



City of CHARLOTTE

MEMORANDUM

TO: Mayor Lewis and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Imposing Restrictions on Owens-Brockway Funds

DATE: February 22, 2017

During the February 13 City Council meeting, Council member Bahmer asked if there were restrictions or conditions that could be imposed upon the future use of Owens-Brockway funds that could not be undone by a future Council. I advised that there were not. Afterward I realized there is another option available to impose restrictions or conditions that would be binding on future Councils.

Council could propose a charter amendment establishing restrictions or conditions on the use of these funds. If approved by voters, these restrictions or conditions would affect all future Councils. If there were a time in the future when a Council felt that those restrictions or conditions should be lifted or changed, it would need to make its case to the voters and ask them to amend the Charter again to accomplish this.

I do not know how common it is to incorporate within a city's charter provisions that address a particular local circumstance but it is not unheard of. Charlotte's Charter already contains language, for example, that requires a supermajority vote of Council to change the structure of the Fire Department. I have heard of other unique provisions in various cities' charters

If Council wishes to pursue this course of action, it must be mindful of the process necessary to place a proposal before voters in November. There are several procedural steps that involve the Governor's office and the Attorney General that lengthen the timeline considerably over other types of proposals, such as a bond issue, that Council would place on a ballot. Adequate time remains, however, if Council concludes its deliberations on this subject and adopts a proposal by the end of June.