

## PIEDMONT CITY COUNCIL

Special Meeting Minutes for Monday, April 30, 2018

A Special Session of the Piedmont City Council was held April 30, 2018, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on April 27, 2018.

### CALL TO ORDER

Mayor McBain called the meeting to order at 6:35 p.m. with the Pledge of Allegiance.

### ROLL CALL

Present: Mayor Bob McBain, Vice Mayor Teddy Gray King, and Councilmembers Betsy Smegal Andersen, Jennifer Cavanaugh, and Tim Rood

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Finance Director Michael Szczech, and Assistant City Administrator/City Clerk John Tulloch.

### SPECIAL SESSION

#### **Post-Employment Benefits Trust**

City Administrator Paul Benoit explained that at its regular meeting of April 16, 2018, the City Council authorized the City Administrator to take actions and execute documents to adopt the Public Agencies Post-Employment Benefits Trust Administered by PARS. Since that meeting, PARS has requested that the Council adopt a resolution specifically adopting the trust by name and designating a Plan Administrator for the trust. He indicated that the resolution before the Council this evening meets the requirements of PARS.

There was no **Public Testimony** on the matter.

#### **Resolution No. 30-18**

WHEREAS, Public Agency Retirement Services (PARS) has made available the PARS Public Agencies Post-Employment Benefits Trust (the "Program") for the purpose of pre-funding pension obligations and/or OPEB obligations; and

WHEREAS, the City of Piedmont ("City") is eligible to participate in the Program, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the Regulations issued there under, and is a tax-exempt trust under the relevant statutory provisions of the State of California; and

WHEREAS, the City's adoption and operation of the Program has no effect on any current or former employee's entitlement to post-employment benefits; and

WHEREAS, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

WHEREAS, the City's funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the City reserves the right to make contributions, if any, to the Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of

Piedmont does hereby resolve, declare, determine, and order as follows:

SECTION 1. The City Council hereby adopts the PARS Public Agencies Post-Employment Benefits Trust, effective May 1, 2018.

SECTION 2. The City Council hereby appoints the City Administrator or his/her successor or his/her designee as the City's Plan Administrator for the Program.

SECTION 3. The City's Plan Administrator is hereby authorized to execute the PARS legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to maintain the City's participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the City's Program.

Moved by King, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0165)

### **City Charter Amendment**

City Administrator Paul Benoit explained that, in June 2017, during budget discussions, the Council discussed the possible amendment of a Charter provision placing a maximum on the General Fund reserve. He stated that at that meeting, the Council agreed that each Councilmember would review the Charter and suggest possible revisions. He indicated that each Councilmember completed this task, as did the City Attorney, City Administrator, and City Clerk. The results of these reviews were presented to the Council in a track changes version on February 5, 2018. At that meeting, Council directed staff to prepare the documents necessary to place three amendments on the June ballot.

At the March 5, 2018 City Council meeting, Council, after receiving more clear legal advice from the City Attorney, did not take action to place a measure on the June ballot. Rather it scheduled this meeting to go through each of the possible changes and make a decision as to whether any merited placement before the voters in November 2018. Mr. Benoit indicated that the Council would review each of the possible amendments tonight, and based upon this review and direction from Council, staff would present a new track changes version which would come back before the Council at a later meeting.

There was no **Public Testimony** on the matter.

The Council discussed the possible amendments laid out in the February 5, 2018 staff report and gave the following direction to staff:

**Section 2.03 Term of Office** – Lengthen the period of time during which a former Councilmember is ineligible to run for office again from four to eight years.

**Section 2.05 (C) Filling of Vacancies** – Match the provisions of the Charter regarding filing of vacancies on the City Council to those that exist for general law cities, allowing for the Council sixty days to fill a vacancy. If the Council does not act within those sixty days, the position would be filled by Special Election.

**Section 2.07(A) – Meetings** – Eliminate the Charter requirement that the Council meet twice in each month.

**Section 2.07(C) – Voting** Eliminate the outdated section allowing fewer than a quorum of Councilmembers to “compel the attendance of absent members in the manner prescribed by the rules of the Council”.

**Section 2.08 Mayor** – To provide the Council with the greatest flexibility electing a Mayor, make no changes to this section.

**Section 2.12 – Ordinances in General** – Amend language regarding posting of Ordinances to ensure that ordinances are posted as broadly as possible, especially in case of disaster.

**Section 2.15(A) Authentication and Recording; Codification; Printing** – Eliminate the requirement that all ordinances and resolutions be kept in a fully indexed book.

**Section 3.01 Officers of the City** – Modify the section to clarify that department heads are appointed by the City Council, but are directed and serve at the pleasure of the City Administrator and make other minor corrections.

**Section 3.02 Official Bonds** – Eliminate this section and renumber each subsequent section in the article.

**Section 3.05 City Clerk** Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as make other minor clarifications.

**Section 3.06 City Attorney** Make minor clarifications to this section as outlined in the staff report.

**Section 3.07 Department of Finance** Amend this section to make the reporting structure laid out in Section 3.01 applicable.

**Section 3.08 Police Department** Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as make other minor clarifications.

**Section 3.09 Fire Department** Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as to explicitly make the Fire Department responsible for the provision of Emergency Medical Services.

**Section 3.10 Department of Public Works** Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as to assign the responsibility of maintenance of parks and public facilities to this department.

**Section 3.11 City Engineer** Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as make other minor clarifications.

**Section 3.12 Planning Director** Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as make other minor clarifications.

**Section 3.13 Department of Parks & Recreation** Change the title of the department and the director to remove reference to parks. Amend this section to make the reporting structure laid out in Section 3.01 applicable as well as make other minor clarifications.

