart for, and there are many others -- these are just samples to show you how these would look graphed out -- make the assumption it would be starting in 2014. I did that for a couple of reasons. One is that it's probably less than an even chance of getting -- going in 2013. The reality of it is that that's probably just -- it's possible, but the planets would have to line up just right and planets don't tend to line up just right. So I think there is less than an even chance of that. And, so, I graphed these out to begin in 2014. Also, if the council wants to go to four-year terms, and in november elections, then it would -- again, making an assumption you would want to sync up with the gubernatorial and presidential elections for the greater turnout potential, it makes sense to start in an even-numbered year because that's when that cycle happens. So -- but if you -- but these things could work starting in odd-numbered years. For example, if you wanted to go to a four-year term in odd-numbered years, then you could start that in 2013 or 2015. If you wanted to -- if you kept three-year terms, it doesn't really matter whether we start in an odd or even year. It would work either way. The difficulty with going to november and having three-year terms is that you're out of sync with the use of the november election for presidential and gubernatorial elections, and you would be sometimes hitting a presidential, sometimes hitting a gubernatorial, sometimes hitting an off year. With going to november in four-year terms, you're either always on with the gubernatorial or presidential election or off with them, if you choose to go with four-year terms. In may, of course, none of that -- that consideration is away. May is may. But the --

so the way the charts work is I went from simple to more complex, and the first one charts out a reset option, and the reset option could work with three-year terms, four-year terms, whatever. It's always the same. It's just everybody is gone and all the old people are gone and all the new people come in. When the new people come in, they -- if you want to have staggered terms, then in the first -- after they get elected the first time, they'll draw lots. And if you go to an 11-member council that is ten districts and a mayor, I was assuming that you'd want to have annual elections and have three different staggers as opposed to the way we have it, now, which is election, election, blip, election, election, blip, which is a bit out. >> I don't know who wants that. Maybe somebody does. I don't. >> What? >> Elections every year. >> You may not want that. Or you may not want to have a stagger at all. But this one assumes that you would stagger have three groups with a council as big as 11. In any of these scenarios, if you wanted to go to a 10-2-1, the extra two at-large seats makes no difference, you just pack them on, because you have the same number of districts either way, and the districts are the tricky thing to phase in. The next two that have the little balloon in the corner are the temporary expansion -- or meant to demonstrate how a temporary expansion would work. And, again, assuming that the first year of implementation was -- the first one is a temporary expansion to a 10-1 council with four-year terms. In 2014, the council members up, anyway, their seats just disappear. And if they wanted to run, they would run for a district or for mayor. The council members who would be up in 2015 would have the option of resigning to run for an existing seat, or if they didn't want to, they could hang on till 2015. So, for one year, we could have up to three extra council members, and then, as their terms ended, they would go away and the new council would just (inaudible). The second one was the same thing, but for three-year terms. It works pretty much the same as the four-year term. >> Tovo: I just wanted the talk about the temporary expansion for a minute. Looking at the four-year term, it looks like, within two years, everyone's gone. Is that right? >> That's right. >> Tovo: Okay. And we would have at least three of us gone, so the maximum number of traiks council members would be 4, which is a lot. >> The maximum number of extra council members would be 4. >> Tovo: Okay. Thank you. >> Since the way your stagger works, either three up or four up, the maximum number of extra council members would be four. >> Mayor Leffingwell: Okay. I think we ought to have the discussion on the record, if we don't mind. >> He was pointing out that if you implement in 2013, in november of 2013, that none of you are up for reelection. So I would have to think that scenario through, which I have. >> Can you provide us a chart of that, maybe? >> I can. >> Tovo: Council member spelman was pointing out our actual number is 3, if you want to articulate that. >> A 14-person council, you're outlining on the first balloon chart, we have 11 either way, so only three up. >> Well, the mayor is a council member who would be, if you start in 2014, and the mayor is one of the council members I was considering holding on till 2015. >> Spelman: Right. But we're not electing another mayor, are we? >> You could. One way of doing this -- well, or the mayor could be reduced to a mayor pro tem, for example, and hang on as an extra member. I was assuming we would want to keep the mayor as mayor, and, so, then -- but the mayor would be a member of the old council who was hanging on. But, yes, you could look at it another way and say this is a mayor either way, would only be three extra council members, yes, but I was counting the mayor as an extra hangover from the previous council, so, yes, you're right, different way of describing it. The last two of the charts are showing the -- how a phase-in could work. And the -- again, the way that works is, as existing council seats are naturally up for reelection, they're replaced with district members, and the -- and that means that for some number of districts, you would have to wait until those council seats naturally came up to phase-in those districts, and there would have

to be some mechanism to choose which districts were phased in first and which ones were phased in next. Any questions? >> Mayor Leffingwell: Laura. >> Morrison: So, in terms of choosing what to put on the ballot, it seems like the thing that the council has to decide here is which of the three transition approaches -- phase-in, restart or temporarily -- or balloon, ballooning council. >> Right. >> Morrison: And then everything else depends on the outcome from the voters. So does that mean that we identify the -- that we identify what happens, depending on the outcomes? Or am I just -- am I wrong about that and it's completely dictated by the outcome? I guess we would have to make clear, but we choose one. >> Assuming -- well, we would pick one approach for the transition to work. There may be going -- depending on your pleasure on how we put these things on the ballot -- some unknowns going into it. So we would have to write the transition provision in order to work with whatever happened. And, so, for example, if the single-member district provision, the term length provision and the made in november provision were all on the ballot as separate items, there would be a number of permutations. One could pass, two, three would pass and, if so, we would have to make sure the transition was written in a way that anticipated all possibilities and took them into account. If -- and, so, yes, that's how we would have to do it. >> Morrison: And it seems that we would have to -- given that we choose one of the three approaches, then we would have to lay out a chart for all the permutations for that approach. >> Yeah, on the chart it would look like a chart, it would be words. >> Morrison: Right, but in terms of explaining to the voters what they're looking at, it would be really critical. >> How it would work, right. And, as I say, some of these things, for example, you might want to put the may to november, for example, could be paired with the term length so that, if you went to may -- from may to november, you also went to four-year terms and, if you didn't, if the voters chose not to go to november, you stayed with may and three-year terms. So those things could be other ways of presenting the ballot as well. >> And the ballot itself, we have to have the charter language. Right? That's going to go along with it? >> The charter language won't go on the ballot, but the charter language that the ballot proposition would enact would have to be completely written out, yes. So each ordinance that creates a ballot proposition will say -- this is the proposition that will be on the ballot and there will be some simplified version, yeah. Shall the charter be amended to provide for a change in city elections from may to november? Then the actual words that are necessary to effectuate that change in the charter, the ordinance would say, if this proposition passes, then the charter is amended to read as follows. And then that would set out what the new charter language would be. >> Morrison: I guess I'm struggling with there might be charter language that's variable depending on what passes and how do you handle that? >> Well, if the voters vote something in, it's going to -- they're going to have to know, if I vote for this, this is what -- now, so, I'm not sure that it's going to be variable, but one of the -- it's conceivable. >> Morrison: I guess what I really meant to say is what the charter has to address depends on what passes, and, so, the may to november issue, if we had stagger, would let us know how we'll handle the timing of it, in the case that we do stagger and in the case we don't stagger. >> Yeah, without getting into possibly complicated issues, there could be something in the charter that said, in the event this passes, also, then this happens. In the event that doesn't pass, then this happens. >> Morrison: Or in the event a and b passes, or in the event a passes or b does not pass, or b does and a doesn't, welcome to some complexities. Those are real challenges we need to deal with. >> That's the complicated part of drafting. It's not that difficult, just complicated. >> This sounds like a job for " >> let me say, council members, we've laid this out for you and tried to bring it forward, but we've set aside four or five weeks for us to really work through the details. We'll start with

another executive session this thursday to talk about some of the legal issues related to these general discussions, but we've tried to give you all the maximum amount of time before we have to call the election to really dig into all these different scenarios. And I know they're complicated, but we've tried to provide -- build that time into the schedule. >> I want -- >> Morrison: I want to follow-up and say thank you for making it trackable. This is a great way of looking at it. >> If there are other things you want us to chart out, we can try to chart out a (inaudible). >> Cole: I have a question. >> Mayor Leffingwell: Mayor pro tem. >> Cole: Can you simply say that if the 10 to 1 provision passes, the change in structure. The council will exercise authority pursuant to bill 100 one time to effectuate a transition, period? >> Yes. >> Senate bill 100 expires in december of this year. >> The charter can give you the power to change the election date. So you could say that, in the event -- well, you could make it part of the transition to a -- >> Cole: I mean, you could have an item, right? >> The charter could provide that, if we go to single-member districts, the council, then, has the authority to decide term lengths, stagger and all those other things, by ordinance. Keep in mind that that sets us back in implementation because whatever we then chose to do would be subject for clearance. >> Spelman: Couldn't you start part of the clearance process without having the entire package laid out? Couldn't you start the clearance process for, say, redistricting and moving the elections to november, et cetera, and then come in later with the transition process approval? >> The short answer is yes, you need to think through which needs to understand in order to analyze the specific one that you're proposing be cleared before others, but it's certainly doable. Each of the substantive changes is distinct and gets pretty clear. >> Spelman: Seems to me that would be the desirable way to go because there are so many variations or combinations that may not pass but influence it as well. So once we have voter approval and know which one of the items voters approve, whether be district or moving the election time, et cetera, then we're dealing with specifics, not a whole range of possibilities. >> As a practical matter, I need 's internal policy is they will not consider pre-clearance of something that is not final, not adopted, so we would never be in a position of investigate pre-clear alternatives. >> Spelman: I understand that. I'm just -- >> Mayor Leffingwell: I understand that. Seems like moving the process along after an election, seems to me designing a transition process would be -- are you laughing at me? I know. A transition process would be a little bit easier, simpler, less work and fuss for everybody if we knew exactly what we were dealing with instead of dealing with the possibility. That's all I'm saying. If we could design the language that gives us that latitude, the understanding, I think, even the transition itself would have to be approved by doj. >> Is there any obstacle, john, to having language that would provide language, several of the council members asked and the mayor indicated might be desirable, simply to give council the authority to affect the appropriate transitions? >> Yes, we could do that. The council could have the authority under the charter to - the charter, for example, could just set the general makeup of the council and the council could then have the authority to set term length and to create staggered terms and to set election dates. >> Mayor Leffingwell: One time only. >> It could be one time only or a continuing pattern. >> Mayor Leffingwell: Maximum latitude here, I guess. Kathie, did you have something? >> Tovo: I want to echo the thanks for the really handy chart. This makes it much clearer. But I have a question about the phase-in option. Just in looking at the four-year term, I imagine it's the same issue as the other, with the three-year term, so in 2014, there are seats up. They convert to single-member seats, in addition to the other four, and, so, in effect, do we also have a holdover there, a balloon? >> The three or four-year? >> Tovo: The four-year. Is that, in effect, also an expanded council that we would have? Looks to me like we might have -- >> no, there should be no

expansion on the phase-in. >> Tovo: How about the mayor -- how about seats 2, 5 and 6? Looks like they're not up till 2015. >> Yes, 2, 5 and 6, and the mayor are up naturally in 2015. >> So if, in 2014, we elected -- >> in 2014, we elected 1, 2, 3, 4, 5, 6, 7 district seats. >> Tovo: Right. >> So assuming ten districts, in 2014, own of those districts will get elected. In 2015, the other three districts and the mayor will get elected. >> Tovo: That makes sense, now. >> And if you wanted a stagger, there would be lot drawing to create whatever stagger you wanted to do. If you didn't want a stagger, ignore the lot drawing part and just the terms the (inaudible). >> Tovo: If 2, 5 or 6 resign to run for one of the district seats in 2014, would we have an obligation to fill the remainder to have the terms in 2, 5 and 6? >> Yes, those would be vacancies. >> Tovo: If we went with a phase-in option, seems it would be prudent to craft a provision for the city not to fill the seats. >> I think we would try to craft the position that if the people resign to run for a district that was up, they would be replaced with a district number as opposed to somebody else running for the at-large seat. >> Tovo: But the charter language is mandatory on vacancies, so we'll need to make sure that if that happens, we address the charter. >> The transition provision in the charter would have to say that, if there are vacancies created after the charter amendment election and we've gone to the district, then those vacancies will be filled by district members rather than more at-large members, unless, of course, we also create at-large seats. >> And we've talked about this where one of the easy transition ways is to have some general language that says to the effect that these charter amendment changes supersede other issues in the charter, or something like that, so that we don't have to go through and track, okay, we need to change this part of the charter. So if we're going to do a structural -- if the structural change passes, we need to have you guys consider, do you want to have that type of language in those provisions that relate to structural changes. That's what I call the catch-all phrase, so that we, then, will have to deal with the mandatory filling the vacancies provision. >> It will be a general repeal and replace. So we'll take everything that's out of the charter now and put all new stuff in so that all the transition -- all the vacancy provisions work with whatever the new council structure is. And the transition provisions, there will be some provisions that will only be necessary for the first election. And will provide that, as soon as those have served their purpose, they disappear and go out of the charter. >> Mayor Leffingwell: The other thing is, I'm sure everyone knows this and I'll repeat it one more time and has to do the resign to run, if a vacancy occurs and you have to resign to run, the state constitution mandates that the election will be within 120 days. So that's another factor. And, you know, that was one of the reasons why I didn't particularly favor a staggering system because that would preclude members who are off cycle from running for mayor without investigate resign. They would have to resign to do that. >> Tovo: It's still not clear how we would fill at-large seats with district reps if, say -- well, I won't pick on anybody, but if 2, 5 or 6 resigns to run for, say, 7, how would we till 2, 5 or 6 with a district rep if those districts -- if 2, 5 and 6 don't have -- are not, as currently constituted, don't have geographic boundaries? >> Mayor Leffingwell: That's why I think the best thing is a complete reset and avoid the issues. >> That's the point I wanted to make. The converse to the point you're making is, let's say we do a phased-in two-district approach, places 2, 5 and 6 will be stuck and more likely representing a district they don't live in and that sets a council member up for a very difficult scenario. Maybe it's only a year, but, still, I really think a reset option is the cleanest and clearest way as opposed to phasing this in. Then you throw in what council member tovo and john just mentioned is potential at-large seats as well. Well who gets stuck into those at-large seats and who gets stuck into the districts that they don't represent. I just think those scenarios are never-ending if we don't focus in on a complete reset where everybody puts their name on the

ballot for wherever they want to go and we change it in all one fell swoop. >> Mayor Leffingwell: That's right. Direction is adequate and gives you something to work with going forward. Thank you. >> Yes, sir. >> Mayor Leffingwell: Are you leaving, bill? Bill, sheryl, myself, martinez, you're leaving? [Laughter] I think we ought to take advantage of this opportunity, then, to, without objection, adjourn the meeting at 11:15. Thank you.