



AGENDA
June 17, 2019

CHARTER REVIEW COMMISSION
5:30 p.m.
Council Chambers
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 approve the minutes of the of the May 20, 2019 Charter Review meeting.

CONTACT: Audrey Byrnes 916-774-5268 abyernes@roseville.ca.us

6. REQUESTS/PRESENTATIONS

6.1. Resign-to-Run and Anticipated Vacancy Provisions - Article 3 - Section 3.09

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on research conducted regarding Resign-to-Run and Anticipated Vacancy Provisions for City Councilmembers.

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

6.2. Grouping Charter Amendments on Ballot

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on grouping of Charter amendments on the ballot.

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

6.3. City Treasurer - Article 2 - Section 2.12

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on Article 2 - Section 2.12 regarding the City Treasurer.

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

6.4. Public Outreach on Charter Review Process

Staff presentation on public outreach with options to inform residents on the opportunities to participate in the review process.

CONTACT: M. MacPherson 916-774-5455 macpherson@roseville.ca.us

6.5. Charter Review Commission Members and Resident Proposals

Review and discussion on any sections of Articles 5 and 6 of the Charter.

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

6.6. Staff Proposed Amendments to Charter Article 4 - Section 4.06

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve staff proposed amendments to Section 4.06 of Article 4 of the Charter regarding Council rules.

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

6.7. Staff Proposed Amendments to Charter Article 4 - Sections 4.01 and 4.02

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve proposed amendments to Section 4.01 and Section 4.02 of Article 4 regarding regular meetings and special meetings of the City Council.

CONTACT: Sonia Orozco 916-774-5269 sorozco@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: 6/17/2019
Item #: 5.1.

RECOMMENDATION

Recommend the Charter Review Commission approve the May 20, 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

May 20, 2019 Charter Review Commission Minutes



MINUTES
May 20, 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 May 20, 2019 Charter Review Commission meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Brohman, Constant, Dohner, (Frank arrived late), Garrett, Rohan
Absent: Cannon, Sanchez, Viele

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Brohman.

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 members approve the minutes of the April 15, 2019 Charter Review meeting.

CONTACT: Audrey Byrnes 916-774-5268 abyrnes@roseville.ca.us

No public comment received.

Commissioner Brohman requested changes to April 15, 2019 Minutes.

Motion by Rita Brohman, seconded by Peter Constant, to approve the April 15, 2019 Charter Review Commission Minutes and incorporate requested changes regarding adding the word "committees" to Section 2.14. The Motion Passed.

Roll call vote: Ayes: Brohman, Constant, Dohner, Frank, Garrett, Rohan

Absent: Cannon, Sanchez, Viele

6. REQUESTS/PRESENTATIONS

6.1. Compensation of Councilmembers and Mayor - Article 3 - Section 3.05

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review members receive a presentation on Section 3.05 of Article 3 on the topic of Councilmember and Mayor compensation. The report and presentation are for information only.
CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Commission.

Public Comment:

Jim Gray - Spoke in support of Council pay increase.

No action taken.

6.2. Councilmember Vacancies - Article 3 - Section 3.09

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review members receive the presentation on Section 3.09 of Article 3 regarding Councilmember vacancies. The report and presentation are for information only.
CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Commission.

Public Comment:

Jim Gray - Spoke to future information regarding item.

No action taken.

6.3. Duties of the Mayor and Structures of Local Government

Staff presentation on the duties of a Mayor in a government structure.
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.

Item for information only.

6.4. Charter Review Commission Members and Resident Proposals

Review and discussion on any sections of Articles 1, 2, 3, or 4.

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

Chair Rohan made presentation to Commission.

Commissioner Constant:

Article 2 - 2.03 - Assumption of office by, meeting of council, and seating mayor and vice mayor. - to be placed on Inter-Related / Outstanding Items list

Article 2 - 2.02 - Elective officers. - to be placed on Inter-Related / Outstanding Items list

Article 3 - 3.08 - Employee welfare benefits. - to be placed on Inter-Related / Outstanding Items list - if necessary

Commissioner Frank:

Article 2 - 2.12 - City treasurer - to be brought back with language for Section 2.12

Commissioner Garrett:

Article 3 - 3.05 - Compensation of council members and mayor - to be placed on Inter-Related / Outstanding Items list

Article 3 - 3.09 - Councilmember vacancies - to be placed on Inter-Related / Outstanding Items list

Chair Rohan:

Article 2 - 2.04 - Powers and duties of mayor. - to be placed on Inter-Related / Outstanding Items list

Article 2 - 2.06 - City attorney. - to be placed on Inter-Related / Outstanding Items list

Article 2 - 2.07 - City manager. - to be placed on Inter-Related / Outstanding Items list

Article 4 - 4.04 - Quorum - to be placed on Inter-Related / Outstanding Items list

No public comment received.

No action taken.

6.5. Staff Proposed Amendments to Charter Article 4 - Sections 4.01 and 4.02

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review members approve proposed amendments to Section 4.01 and Section 4.02 of Article 4 regarding regular meetings and special meetings of the City Council.
CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Commission on Section 4.01.

City Clerk Sonia Orozco made the presentation to the Commission on Section 4.02.

Public Comment:

Jim Gray - Spoke to concerns regarding 4.01 and 4.02.

Motion by Peter Constant, seconded by Rita Brohman, to approve to bring Sections 4.01 and 4.02 for future presentation to the Commission with more information. The Motion Passed.

Roll call vote: Ayes: Brohman, Constant, Dohner, Frank, Garrett, Rohan

Absent: Cannon, Sanchez, Viele

6.6. Staff Proposed Amendments to Charter Article 4 - Section 4.06

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review members approve staff proposed amendments to Section 4.06 of Article 4 of the Charter regarding Council rules.

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

City Clerk Sonia Orozco made the presentation to the Commission on Section 4.06.

No public comment received.

Consensus of Commission to bring back language for Section 4.06.

7. ADJOURNMENT

Motion by Peter Constant, seconded by Rita Brohman, to adjourn the meeting at 7:56 p.m.. The Motion Passed.

Roll call vote: Ayes: Brohman, Constant, Dohner, Frank, Garrett, Rohan

Absent: Cannon, Sanchez, Viele



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Resign-to-Run and Anticipated Vacancy Provisions - Article 3 - Section 3.09
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.1.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on Resign-to-Run and Anticipated Vacancy Provisions for City Councilmembers and direct staff to:

1. Return with additional information and/or further language suggestions for Resign-to-Run and Anticipated Vacancy Provisions;
2. Approve revisions and place Resign-to-Run and Anticipated Vacancy Provisions on the consensus list;
3. Place Resign-to-Run and Anticipated Vacancy Provisions on the outstanding items list for future discussion; or
4. Remove item from future consideration.

BACKGROUND

Current Charter Language

Section 3.09 Councilmember vacancies

The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the council shall be filled by a majority vote of the remaining councilmembers within thirty (30) days after the vacancy occurs. If the council fails, for any reason, to fill such a vacancy within said thirty (30) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the council to fill a vacancy shall hold office until the General Municipal Election and until a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.

Government Code Section 1770

Provisions of the code dictate an office becomes vacant on the happening of any of the following

events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term.

(c) (1) His or her resignation, except as provided in paragraph (2).

(2) In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

1. Resign-to-Run Provisions

Resign-to-Run laws require officeholders to resign from their current public office in order to run for another public office. Nationwide, five states (Arizona, Florida, Georgia, Hawaii, and Texas) and several cities (including Dallas, Philadelphia, and Phoenix) have such law. The following provides sample Resign-to-Run city provisions:

City of Dallas Charter Provision

"A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the city council or if he or she becomes a candidate for election to any different place on the city council that requires taking office prior to the end of his or her elective term."

City of Philadelphia Charter Provision

"No officer or employee of the City, except elected officers running for re-election, shall be a candidate for nomination or election to any public office unless he shall have first resigned from his then office or employment."

Allegheny, Pennsylvania Charter Provision

“A County Council member shall not be a candidate for nomination or election to any elected political office other than that of County Council without having first resigned from County Council.”

The following provides sample Resign-to-Run statewide provisions:

State of Florida

(3)(a) "No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds. (b)The resignation is irrevocable...(7) Nothing contained in subsection (3) relates to persons holding any federal office or seeking the office of President or Vice President."

State of Hawaii

"Any elected public officer shall resign from that office before being eligible as a candidate for another public office, if the term of the office sought begins before the end of the term of the office held."

2. Anticipated Vacancies

Research was conducted in over 20 California charter cities for an Anticipated Vacancy Provision, and San Jose's charter was the only document found to contain such a provision.

City of San Jose Charter Provision

“ADVANCE REPLACEMENT. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.”

PROS of Resign-to-Run and Anticipated Vacancy Provisions:

- Prevents the officeholder from dividing their time in office between their official duties and their personal advancement
- Prevents officeholders from unfairly leveraging their present position against other candidates

CONS of Resign-to-Run and Anticipated Vacancy Provisions:

- Potential that elections may be less competitive because those whose ultimate goal is a higher office may no longer seek lower offices first as "stepping stones"
- Potential that candidates may not have the opportunity to gain helpful governmental experience at lower levels in order to be competitive and competent in higher office
- Potential that constituents may lose all representation for months-long periods if their elected representatives have to resign before running for another office
- Potential that Resign-to-Run and Anticipated Vacancy provisions may discourage many

qualified individuals from seeking higher office

Questions Relative to San Jose's Advance Replacement Provision:

“ADVANCE REPLACEMENT. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.”

- When is the Council triggered to initiate the appointment or election process?
- Does the resigning Councilmember need to submit a resignation letter? Or does the mere fact that they are elected or run for an incompatible public office suffice?
- Is it a voluntary provision, i.e. triggered only when a resignation is submitted, or involuntary provision, i.e. triggered once Council has knowledge of the impending vacancy regardless of whether the Councilmember submits a resignation letter?
- At what point is the resignation irrevocable? For example, two weeks after submitting a resignation letter, can the Councilmember withdraw the letter if his/her situation changed and the Council hasn't begun the recruitment or election process?
- What if the recruitment or election process has been commenced? At what point is the resignation irrevocable?

Consideration of these questions must occur if the Commission wants to pursue such a provision.

California Constitution

Although the United States Supreme Court has ruled that Texas' Resign-to-Run law was constitutional under the United States Constitution, such laws would be legally suspect in California under the California Constitution. That's because in California, the right to seek public office is a fundamental right under the California Constitution. The right to seek and hold public office has been accorded special, sensitive protection as a fundamental and valuable constitutional right by California courts. The Supreme Court has described every California citizen's political rights as follows: “The right to seek public office and the right to the unrestricted exercise of the franchise are fundamental.” This means that the exercise of this right should not be prohibited or curtailed, which a Resign-to-Run or Anticipated Vacancy Charter Provision would do by forcing a councilmember to resign his or her seat in order to run for another public office.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk

ATTACHMENTS:

Description

Las Vegas Sun Resign-to-Run Article

Constancy, Brooks, Smith & Prophete LLP Resign-to-Run Article

THE MAYOR'S RACE:

For politicians, less hazard in testing waters

It used to be that LV councilmen seeking another office had to resign their posts, thus risking their careers

By [Delen Goldberg](#)

Tuesday, March 15, 2011 | 2 a.m.

When Arnie Adamsen decided to run for Las Vegas mayor 12 years ago, he faced a crucial choice: Keep his job as city councilman and forgo higher office, or resign his council post and try to win election as mayor.

Adamsen resigned and lost. The race ended his political career.

This election cycle, elected officials running for mayor have far less at stake. They risk nothing, except their pride, by running. If Las Vegas Councilman Steve Ross or Clark County Commissioners Larry Brown and Chris Giunchigliani lose, they return to their jobs, battered and bruised perhaps, but still employed.

The city ordinance that forced Adamsen to resign was repealed in 2005 after eight years in effect. Nothing in Nevada law prevents elected officials at any level of government from testing the political waters while in office.

“We call it progressive ambition,” UNLV political scientist David Damore said. “There’s a hierarchy of offices that people want to move up into, and the good candidates wait for good opportunities — open seats or weak incumbents.”

Mayor Oscar Goodman’s exit from City Hall presents one of those opportunities. For Ross, promotion to mayor would allow him to set his own agenda, even though he would remain only one vote on the City Council. For Brown and Giunchigliani, becoming mayor would net them more attention, even if it would strip them of some political power (county commissioners carry more real power than the mayor).

“Being quite realistic, it certainly gives you a fallback,” Brown said. “It’s not like you’re giving up your seat to risk everything on another seat. It’s a safety net.”

Adamsen didn’t have that luxury. From 1997 to 2005, Las Vegas required elected officials to resign to run for another office. The measure was sponsored by two Adamsen foes, Councilmen Michael McDonald and Matthew Callister, and some dubbed it the “Screw Adamsen” bill. The councilmen argued the ordinance evened the playing field for council candidates seeking higher office.

But after that law was rescinded, a councilman in the second year of his four-year term wouldn’t have to risk his council seat if he wanted to make a stab for mayor. City Council races are staggered, and if he lost his mayoral bid, he still had two years of his councilman’s term.

On the national stage, resigning to run for higher office is rare, although not unheard of. Bob Dole resigned as Senate majority leader in 1996 to run for president. But more recently, John Kerry, John McCain and Barack Obama kept their Senate jobs while campaigning for the White House.

Joe Lieberman ran simultaneously for Senate re-election and vice president in 2000. And in New Jersey, Sharpe James served as Newark's mayor and a state senator for seven years. (He was later convicted of corruption.)

Nationally, only five states — Florida, Arizona, Georgia, Hawaii and Texas — have “resign to run” laws. Seven states have considered them over the past decade, but none passed. Nevada was not among the seven.

Republican Sen. Ann O’Connell in 1999 proposed a statewide version of Las Vegas’ ordinance, but it went nowhere.

Las Vegas repealed the law six years later after the Nevada Supreme Court ruled a similar ordinance in Mesquite unconstitutional.

The laws are designed to keep officeholders focused on their jobs rather than be diverted by campaigning. They aim to prevent politicians from using elected positions as steppingstones and try to curb them from parlaying the power and prestige of their jobs.

Ethical issues also can arise when politicians try to move up the ranks while in office. Voters can be left wondering which constituency they represent: their current district or the one they hope to serve?

“The flip side of it could be that resign-to-run laws may prevent people from seeking higher office,” said Jennie Bowser of the [National Conference of State Legislatures](#). “Some people might argue that if they serve in lower office first, they bring experience.”

Resign-to-run laws have worked with varying success, Bowser said.

In Texas, resignation is automatic as soon as an elected official files or announces candidacy for another office, while in Florida politicians don’t have to resign until they or their successor take office. Arizona’s laws are ambiguous, making the law difficult to enforce.

There’s scarce research on whether the public supports such laws, but some experts argue that politicians’ job hopping breeds voter cynicism.

“It plays into voters’ general stereotype of politicians,” Damore said. “They talk up public service but as soon as a better opportunity comes along, they are gone.”



Pros and cons of "resign to run" laws for elected officials

10.13.16

POSTED IN PUBLIC SECTOR EMPLOYMENT

NOTE FROM ROBIN: This is another post from our Public Sector Industry Group. Welcome, Ray!

During this election season, we thought it would be timely to bring up what are commonly referred to as "resign to run" laws. So-called "resign to run" laws require that before an elected official may run for a different (usually, higher) office, he or she must first resign from the current office.



Ray Poole

Presently, five states (Arizona, Florida, Georgia, Hawaii, and Texas) and several cities (including Dallas, Philadelphia, and Phoenix) have such laws.

Although it may seem odd to someone in the private sector to have to quit one's current job before seeking a promotion, in the public sector context there are a number of good reasons to have such rules.

First, there is the fear that an elected official seeking another office might neglect the duties of the office currently being held. For example, in 2008, nine members of the U.S. House and Senate sought the Presidential nomination. They missed between 12 percent and 50 percent of their congressional votes while campaigning.



"I have to quit before I can run for higher office? Why, that's un-American!"

There is also the concern that elected officials seeking higher office may misuse governmental resources, including their staff, for campaign purposes, as well as the concern that they may give short shrift to their current constituents while being overly solicitous of the constituents they hope to represent.

Finally, advocates of "resign to run" laws argue that elected officials may unfairly leverage their present position against other candidates, while retaining their current positions as a fallback.

That said, not everyone favors "resign to run" laws. Opponents of the laws argue that they make elections less competitive because those whose ultimate goal is a higher office may no longer seek lower offices first as "stepping stones." This could also deprive the candidates of helpful governmental experience at lower levels.

Perhaps even worse, constituents may lose all representation for months-long periods if their elected representatives have to resign before running for another office. Finally, opponents argue that "resign to run" laws discourage many qualified individuals from seeking higher office.

Most of us will never run for public office, much less run for one while holding another. However, it is good to be mindful of these requirements. Although few officials have been prosecuted or removed from office for violating "resign to run" laws, political opponents seeking political advantage routinely hurl accusations that candidates have violated the laws.

Image Credit: Indignant woman from flickr, Creative Commons license, by David Johns.

Tags: Digital Immigrant, Digital Native, e-Law, Elected Officials, Francis Slay, Public Sector Employment, Ray Poole, Resign to Run





CHARTER REVIEW COMMISSION COMMUNICATION

Title: Grouping Charter Amendments on Ballot
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.2.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on Grouping of Charter amendments on the ballot and direct staff to:

1. Return with additional information and/or further language suggestions for Grouping of Charter amendments on the ballot;
2. Approve revisions and place Grouping of Charter amendments on the ballot on the consensus list;
3. Place Grouping of Charter Amendments on the ballot on the outstanding items list for future discussion; or
4. Remove item from future consideration.

BACKGROUND

An initiative measure embracing more than one subject matter may not be submitted to the voters. This is called the single subject rule.

However, in 2008, in a case called *Hernandez v. County of Los Angeles*, an appellate court ruled that the single subject rule does not apply to charter amendments sponsored by governing bodies, such as the City Council. That's because there is no California Constitution provision that requires this unlike for citizen sponsored initiatives.

The court held that charter cities are able to group multiple technical amendments into one ballot measure. The court described "technical changes" as provisions which are different but reasonably related. Also, cities may group amendments into one measure to achieve a common theme or purpose. Bottom line, there is no bright line rule or limit.

In 2010, there was one Roseville ballot measure that covered typographical corrections, grammatical corrections, and minor procedural changes. The changes were illustrated on five pages of text within the sample ballot amending out-of-date provisions, up-dated provisions, typographical corrections, minor procedural changes, capitalization changes, replacing the word

member with councilmember, and adding the word City to all named officials. The ballot measure passed as written and is attached for your reference.

Staff recommends that once we review all of the amendments at the end of the process, we have a discussion as to which amendments should be grouped together.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk

ATTACHMENTS:

Description

Grouped Changes 2010 Charter

MEASURE B

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall the City Charter be amended: (1) Out-of-date provisions: sections 1.055, 2.06, 2.07, 2.10, 2.12, 2.13, 3.02, 3.03, 4.02, 4.05, 5.03; (2) Up-dated provisions: sections: 2.14, 3.09, 8.02, 8.03, 8.04, 8.05, 8.07, 9.01; (3) Typographical corrections: sections 4.06, 6.01; (4) Minor procedural changes: sections 1.05, 2.04, 2.09; (5) Capitalizing the word City, replacing the word member with councilmember, and adding the word City to all named officials?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

This measure would correct various minor typographical and grammatical errors and anachronisms in the Charter text, in addition to clarifying and amending several minor procedural provisions. These changes are proposed to aid in the implementation of various Charter provisions and are considered to have no significant legal effect.

ARGUMENT IN FAVOR OF MEASURE B

Approval of Measure B will make various grammatical and clarifying changes to the Charter, in addition to minor procedural and substance changes. This measure will also delete outdated Charter language and implement various Charter provisions, which are not considered to be substantive.

The Charter Review Commission recommends a yes vote on this Measure.

Rex Clark, Chair
Charter Review Commission

**NO ARGUMENT AGAINST MEASURE B
WAS SUBMITTED**

A RESOLUTION SUBMITTING A CERTAIN MEASURE TO THE ELECTORATE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010

WHEREAS, the Council has received and reviewed the report of the Charter Review Commission of the City of Roseville, and

WHEREAS, the Council now desires to submit the recommendations of the Charter Review Commission to the electorate of the City of Roseville for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roseville as follows:

1. That the proposed amendment to the charter of the City of Roseville recommended by the Charter Review Commission is hereby approved by the City Council.
2. The Council hereby submits the proposed charter amendments to the qualified electorate of the City of Roseville for consideration at the General Municipal Election to be held on Tuesday, November 2, 2010. The proposed amendment is as follows:

Measure **Shall the City Charter be amended:**
(1) Out-of-date provisions: sections 1.055, 2.06, 2.07, 2.10, 2.12, 2.13, 3.02, 3.03, 4.02, 4.05, 5.03; (2) Up-dated provisions: sections: 2.14, 3.09, 8.02, 8.03, 8.04, 8.05, 8.07, 9.01; (3) Typographical corrections: sections 4.06, 6.01; (4) Minor procedural changes: sections 1.05, 2.04, 2.09; (5) Capitalizing the word City, replacing the word member with councilmember, and adding the word City to all named officials?

3. Attachment of the text of the proposition and the proposed textual changes in the City Charter, are hereby incorporated herein by this reference.

PASSED AND ADOPTED by the Council of the City of Roseville, on the 5th day of May, 2010, by the following vote on roll call:

AYES **COUNCILMEMBERS:** Allard, Gray, Garcia, Roccucci, Garbolino
NOES: **COUNCILMEMBERS:** None
ABSENT: **COUNCILMEMBERS:** None

GINA GARBOLINO, MAYOR

ATTEST:
SONIA OROZCO, CITY CLERK

PROPOSED CHARTER TEXT REVISION

Sec. 1.05. Reserved Charter review an amendments.

At least every ten (10) years, the City council shall appoint a citizen commission of not less than nine (9) members whose charge shall be to review the charter and present, or cause to be presented, to the City council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the City council.

~~(Amended by general municipal election on November 7 2000.)~~

Sec. 1.055. Genders.

~~The citizens of Roseville intend that where a male pronoun is used in this charter it includes the female gender on an equal basis. (Amended April 13, 1982.)~~

Sec. 2.04. Powers and duties of mayor.

The mayor shall be the official head of the City government for purposes of ceremony and serve as the presiding officer at meetings of the council, in which meetings the mayor may speak and vote as any other councilmember. The mayor shall not have the power of veto or regular administrative duties and shall exercise such powers, and only such powers, as shall be specifically conferred or required by law. ~~The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil process and by the governor for military purposes.~~

Sec. 2.06. City attorney.

The council shall select a City attorney to serve at its pleasure. The pleasure of the council in selecting or discharging the City attorney shall be exercised by at least three (3) affirmative votes. The City attorney shall be selected on the basis of his training, experience and other administrative qualifications for the office, without regard to his political or religious preferences or his place of residence at the time of his selection. The City attorney shall act as legal advisor to and counsel for the council and City manager in matters relating to their official duties. The City attorney shall represent the City in litigations in which the City is interested; shall provide written legal opinion on official matters when requested by the council or City manager; shall review for legal correctness contracts, bonds, franchises and other instruments in which the City is concerned, and perform such other duties as may be prescribed by ordinance, by administrative code, or otherwise by law. The City attorney may appoint and remove deputy or assistant

**MEASURE B CHARTER TEXT REVISION
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**MEASURE B CHARTER TEXT REVISION
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attorneys, which deputies and assistants shall serve at the City attorney's pleasure, provided that recruitment of such attorneys shall be through the merit system. (Amended by General Municipal Election on November 7, 2000; amended April 13, 1982.)

Sec. 2.07. City manager.

The council shall select a chief administrative officer of the City government who shall be entitled City manager, and who shall serve at the pleasure of the council. The pleasure of the council in selecting or discharging the City manager shall be exercised by at least three (3) affirmative votes. If a vacancy occurs in this position, the council shall select a City manager within a reasonable amount of time. The City manager shall be selected on the basis of his training, experience and other administrative qualifications for the office, without regard to his political or religious preferences or his place of residence at the time of selection. No councilmember shall be eligible for the position of City manager within two (2) years after the expiration of his the councilmember's latest councilmanic term. (Amended by General Municipal Election on November 7, 2000; amended April 13, 1982.)

Sec. 2.09. Council-manager relationships.

The City manager shall be responsible to the council for the administration of all units of the City government under his the City manager's jurisdiction and for carrying out policies adopted by the council. Except for the purposes of inquiry, authorized by the council, the council and its members shall deal with administrative officers and employees solely through the City manager.

Sec. 2.10. City Manager's duties and authority.

The City manager shall supervise the administrative affairs of the City. He The City manager shall be charged with the preservation of the public peace and health, the safety of persons and properties, the enforcement of law, and the development and utilization of the City's resources. He The City manager shall keep the council informed of the condition and needs of the City and shall make such reports and recommendations as he the City manager may deem desirable and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council not inconsistent with this charter. He The City manager shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

Sec. 2.12. City Treasurer.

The City treasurer shall have such duties as may be prescribed by the City manager and shall be responsible for the custody of all moneys and evidences of value belonging to the City, or held in trust by the City. He The City treasurer shall receive and give a

receipt for all money due the City including that which may be collected by other City officials or employees. He The City treasurer shall keep, deposit and disburse, all City funds in accordance with law. He The City treasurer shall have such powers and duties in regard to the collection, custody, and disbursements of funds belonging to other political subdivisions of the state as may be conferred upon him the City treasurer by law. The council may contract for the provision of some or all of the foregoing services by third parties. (Amended by General Municipal Election on November 7, 2000.)

Sec. 2.13. City Clerk.

The City clerk shall be responsible to, and have such duties as may be prescribed by the City manager and shall attend and keep a permanent journal of proceedings at all meetings of the council. He The City clerk shall record and certify all council ordinances and resolutions. He The City clerk shall be custodian of the City seal and official City records, the custody of which is not otherwise provided for by council, ordinance, or administrative order of the City manager. He The City clerk shall be the chief elections official of the City in all elections, including consolidated elections and shall prescribe and may furnish the forms for all petitions provided for by this charter. He The City clerk shall have the power to administer oaths of office. (Amended by General Municipal Election on November 7, 2000.)

Sec. 2.14. Boards and commissions.

The council shall by ordinance create a planning commission and a ~~library board~~ personnel board, and may create or may abolish such other boards and commissions with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the number, manner of appointment, length of term, and duties of members of such boards and commissions who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the ~~Personnel Board~~, the council shall provide for an appeal by any interested or aggrieved person from the decision of any board or commission to the council. The council's decision shall be final. All members of such boards and commissions shall be residents of the City at the time of their appointment and continuously during their term of office. Boards and commissions existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter. (Amended by general municipal election on November 7, 2000.)

Sec. 3.02. Oath of office and bond.

Every elective officer, the City manager, and every department head of the City, before assuming the duties of his office, shall take and subscribe to each constitutional oath of office. Each of these officers of the City shall provide such bonds for faithful performance of their duties as may be required by law.

**MEASURE B CHARTER TEXT REVISION
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**MEASURE B CHARTER TEXT REVISION
CONTINUED**

The required oaths and bonds shall be filed with the Ceity clerk; provided that the oath and bond required of the Ceity clerk, if any, shall be filed with the Ceity treasurer. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the Ceity.

Sec. 3.03. Surety bonds.

All Ceity officers or employees receiving, disbursing, or responsible for Ceity funds shall be bonded. The council may require any officer or employee to give a bond, conditioned upon the faithful and proper performance of the duties of his office or employment, and approved by and in such amount as the council shall determine. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the Ceity. No such bond shall be issued for a term exceeding four (4) years. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. The resignation, removal, or discharge of any officer or employee of the Ceity shall not, nor shall the election or appointment of another to his office or employment, exonerate such officer or employee or his sureties from any liability incurred by him or them. Nothing in this section shall prevent the council from authorizing the furnishing of a blanket position bond to assure the honesty or faithful performance of any of its officers or employees.

Sec. 3.09. Councilmanic Councilmember vacancies.

The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the council shall be filled by a majority vote of the remaining councilmembers within thirty (30) days after the vacancy occurs. If the council fails, for any reason, to fill such vacancy within said thirty- (30) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the council to fill a vacancy shall hold office until the General Municipal Election and until his a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmanmember elected to fill a vacancy shall hold office for the remainder of the unexpired term. (Amended by General Municipal Election on November 7, 2000: Res. No. 240.)

Sec. 4.02. Special meetings.

Special meetings may be called by the City clerk on the written request of the mayor or any three (3)

councilmanmembers by providing each councilmanmember with twenty-four (24) hours' written notice served personally or left at his their usual place of residence. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting. (Amended by General Municipal Election on November 7, 2000.)

Sec. 4.05. Attendance and conduct at meetings.

The council may, by vote of not less than two (2) of its members, enforce orderly conduct and compel the attendance of its members and other Ceity officers at its meetings. Any member of the council or other officer of the Ceity who refuses to attend such meetings or conducts himself themselves in a disorderly manner thereat shall be deemed guilty of misconduct in office. Upon council request the City manager shall designate a police official or officer to serve as the sergeant-at-arms of the council.

Sec. 4.06. Council rules.

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceedings or minutes of all council meetings approved by the council and signed by the mayor and City clerk and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, a synopsis of the actions taken by the city council at the meeting shall be posted on a bulletin board in the Ceity hall, and within thirty (30) days after any regular or special council meeting, minutes of the meeting shall be prepared by the City Clerk and presented to the City Council for its approval.

A vote upon all ordinances and resolutions shall be taken individually by an affirmative and or negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state. (Amended by General Municipal Election on November 7, 2000: amended April 13, 1982.)

Sec. 5.03. When ordinances take effect.

The effective date of all ordinances shall be prescribed herein, but the effective date shall not be earlier than thirty (30) days after their enactment nor before publication thereof, except that ordinances relating to an election, relating to street improvement proceedings, relating to taxes or appropriations for the usual and current expenses of the Ceity, or ordinances immediately necessary for the preservation of the public peace, health or safety may be given earlier effect by the affirmative vote of not less than three (3) councilmanmembers if three (3) or four (4) councilmanmembers are present at the meeting, and by the affirmative vote of not less than four (4) councilmanmembers if five (5) councilmanmembers are present at the meeting. In case an ordinance is given effect earlier than thirty (30) days after its enactment, all

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requirements for publication may be met by posting copies thereof in conspicuous locations in three (3) public places in the Ceity, and the City clerk shall, immediately after such posting, enter in the ordinance book under the record of the ordinance a certificate ~~under his hand~~ stating the time and place of such publication by posting, which certificate shall be conclusive evidence of the due publication and posting of the ordinance. (Res. No. 240.)

Sec. 6.01. General and Special Mmunicipal Elections.

General Mmunicipal Elections for the election of officers and for such other purposes as the council may prescribe, shall be held in the Ceity on the date specified by the Elections Code of the State of California for State-wide general elections (Elections Code Section 2550). Such General Mmunicipal Elections shall be conducted in each even-numbered year. All other municipal elections that ~~may~~ may be held by authority of this charter, or of general law, or by ordinance, shall be known as Special Mmunicipal Elections. (Amended December 22, 1993; amended April 10, 1984; Res. No. 240.)

Sec. 8.02. Powers and duties of the personnel board.

The personnel board shall have the power and shall be required:

a. To advise the council and administrative officials on all matters relating to personnel administration in the Ceity service.

b. To investigate and pass upon the complaint of an employee or group of employees alleging unfair treatment resulting from a management decision, or lack of decision; concerning the interpretation of Ceity rules or regulations governing personnel practices or working conditions within the control of the department head; in which case, the decision of the board, with regard to the interpretation of said rules or regulations, shall be binding upon the appointing authority.

c. To investigate and pass upon the claim of any person that ~~his~~ their application for employment or promotion has not been processed and considered pursuant to the provisions of this charter and the personnel rules governing the classified service; in which case, the decision of the board shall be binding on the appointing authority.

d. To hear appeals from any action of suspension, reduction in rank or pay, or discharge of any employee in the classified service and to report its findings and decisions in writing to the appointing authority; such findings and decisions shall be final and binding on the appointing authority.

e. To subpoena witnesses and administer oaths. (Amended by General Mmunicipal Election on November 7, 2000; Res. No. 240.)

Sec. 8.03. ~~Personnel director.~~ Human Resources Director

The ~~personnel director~~ human resources director shall be appointed by the City manager. ~~He~~ The human resources director shall be responsible for directing the personnel program of the Ceity in accordance with the provisions of this charter and ordinances supplemental thereto. ~~(4-11-72)~~ (April 11, 1972)

Sec. 8.04. Personnel rules.

It is the intention of this article to provide for a merit system of employment in the Ceity service. The council shall enact by ordinance a set of rules governing classified municipal employment which shall, among other things, provide:

a. For the classification of all positions in the classified service.

b. For open, free and competitive examinations to test the relative fitness of applicants for such positions, and or reasonable publication and public advertisement of all examinations and for promotion based upon competitive examinations or records of efficiency, character, conduct and seniority, or upon examination and record.

c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to the manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.

d. For the period of time in which eligible lists shall continue in effect.

e. For a period of probation not to exceed one (1) year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of ~~his~~ their former classification by the head of the department of office in which employed. Provided, however, that no period of absence from work, leave, or limited duty assignment shall be credited toward completion of the probationary period, nor shall any overtime or additional work beyond normal working hours be credited towards completion of the probationary period.

f. For the rejection of candidates ~~of~~ of eligible's eligibility who fail to comply with a bona fide occupational qualification in regard to age, or sex; or who fail to comply with a qualification standard which is job-related and consistent with business necessity; and ~~physical handicap or condition; or~~ or who have been convicted of a crime which adversely affects their qualification for the position applied for; or who have attempted any deception or fraud in connection with an examination for employment by the Ceity.

**MEASURE B CHARTER TEXT REVISION
CONTINUED**

g. For the employment without examination of provisional employees, in cases of emergency pending appointment from an eligible list, but no such provisional employment shall continue for more than thirty (30) days after the establishment of an eligible list for the position held, and in no event for more than ninety (90) days.

h. For transfer from one (1) position to a similar position in the same class and grade, for reinstatement after resignation, layoff or reduction in class or grade.

i. For the discipline of employees by suspension, demotion, discharge or other actions not inconsistent with the provisions of this article.

j. For the certification to the chief finance officer of the Ccity of names and classifications of all persons legally employed in the Ccity service, without which certifications this officer shall not authorize the issuance of salary paychecks. (4-11-72.)

Sec. 8.05. Special provisions relating to examinations.

All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled. They may be oral, written or based on observed performance or educational and experience record, or any combination thereof. Unskilled laborers may be appointed in the order of priority of application after passing such tests of fitness as the ~~personnel director~~ human resources director may prescribe. The ~~personnel~~ human resources director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades. (4-11-72.)

Sec. 8.07. Classified and unclassified services.

The employments in the Ccity service are hereby divided into the classified and unclassified service. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this charter; (c) the City manager, assistant City manager, City attorney, deputy, associate or assistant attorneys, and the heads of one or more departments as provided for in this charter; (d) persons employed in a professional or scientific capacity to conduct or complete a special inquiry, investigation, examination or project, not to exceed thirty-six (36) months full-time employment or

equivalent without a break of at least three (3) months; (e) persons employed for a temporary, seasonal or special purpose for a period not to exceed ~~nine (9) months~~ fifteen hundred (1,500) hours full-time employment or the equivalent thereof in any twelve (12) month period ~~without a break in employment of at least three (3) months~~; (f) reserve firefighters and reserve police officers and (g) disaster service workers whether recruited or conscripted. The classified service shall comprise all positions not specifically included in the unclassified service. (Amended by General Municipal Election on November 7, 2000: 4-11-72.)

Sec. 9.01. When Franchises are Required.

No person, firm or corporation shall exercise any franchise right or privilege in the Ccity for furnishing its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, ~~television, cable television, video~~ or any other public utility or service, except insofar as ~~he or it~~ may be entitled to do so by ~~direct authority to the Constitution of the State of California or of the United States,~~ pursuant to state or federal law, unless ~~he or it~~ shall have obtained a grant therefore in accordance with the provisions of this article of this charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this article shall be construed to invalidate any lawful franchise heretofore granted or to necessitate the obtaining of a new franchise for a use which a franchise holder shall have in a valid unexpired franchise. Nothing contained in this article shall be construed to apply to the Ccity, or any department thereof, when furnishing any public utility or service, except that for purposes of accounting for the value of the occupation of public right of way, City-owned utilities may pay an in-lieu of franchise fee not to exceed four percent (4%) of total operating and capital expenditures to the City's general fund. All in-lieu of franchise fee revenue received shall be budgeted and appropriated solely for police, fire, parks and recreation or library services. (Amended by General Municipal Election on November 7, 2000.)



CHARTER REVIEW COMMISSION COMMUNICATION

Title: City Treasurer - Article 2 - Section 2.12
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.3.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on Article 2 - Section 2.12 regarding the City Treasurer and direct staff to:

1. Return with additional information and/or further language suggestions for the City Treasurer;
2. Approve revisions and place the City Treasurer item on the consensus list;
3. Place the City Treasurer item on the outstanding items list for future discussion; or
4. Remove item from future consideration.

BACKGROUND

Current Charter Language

Sec. 2.12 City treasurer

The City treasurer shall have such duties as may be prescribed by the City manager and shall be responsible for the custody of all moneys and evidences of value belonging to the City, or held in trust by the City. The City treasurer shall receive and give a receipt for all money due the City including that which may be collected by other City officials or employees. The City treasurer shall keep, deposit and disburse, all City funds in accordance with law. The City treasurer shall have such powers and duties in regard to the collection, custody, and disbursements of funds belonging to other political subdivisions of the state as may be conferred upon the City treasurer by law. The council may contract for the provision of some or all of the foregoing services by third parties.

Section 2.12 or Article 2 of the Charter provides that the City shall have a City Treasurer. Although general law cities are required to have a Treasurer, charter cities are free to provide any form of government the electors approve.

Currently, the City has a Chief Financial Officer whose job duties include acting as the City Treasurer. We do not have a staff person with the exclusive title of City Treasurer. The Charter

Review Commission has discussed modifying Section 2.12 to replace the term “City Treasurer” with the term “Chief Financial Officer” to be consistent with existing job titles.

Staff reached out to the City’s bond counsel to inquire whether eliminating the title of City Treasurer would have unintended consequences. Bond counsel advised that there are some statutes that specifically refer to a Treasurer executing bonds. If there is no official Treasurer in a city, and a statute requires a signature by the Treasurer, the City would need to delegate that function in an authorizing resolution when Council approves bonds. Alternatively, Council could adopt an omnibus resolution declaring that for all purposes of State law, the Chief Financial Officer is considered to be the Treasurer. However, bond counsel thinks it is more defensible to have an official delegation of the role in the charter itself.

Below are three options for the Commission’s consideration.

Option 1

Section 2.12. City treasurer Chief financial officer.

The ~~City treasurer~~ chief financial officer shall have such duties as may be prescribed by the City manager and shall be responsible for the custody of all moneys and evidences of value belonging to the City, or held in trust by the City. The ~~City treasurer~~ chief financial officer shall receive and give a receipt for all money due the City including that which may be collected by other City officials or employees. The ~~City treasurer~~ chief financial officer shall keep, deposit and disburse, all City funds in accordance with law. The ~~City treasurer~~ chief financial officer shall have such powers and duties in regard to the collection, custody, and disbursements of funds belonging to other political subdivisions of the state as may be conferred upon the ~~City treasurer~~ chief financial officer by law. Subject to the direction and supervision of the City manager, the chief financial officer shall be responsible for the conduct of all of the functions of the finance department and, except as provided elsewhere in this charter, shall have for such purpose the duties and powers imposed by the general laws of the State of California upon city treasurers, city assessors and city tax collectors and for all purposes of state law, the chief financial officer is considered to be the treasurer of the City. The council may contract for the provision of some or all of the foregoing services by third parties.

Staff obtained the first part of this proposed language from the San Jose charter since San Jose does not have a City Treasurer. However, bond counsel did not believe that San Jose’s language went far enough with the delegation and suggested adding “and for all purposes of state law, the chief financial officer is considered to be the treasurer of the City.” He believes this would be a solid delegation and would suffice for any bonding purposes and/or bond opinions he would need to give.

Option 2

Section 2.12. ~~City treasurer~~ Chief financial officer.

The ~~City treasurer~~ chief financial officer shall have such duties, including acting as the role of City treasurer, as may be prescribed by the City manager and shall be responsible for the custody of all moneys and evidences of value belonging to the City, or held in trust by the City. The ~~City treasurer~~ chief financial officer shall receive and give a receipt for all money due the City including that which may be collected by other City officials or employees. The ~~City treasurer~~ chief financial officer shall keep, deposit and disburse, all City funds in accordance with law. The ~~City~~

~~treasurer-chief financial officer~~ shall have such powers and duties in regard to the collection, custody, and disbursements of funds belonging to other political subdivisions of the state as may be conferred upon the ~~City treasurer~~ chief financial officer by law. The council may contract for the provision of some or all of the foregoing services by third parties.

This minimalist approach would also be an acceptable delegation.

Option 3

Make no change. The Charter need not reflect the titles of all City officers and since the Chief Financial Officer's job duties include acting as the role of City Treasurer, the City's current practices are in compliance with the Charter and suffices for bonding purposes.

Please note that if the Commission decides to modify Section 2.12 to replace references to City Treasurer, Sections 2.11, 3.02 and 12.01 of the Charter will also need to be modified in the same manner. In addition, there are many references to City Treasurer in the Roseville Municipal Code. Therefore, if the voters were to approve such a change, the municipal code will need to be revised accordingly.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk

ATTACHMENTS:

Description

Sections 2.11_3.02_12.01 Charter regarding City Treasurer

Sec. 2.11. Powers of City manager as to administrative officers and employees.

The City manager shall have the power to appoint and remove, subject to the provisions of this charter, all administrative officers and employees of the City except those appointed by the City attorney; or may, at the City manager's discretion, authorize the head of a department or office responsible to the City manager to appoint and remove subordinates in such department or office. The City manager shall appoint a City clerk, a City treasurer, and such other heads of administrative offices, organization units and activities as the City manager may deem necessary. The City manager may combine, or personally hold, any such administrative offices herein or otherwise established, or may delegate parts of the responsibilities of the City manager's office to designated subordinates. (Amended by General Municipal Election on November 2, 2010.)

Sec. 3.02. Oath of office and bond.

Every elective officer, the City manager, and every department head of the City, before assuming the duties of office, shall take and subscribe to each constitutional oath of office. Each of these officers of the City shall provide such bonds for faithful performance of their duties as may be required by law. The required oaths and bonds shall be filed with the City clerk; provided that the oath and bond required of the City clerk, if any, shall be filed with the City treasurer. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. (Amended by General Municipal Election on November 2, 2010.)

Sec. 12.01. Construction of the charter.

The word "City" wherever it occurs in this charter, means the City of Roseville. The word "council" wherever it occurs in this charter, means the City council of the City of Roseville. The words "City manager," "City attorney," "City clerk," "City treasurer," and the "boards" and "commissions" mentioned in this charter refer to the respective City officials of the City of Roseville. (Amended by General Municipal Election on November 2, 2010.)



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Public Outreach on Charter Review Process
Contact: Megan MacPherson 916-774-5455 mmacpherson@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.4.

ATTACHMENTS:

Description

Op-Ed Article Regarding Charter Review

Once-a-decade opportunity: Reviewing Roseville's city charter

By Mayor John B. Allard II

How we govern ourselves is at the heart of our democracy. For the City of Roseville, the document that governs how we conduct business is our charter. Every 10 years, the Charter Review Commission determines whether amendments should be recommended to the City Council as time, perspectives, and circumstances evolve and change. Once City Council decides which amendments to place on the ballot, the voters make the final decision.

The charter describes term limits, how the mayor is determined, how council vacancies are filled, the spending authority of the city manager, and how the City enacts, amends, and repeals ordinances. In addition, the charter covers the budget, council rules, bond sales, contract bids, municipal elections, and utility franchises.

At each meeting the Charter Review Commission discusses several sections at a time, makes recommendations, asks for additional research or holds topics for further discussion, and it takes public comment.

In the fall, the commission will begin to take formal action on changes it plans to recommend to City Council. The City Council will consider the commission's recommendations and determine which ones it would like voters to consider in the November 2020 election.

Residents volunteering to serve were appointed by the City Council in February from a pool of applicants. Charter review commissioners are Rita Brohman, Sam Cannon, Peter Constant (vice chair), Kristine Dohner, Paul Frank, LaMills Garrett, Susan Rohan (chair), Robert Sanchez, and James Viele.

The City's Charter is our constitution as a city. It's important that our residents make their voices heard on these key policy areas. We want to hear from our community.

The commission meets 5:30-7:30 p.m. every third Monday from March 2019 through April 2020 in Council Chambers at 311 Vernon St. The meetings are broadcast and archived on the City's website and shown on COR-TV: Comcast 14 and Consolidated 73.



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Charter Review Commission Members and Resident Proposals
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.5.



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Staff Proposed Amendments to Charter Article 4 - Section 4.06
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.6.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on Section 4.06 of Article 4 of the Charter regarding Council rules and direct staff to:

1. Return with additional information and/or further suggestions for Section 4.06 of Article 4 of the Charter regarding Council rules (synopsis and minutes);
2. Approve revisions and place Section 4.06 of Article 4 of the Charter regarding Council rules (synopsis and minutes) on the consensus list;
3. Place Section 4.06 of Article 4 of the Charter regarding Council rules (synopsis and minutes) on the outstanding items list for future discussion; or
4. Remove item from future consideration.

BACKGROUND

Current Charter Language

Sec. 4.06 Council rules.

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceedings or minutes of all council meetings approved by the council and signed by the mayor and City clerk and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, a synopsis of the actions taken by the council at the meeting shall be posted on a bulletin board in the City hall, and within thirty (30) days after any regular or special council meeting, minutes of the meeting shall be prepared by the City clerk and presented to the council for its approval.

Electronic minutes reduce labor and streamlines minutes creation by electronically capturing actions of the City Council through a simple interface. When a meeting ends, the tool transfers captured content to a minutes document, allowing staff to finalize minutes in a short period of time. With the same technology, the City live-streams the City Council meeting and the video is available immediately to the public. Agendas are imported prior to each meeting, allowing the video to be indexed in real time, which eliminates hours of follow-up work after the meeting has

ended. Video streaming provides immediate transparency to the actions and conduct at City Council meetings.

Research into Other Charters Re: Minute Timeline

Staff surveyed over 20 city charters (Folsom, Berkeley, Carlsbad, Hayward, Modesto, Oceanside, Richmond, Vallejo, Sacramento, San Francisco, Fresno, Grass Valley, Monterey, Oakland, San Diego, San Bernardino, Santa Barbara, Santa Clara, Santa Cruz, and Stockton), and only two cities require the minutes be provided in a specific time period. The City of Oakland and the City of Fresno. Text for the both cities are shown below:

City of Oakland

"The draft minutes of each meeting shall be available for inspection and copying upon request no later than ten business days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than five business days after the meeting at which the minutes are adopted."

City of Fresno

"The Secretary of the Board shall record in the minutes the time and place of each meeting of the Board, the names of the members of the Board present, all official acts of the Board, the votes given by the members, the records of any member's dissent, with his reasons, and shall cause the minutes to be written up forthwith and presented for approval or amendment at the next meeting. The minutes, or a true copy thereof, certified by the Secretary, shall be open to public inspection at all times."

The proposed amendment shown below is to eliminate the requirement that a synopsis be prepared. The practice of creating a synopsis was discontinued once draft electronic minutes and video-streaming provided the same information in less time. The signature requirement of the mayor and City Clerk should also be eliminated as the electronic version of the minutes does not necessitate signatures. The proposed change will be alignment with the Administrative Standards adopted by the City Council.

The proposed text amendment is as follows:

Sec. 4.06. Council rules.

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceedings or minutes of all council meetings approved by the council ~~and signed by the mayor and City clerk~~ and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, ~~a synopsis of the actions taken by the council at the meeting shall be posted~~ available ~~on a bulletin board in the City hall~~ the City's website, and within thirty (30) days after any regular or special council meeting, action minutes of the meeting shall be prepared by the City clerk and presented to the council for its approval.

A vote upon all ordinances and resolutions shall be taken individually by an affirmative or negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state.

Respectfully Submitted,

Micelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Staff Proposed Amendments to Charter Article 4 - Sections 4.01 and 4.02
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 6/17/2019
Item #: 6.7.

RECOMMENDATION

Recommend the Charter Review Commission receive a presentation on Section 4.01 and 4.02 of Article 4 of the Charter regarding regular and special meeting of the City Council and direct staff to:

1. Return with additional information and/or further suggestions for Section 4.01 and 4.02 of Article 4 of the Charter regarding regular and special meetings of the City Council;
2. Approve revisions and place Section 4.01 and 4.02 of Article 4 of the Charter regarding regular and special meetings of the City Council on the consensus list;
3. Place Section 4.01 and 4.02 of Article 4 of the Charter regarding regular and special meetings of the City Council on the outstanding items list for future discussion; or
4. Remove item from future consideration.

BACKGROUND

Brown Act Meetings Defined

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings. The Brown Act defines each of these meetings as follows:

"Regular meetings" are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements. Section 4.01 of the Charter deals with regular meetings and provides as follows:

Sec. 4.01. Regular meetings.

The council shall hold regular meetings on the first Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held the following day. It shall provide by resolution for the time of day and place of its meetings. The proposed change to Section 4.01 is to provide to provide clarity and be in alignment with current practice and the City

Council Administrative Standards.

Proposed Change to Section 4.01 Regular Meetings

The council shall hold regular meetings on the first and third Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held ~~the following day at the same hour, same day the following week or may be canceled.~~ It shall An agenda will provide by resolution for the time of day and place of its meetings.

Special meetings.

“Special meetings” are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act’s notice requirements for special meetings and are subject to 24-hour posting requirements. The Brown Act provides that a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency’s budget. Section 4.02 of the Charter deals with special meetings and provides as follows:

Current Charter Language

Sec. 4.02 Special meetings

Special meetings may be called by the City clerk on the written request of the mayor or any three (3) councilmembers by providing each councilmember with twenty-four (24) hours’ written notice served personally or left at their usual place of residence. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

“Adjourned meetings” are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.

The Charter does not contain any specific provisions related to emergency and adjourned meetings and accordingly the City follows the Brown Act for these types of meetings.

Research into Other Charters Re: Special Meetings

Staff surveyed over 20 city charters (Folsom, Berkeley, Carlsbad, Hayward, Modesto, Oceanside, Richmond, Vallejo, Sacramento, San Francisco, Fresno, Grass Valley, Monterey, Oakland, San Diego, San Bernardino, Santa Barbara, Santa Clara, Santa Cruz, and Stockton.) In these charters, either the term special meetings was not used at all, or if used, was not defined. I

could not find a charter that provided a definition of what constituted a special meeting.

In keeping with these other cities, staff does not support defining the term special meeting in the charter. Most of our special meetings are for litigation, labor negotiations, and occasionally property acquisition/disposition. On rare occasions, the City has the need to ask Council to approve an emergency purchase (for example, an urgent purchase for the power plant in order to keep it operational). In addition, all rescheduled Council meetings, closed sessions and Council workshops are considered special meetings. In all but rare circumstances, 72 hours' notice is given for special meetings. Overall, defining the term special meeting narrowly reduces the City's flexibility to conduct business otherwise allowed by law, provides no benefits, and doesn't avoid an existing harm or problem.

If the Charter Commission wants to consider defining special meetings in the Charter, staff is proposing the following language for consideration (which includes clean-up language previously requested by staff):

Option 1

Sec. 4.02. Special meetings.

Special meetings may be called by the City clerk, City manager, City attorney on the or by written request of the mayor or any three (3) councilmembers by providing each councilmember with twenty-four (24) hours' written notice served personally, electronically, or left at their usual place of residence. Special meetings shall only be called in order to reschedule a regular meeting, hold a closed session or workshop, or hear a non-routine or time sensitive item of business. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

If the Commission's primary concern is the lack of required notice for special meetings, instead of trying to define special meetings, an alternative would be to increase the noticing requirement for special meetings. However, staff doesn't recommend making the increased noticing requirements mandatory as it would deprive the City of the legal right to hold a special meeting, if need be, on 24 hours' notice. Staff would want to preserve such flexibility.

Option 2

Sec. 4.02. Special meetings.

Special meetings may be called by the City clerk, City manager, City attorney on the or by written request of the mayor or any three (3) councilmembers by providing each councilmember with at least seventy-two (72) hours' written notice if practicable but in no event less than twenty-four (24) hours' written notice. Written notice shall be served personally, electronically, or left at their usual place of residence. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk