

TO: CHARTER COMMISSION

SEPTEMBER 11, 2009

FR: MARGARET WILLE

RE: COMMUNICATION 30: Proposed Changes to County Charter

SUMMARY AND RATIONALE FOR MY PROPOSED AMENDMENTS:

A. ADDS NEW SECTION TO ARTICLE XIV (ETHICS): Requires members of county boards and commissions (which have decision-making power) to fully disclosure personal and business interests which could affect the member’s ability to focus on the pubic interest (versus giving preference to a special or self interest). Requires disclosure by the board member in writing and verbal at time of pertinent discussion by the board, and further prohibits that person from voting on the related agenda item.

PURPOSE: avoid conflicts of interest, transparency, and accountability, higher ethical standard.

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B. ADDS NEW ARTICLE TO THE CHARTER: ARTICLE XVII (“TRANSPARENCY AND OPEN GOVERNMENT”):

Requires notices of public meetings be placed on the County website within the required notice period.

Requires proceedings of policy-making boards, including the Council, the Planning Commission, and the Charter Commission be live broadcast and made available “on demand” on the internet within 48 hours (unless not possible or inappropriate, e.g. feed to internet lost, or executive session involved).

PURPOSE: transparency, accountability, allows for more public involvement in important government processes.

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C. ADDS NEW ARTICLE XVIII: (“THE PUBLIC TRUST”)

Requires government decision-making affecting our natural resources to be based on the “precautionary principle”, in other words, when in doubt

err on the side of conservation of the resource. (consistent with recent State Supreme Court decision).

PURPOSE: Accountability to environment that sustains us --for the sake of both current and future generations.

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D. ADDS NEW SECTION TO ARTICLE III THE LEGISLATIVE BRANCH: SUBSECTION 3-16 (COMMUNITY DEVELOPMENT PLAN AND COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEES)

Requires that the legislative branch officials specifically address the issue of compliance with the General Plan, including the Community Development Plans (which are legally part of the County's General Plan).

Requires in the event of a conflict between the General Plan and the Community Development Plan, the General Plan controls, unless or until General Plan is amended.

Requires in the event that provisions of the Community Development Plans are facially inconsistent, the underlying policies are considered in a way to avoid conflict.

Requires that Community Development Action Committee members be appointed within one year of completion of the Community Development Plan, and after that date no development application shall be considered until the action committee first has the opportunity to consider the development application.

Requires the Planning Director to consider the recommendations of the Action Committee provided those recommendations are submitted in a timely manner.

PURPOSE: Incorporates the Community Development Plans and the implementing Action Committees into the Charter; recognizes that the these Plans are legally part of the General Plan, and thereby fosters more participation by the community in the government decision-making. [in other words -- don't stuff our CDPs on some back shelf as if they were mere policy guides rather than enforceable laws]

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E. AMENDS ARTICLE VI EXECUTIVE BRANCH, SUBSECTION 6.7-6 (THE PLANNING DIRECTOR)

Requires that the Planning Director render decisions relating to development approvals only after consulting with and considering community input.

PURPOSE: Increases accountability (currently there is NO required accountability by the Planning Director in making many decisions that have an extraordinary impact on the well-being of the affected community.)

F. AMENDS ARTICLE VI THE EXECUTIVE BRANCH SUBSECTION 6-10.2 (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT):

Requires the Department of Environmental Management to protect the environment not only by management of waste, but also by promoting a policy of long-term environmental sustainability.

Requires that the Director of this Department review all proposed developments to prevent undue harm to the environment.

PURPOSE: Provides environmental accountability: currently there is no environmental review of proposed developments – except as federally required along the coastline. (Under limited circumstances such as where government land is involved, an environmental study may be required.)

THE FOLLOWING AMENDMENTS WERE SUBMITTED TO THE CHARTER COMMISSION ON JULY 17TH

G. AMENDS ARTICLE IX “PROSECUTING ATTORNEY” SUBSECTION 9.3 “POWERS DUTIES AND FUNCTIONS”

Requires that the first deputy of the Prosecuting Attorney have primary responsibility for enforcement of the Sunshine Laws and perform those duties in coordination with the Director of the Office of Information Practices.

PURPOSE: Encourages the Office of the Prosecuting Attorney to give high priority to enforcement of violations of the Sunshine Laws.

H. AMENDS ARTICLE VI THE EXECUTIVE BRANCH SUBSECTION 5-6.1 (CORPORATION COUNSEL)

Requires that the mayor appoint both the corporation counsel (County's attorney for civil matters) and provides the second in command in that office, the "associate corporation counsel" has primary responsibility for matters relating to the County Council.

Allows for appointment of separate counsel when there is a conflict of interest within the County Council to advise relating to that conflict of interest.

Limits the term of office for the corporation counsel (and the associate corporation counsel) to 8 years and three months, in other words, to 2 terms of the mayor plus three months.

PURPOSE: Decrease the very real conflict of interest in the current role of the Corporation Counsel. Allow for appointment of outside counsel to help with conflicts of interest in the County Council.