



AGENDA
September 16, 2019

CHARTER REVIEW COMMISSION
5:30 p.m.
311 Vernon Street
Roseville, California
www.roseville.ca.us

THE CITY OF ROSEVILLE WELCOMES YOUR PARTICIPATION

If an agenda item is open to public comment, such public comment shall be addressed to the chair of the meeting.

Public Comment - Speakers have three minutes under Public Comment to speak on issues that are not listed on the agenda and are within the City's jurisdiction. The Brown Act does not permit any action or discussion on items not listed on the agenda.

Consent Calendar - If applicable, the Consent Calendar consists of routine items that may be approved by one motion. Any person can remove an item from the Consent Calendar to be discussed separately.

Agenda Items - Speakers have five minutes to address items that are listed on the agenda.

Americans with Disabilities Act - Notify the City Clerk or Secretary at least 72 hours in advance if special assistance is required to participate in a meeting including the need of auxiliary aids or services.

Audio/Visual Presentations - If making a presentation regarding an agenda item, audio/visual materials must be submitted to the City Clerk or Secretary at least 72 hours in advance.

Roseville City Clerk 311 Vernon Street, Roseville, CA 916-774-5200 TDD 916-774-5220

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENTS**
5. **MINUTES**
 - 5.1. Minutes of Prior Meeting

Memo from Assistant City Clerk Audrey Byrnes and City Clerk Sonia Orozco

recommending the Charter Review Commission members approve the minutes of the August 19, 2019 Charter Review meeting.
CONTACT: Audrey Byrnes 916-774-5268 abyrnes@roseville.ca.us

6. REQUESTS/PRESENTATIONS

6.1. Section 10.02 - Rates; Collection of Utility Charges

Memo from Electric Utility Director Michelle Bertolino and Assistant City Clerk Audrey Byrnes recommending the Charter Review Commission receive a presentation on amendments to Charter Section 10.02 regarding Rates; collection of utility charges.

CONTACT: Michelle Bertolino 916-774-5603 mbertolino@roseville.ca.us

6.2. Transient Occupancy Tax

Memo from Chief Information Officer Dennis Kauffman and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on analysis of placement of the Transient Occupancy Tax in the City Charter and the potential of recommending an additional revenue source.

CONTACT: Dennis Kauffman 916-774-5313 dkauffman@roseville.ca.us

6.3. District Elections and the California Voting Rights Act

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a video presentation on the California Voting Rights Act by Kara Ueda of Best, Best and Krieger, LLP.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

6.4. District Election Roles and Purview

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on roles and purview regarding transitioning to by-district elections.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

6.5. Elections

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation regarding amendments to Section 2.02 of Article 2 regarding elections.

CONTACT: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

7. ADJOURNMENT



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Minutes of Prior Meeting
Contact: Audrey Byrnes 916-774-5268 abyernes@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 9/16/2019
Item #: 5.1.

RECOMMENDATION

Recommend the Charter Review Commission approve the August 19, 2019 Charter Review Commission minutes.

BACKGROUND

There is no background associated with this item. The request is to approve the minutes of the previous meeting. According to the Administrative Standards, the minutes may be approved by majority vote even if one or more of the voting members were not present at the meeting to which the minutes relate.

Respectfully Submitted,

Audrey Byrnes, Assistant City Clerk

Sonia Orozco, City Clerk

ATTACHMENTS:

Description

August 19, 2019 Charter Review Commission Minutes



MINUTES

August 19, 2019

CHARTER REVIEW COMMISSION

5:30 p.m.

Council Chambers
311 Vernon Street
Roseville, California
www.roseville.ca.us

1. CALL TO ORDER

Chair Rohan called the August 19, 2019 Charter Review Commission meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Brohman, Cannon, Dohner, Frank, Garrett, Rohan, Sanchez, Viele
Absent: Constant

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Cannon.

4. PUBLIC COMMENTS

No public comment received.

5. MINUTES

5.1. Minutes of Prior Meeting

Memo from Assistant City Clerk Audrey Byrnes and City Clerk Sonia Orozco recommending the Charter Review Commission members approve the minutes of the July 15, 2019 Charter Review meeting.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

No public comment received.

Motion by Samuel Cannon, seconded by Robert Sanchez, to approve the July

15, 2019 Charter Review Commission Minutes. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Garrett, Rohan, Sanchez, Viele

Absent: Constant

6. REQUESTS/PRESENTATIONS

6.1. Noticing of Bids

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on research conducted regarding noticing of bids.

CONTACT: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Assistant City Attorney Michelle Sheidenberger made the presentation to the Commission.

No public comment received.

Motion by James Viele, seconded by Samuel Cannon, to approve revisions to Charter Section 7.21 to include "and/or on the City's website" and place the item on the consensus list. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Rohan, Sanchez, Viele

Nays: Garrett

Absent: Constant

6.2. Use of City Employees for Public Works

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on research conducted regarding use of City employees for public works.

CONTACT: Michelle Sheidenberger 916-774-5325

msheidenberger@roseville.ca.us

Assistant City Attorney Michelle Sheidenberger made the presentation to the Commission.

No public comment received.

Motion by Rita Brohman, seconded by James Viele, to remove Charter Section 7.23 and recommend approval of revisions to Roseville Municipal Code Section 4.12.095 to include "I. Use of City Employees. In lieu of the bidding and contract procedures set forth in this section, public works and services may be performed by city employees at the discretion of the City Manager". The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Garrett, Rohan, Sanchez, Viele

Absent: Constant

6.3. General Powers Respecting Utilities

Memo from Environmental Utilities Director Rich Plecker recommending the Charter Review Commission receive a presentation regarding amendments to Section 10.01 of Article 10 regarding General powers respecting utilities.

CONTACT: Rich Plecker 916-774-5714 rplecker@roseville.ca.us

Environmental Utilities Director Richard Plecker made the presentation to the Commission.

No public comment received.

Motion by Paul Frank, seconded by Rita Brohman, to approve revisions to Charter Section 10.01 to include "Notwithstanding the foregoing, after January 1, 2021 the City shall not provide retail potable water service to new service areas outside its corporate limits." and place the item on the consensus list. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Rohan, Sanchez, Viele

Absent: Constant

Abstain: Garrett

6.4. Franchise Fees

Memo from Chief Financial Officer Dennis Kauffman recommending the Charter Review Commission members receive a presentation on Franchise Fees.

CONTACT: Dennis Kauffman 916-774-5313 dkauffman@roseville.ca.us

Chief Financial Officer Dennis Kauffman made the presentation to the Commission.

No public comment received.

Motion by LaMills Garrett, seconded by Kristine Dohner, to remove the item from future consideration. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Garrett, Rohan, Sanchez, Viele

Absent: Constant

6.5. Charter Review Commission Members and Resident Proposals on Sections of Articles 9, 10, 11 and 12

Review and discussion on any sections of Article 9 regarding Franchises, Article

10 regarding Municipally-Owned Utilities, Article 11 Reserved, and Article 12 regarding Miscellaneous sections by Charter Review Commission members or members of the public.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Commission.

Chair Rohan requested discussion on Section 10.02 regarding Rates; collection of utility charges.

No public comment received.

Motion by LaMills Garrett, seconded by Rita Brohman, to approve directing staff to return to Commission with information and/or language regarding Section 10.02. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Garrett, Rohan, Sanchez, Viele

Absent: Constant

7. ADJOURNMENT

Motion by Samuel Cannon, seconded by Robert Sanchez, to adjourn the meeting at 6:40 p.m. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Dohner, Frank, Garrett, Rohan, Sanchez, Viele

Absent: Constant



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Section 10.02 - Rates; Collection of Utility Charges
Contact: Michelle Bertolino 916-774-5603 mbertolino@roseville.ca.us
Audrey Byrnes 916-774-5268 abyernes@roseville.ca.us

Meeting Date: 9/16/2019
Item #: 6.1.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on amendments to Charter Section 10.02 regarding Rates; collection of utility charges and direct staff to:

1. Return with additional information and/or further language suggestions for Section 10.02 regarding Rates; collection of utility charges;
2. Approve recommended revisions to Section 10.02 regarding Rates; collection of utility charges and place recommended revisions on the consensus list;
3. Place 10.02 Rates; collection of utility charges on the outstanding items list for future discussion; or
4. Remove 10.02 Rates; collection of utility charges from future consideration.

BACKGROUND

At the August 19, 2019 Charter Review Commission meeting, the Commission directed staff to return to the Commission with information and/or language regarding Section 10.02 Rates; collection of utility charges.

The Commission request was to remove the authority of the City Manager to fix rates and charges for non residential electric utility customers from Section 10.02. The Commission felt that it should be the authority of the City Council to fix rates and charges for non residential electric utility customers.

Research was conducted for the reasons the designation of the City Manager was added to the section. The data found it was added for a matter of flexibility, so if the City Council, for whatever reason, could not agree or pass an ordinance to fix rates and charges, the City Manager would have such authority.

The language recommended to clarify Section 10.02 is:

The Council shall have the power to classify and to fix and, from time to time to revise such rates

and charges as it may deem advisable for supplying the inhabitants of the City and others with such utility services as the City may provide. For nonresidential electric utility customers, the council may, by ordinance, ~~delegate the power to fix such rates and charges to the City Manager,~~ upon such terms and conditions as the council deems advisable. The council shall, by ordinance, provide for the collection of all public utility charges made by the City, and the attendant exercise, on behalf of the city, of all actions or remedies permitted by law.

Respectfully Submitted,

Michelee Bertolino, Electric Utility Director

Audrey Byrnes, Assistant City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Transient Occupancy Tax
Contact: Dennis Kauffman 916-774-5313 dkauffmann@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 9/16/2019
Item #: 6.2.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on analysis of placement of the Transient Occupancy Tax (TOT) in the City Charter and direct staff to:

1. Return with additional information and/or further language suggestions for placement of the TOT in the City Charter;
2. Place the TOT placement in the City Charter on the outstanding items list for future discussion; or
3. Remove the item from future discussion and leave placement of the provisions of the TOT in Roseville Municipal Code Chapter 4.24.

BACKGROUND

At the July 15, 2019 Charter Review Commission meeting, the Commission directed staff to bring information forward on placing the TOT provision in the Charter.

Currently, TOT provisions are contained within Roseville Municipal Code Chapter 4.24. The TOT is paid for privilege of occupancy in any hotel/motel/Airbnb/VRBO or internet based rental service. Operators are required to tax six percent of the rent charged by the operator of the establishment. Said tax constitutes a debt owed to the city, which is extinguished only by payment of the operator to the city.

After consideration, staff recommends keeping the TOT out of the Charter for the following reasons:

1. Keeping the transient occupancy tax (TOT) out of the City Charter will maintain the City's flexibility. For example, with the TOT outside the Charter, the City Council can vote anytime to place a measure on the ballot to increase the TOT without the extensive and infrequent process of amending the Charter.
2. If the City Council decides in the future to place a separate measure on the ballot to increase the TOT, the City will deliver educational outreach to residents and the business community to justify the increase.

3. Keeping a vote to increase the TOT apart from the Charter will prevent it from getting obscured among many other Charter amendments voters will consider. This will increase the transparency of the decision voters will make.

Respectfully Submitted,

Dennis Kauffman, Chief Financial Officer

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: District Elections and the California Voting Rights Act
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 9/16/2019
Item #: 6.3.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on the California Voting Rights Act by Kara Ueda of Best, Best and Krieger, LLP. This item is for information only. No action requested.

BACKGROUND

The California Voting Rights Act (CVRA) was signed into law in 2002 and is set forth in Elections Code §14025-14032. As of January 1, 2003, the CVRA created a statutory structure under California law that makes it easier for minority groups in California to successfully argue that their votes are being diluted in at-large elections. Under the CVRA, local at-large voting systems are said to impair the ability of a protected class to elect candidates of its choice or otherwise influence the outcome of an election.

The presentation will cover an overview of the CVRA, racially polarized voting, why agencies change to by-district elections, litigation and settlements, the transition process, and adoption of an ordinance transitioning to by-district elections.

Respectfully Submitted,

Michelle Shiedenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: District Election Roles and Purview
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 9/16/2019
Item #: 6.4.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on roles and purview regarding transitioning to by-district elections.

BACKGROUND

As allowed by the California Voting Rights Act, California Government Code §34886 authorizes the legislative body of a city to adopt an ordinance that requires the members of the legislative body to be elected by-districts without being required to submit the ordinance to the voters for approval. The change must be made in the furtherance of the purposes of the CVRA.

City Council:

There are separate and distinct actions that are required of the City Council. These include:

- Changing the City's election system from at-large to by-district by adopting districts and map;
- Selection of the Mayor (should the mayor be elected at large or not). If not elected at-large, Council must choose another method for selecting the mayor and vice-mayor and may choose to use a rotational by district system, or the City Council may choose to select the mayor and vice-mayor among its own membership;
- Sequencing of elections (which districts) and timing of elections (when for each district);
- Vacancies: The Charter currently allows Council to fill vacancies within 30 days and if it fails to do so within that time frame, a special election shall be held. The City Council will need to stipulate that vacancies should be filled from persons residing in the same district as the Councilmember who is vacating office. The City Council will also need to set forth a procedure for what occurs if no person from the applicable district applies to fill the vacancy.

Charter Review Commission:

There are also separate and distinct actions that are required by the Charter Review Commission in order to make recommendations to the City Council. Charter amendments will be required in order to revise the following interrelated areas of the Charter. The reason these interrelated items

require action is because Government Code §34886 does not authorize an ordinance for these areas, and the City cannot adopt an ordinance in violation of its Charter. Items for consideration are as follows:

- Number of Council seats
- Term lengths
- Term limits
- Duties of Mayor
- Council compensation
- Section 2.02 Enabling language

These are areas which can be considered by the Charter Review Commission, with recommendations presented to Council. However, Council has the ultimate control as to whether amendments in these areas are presented to the voters in November of 2020. The City Council additionally has the discretion to modify the proposed amendments.

Respectfully Submitted,

Sonia Orozco, City Clerk

Michelle Sheidenberger, Assistant City Attorney



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Elections
Contact: Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 9/16/2019
Item #: 6.5.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on Section 2.02 of Article 2 of the Charter regarding elections and direct staff to:

1. Return with additional information and/or further language suggestions for Section 2.02 regarding elections;
2. Approve one of the options related to elections and place the item on the consensus list; or
3. Place this item on the outstanding items list for future discussion.

BACKGROUND

On September 4, 2019, the City Council adopted a Resolution of Intention to initiate procedures to transition from at-large elections to district-based elections. California Government Code Section 34886 authorizes the legislative body of a city to adopt an ordinance to change its method of election from an at-large system to a by-district system in which each councilmember is elected only by the voters in the district in which the candidate resides without submitting the ordinance to the voters for approval. After a public hearing and community outreach process, the City Council will adopt a district map and an ordinance to transition to district elections beginning in November 2020.

As a result of adoption of this ordinance, the first line of Section 2.02 of the Charter, which requires at large elections, will need to be amended. Section 2.02 currently provides as follows:

Sec. 2.02. Elective officers. The electors of the City shall elect a council of five (5) members, at large, for a four (4) year term of office. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. Two (2) and three (3) councilmembers shall be elected alternately at the General Municipal Election each even-numbered year. No councilmember shall serve more than two (2) consecutive four (4) year terms, commencing as of a date subsequent to April 9, 1974. A partial term served due to appointment to a vacant council seat does not count as a term for

purposes of this section.

PROPOSED AMENDMENTS

There are many approaches to amending Section 2.02 so that the Charter and the district elections ordinance the Council adopts does not conflict. Here are four options for the Commission's consideration:

Option 1

"The electors of the City shall elect a council of five (5) members, ~~at large,~~ for a four (4) year term of office."

Option 1 merely strikes the "at large" language from the Charter but doesn't replace it with alternative language. Although Option 1 removes the conflicting "at large" language from the Charter, it leaves the Charter, the City's overarching policy document, silent as to how the five councilmembers are selected. It is implied that the details explaining how the councilmembers are selected are specified in some other manner, such as by an ordinance. However, this option does not explicitly require the adoption of an ordinance.

Option 2

"The electors of the City shall elect a council of five (5) members, ~~at large~~ in a manner prescribed by ordinance, for a four (4) year term of office."

Unlike Option 1, Option 2 specifies that how councilmembers are selected shall be set forth in an ordinance.

Option 3

"The electors of the City shall elect a council of five (5) members, ~~at large~~ or as otherwise prescribed by ordinance, for a four (4) year term of office."

Option 3 retains the at large election option but also gives the City Council the additional option of adopting an ordinance setting forth an alternative election system, such as by-district elections. It maintains flexibility in the event the California Voting Rights Act is ever overturned or repealed. In which case, the Council can simply repeal the alternative ordinance and revert back to at large elections. The disadvantage is that it leaves the term "at large" in the Charter.

Option 4

Option 4 would be to repeal Section 2.02 in its entirety. Council would need to adopt ordinances to address the subject matters currently contained within Section 2.02 (election system, number of councilmembers, term lengths, term limits, partial terms, sequencing, etc.). A disadvantage to this option is that this leaves these subject matters solely at the discretion of three councilmembers, which is the number of votes needed to adopt/repeal ordinances, as opposed to the voters.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk