



AGENDA
March 16, 2020

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 members approve the minutes of the March 5, 2020 Charter Review meeting.
CONTACT: Audrey Byrnes 916-774-5268 abyernes@roseville.ca.us

6. REQUESTS/PRESENTATIONS

6.1. Roseville Independent Redistricting Commission

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco advising that the redistricting subcommittee is recommending that the Charter Review Commission approve an ordinance adding Chapter 2.34 to the Roseville Municipal Code establishing the Roseville Independent Redistricting Commission and direct staff to present the ordinance to the City Council for approval. The subcommittee also recommends that the Charter Review Commission approve Charter Article XI establishing a redistricting commission and place this article on the consensus list.

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

6.2. Approval of Consensus List

Memo from City Clerk Sonia Orozco and Assistant City Attorney Michelle Sheidenberger recommending the Charter Review Commission approve items on the consensus list. The approved items will be placed in the draft report to 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 abyrnes@roseville.ca.us Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 3/16/2020
Item #: 5.1.

RECOMMENDATION

Recommend the Charter Review Commission approve the March 5, 2020 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

March 5, 2020 Charter Review Commission Minutes



MINUTES

March 5, 2020

CHARTER REVIEW COMMISSION

5:30 p.m.

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

1. CALL TO ORDER

Chair Susan Rohan called the meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Cannon, Constant, Frank, Garrett, Rohan, (Brohman arrived at 5:41 p.m.)

Absent: Dohner

3. PLEDGE OF ALLEGIANCE

Commissioner LaMills Garrett led the Pledge of Allegiance.

4. PUBLIC COMMENTS

No public comment received.

Chair Susan Rohan noted the Commission received a letter from Richard Roccucci dated March 4, 2020 and members of the Commission have copies of the letter and the City Clerk can make the letter available to anyone that wishes to see it.

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 February 20, 2020 Charter Review meeting.
CONTACT: Audrey Byrnes 916-774-5268 abyrnes@roseville.ca.us

No public comment received.

Motion by Samuel Cannon, seconded by Peter Constant, to approve the minutes of the February 20, 2020 Charter Review Commission meeting. The Motion Passed.

Roll call vote: Ayes: Cannon, Constant, Frank, Rohan

Absent: Brohman, Dohner
Abstain: Garrett

6. REQUESTS/PRESENTATIONS

6.1. Elective Officers - Article 2 - Section 2.02

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve revisions to Article 2 - Section 2.02 regarding elective officers and place this section on the consensus list.

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 Peter Constant, seconded by LaMills Garrett, to approve Section 2.02 as follows: The electors of the City shall elect a council of five (5) members each of whom shall be elected by district for a four (4) year term of office. Commencing with the General Election in November of 2020 and every four (4) years thereafter, the voters in the odd-numbered electoral districts shall elect a councilmember. Commencing with the General Municipal Election in November of 2022 and every four (4) years thereafter, the voters in the even-numbered electoral districts shall elect a councilmember. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in the charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. 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 of less than two (2) years served due to appointment or election to a vacant council seat does not count as a term for purposes of this section. However, a combination of an appointment to a vacant seat followed by a subsequent election to fill the remainder of the unexpired term of that same vacant seat shall count as a term for purposes of this section, and move the language to the consensus list. The Motion Passed.

Roll call vote: Ayes: Cannon, Constant, Frank, Garrett, Rohan

Absent: Brohman, Dohner

6.2. Compensation of Councilmembers - Article 3 - Section 3.05

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve revisions to Article 3 - Section 3.05 regarding compensation of councilmembers and place this section on the consensus list.

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

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

Commissioner Rita Brohman joined the meeting.

Larry Hufty - Spoke in favor of compensation at 15 cents per registered voter per year.

Motion by Rita Brohman, seconded by Samuel Cannon, to approve an amendment to Option 1 (.15 cents per Roseville resident) as denoted on the staff report to include a statement about the average per capita salary and benefits of the five closest surrounding cities of Rocklin, Lincoln, Citrus Heights, Folsom, and Elk Grove and the pay of council would be whichever is lowest, and direct staff to draft the language and move the language to the consensus list. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Frank, Garrett, Rohan

Nays: Constant

Absent: Dohner

7. ADJOURNMENT

Motion by Samuel Cannon, seconded by Peter Constant, to adjourn the meeting at 6:35 p.m. The Motion Passed.

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

Absent: Dohner



CHARTER REVIEW COMMISSION COMMUNICATION

Title:	Roseville Independent Redistricting Commission
Contact:	Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 3/16/2020
Item #: 6.1.

RECOMMENDATION

The redistricting subcommittee recommends that the Charter Review Commission approve an ordinance adding Chapter 2.34 to the Roseville Municipal Code establishing the Roseville Independent Redistricting Commission and direct staff to present the ordinance to the City Council for approval. The subcommittee also recommends that the Charter Review Commission approve Charter Article XI establishing a redistricting commission and place this article on the consensus list.

BACKGROUND

On January 27, 2020, the Charter Review Commission received a presentation on the various types of redistricting commissions the City could establish in order to draw new electoral district boundaries, which are required to be redrawn after every federal decennial census. At that meeting, the Commission decided to form a redistricting subcommittee in order to meet with staff and bring back recommendations to the entire Commission. The subcommittee members were Chair Susan Rohan, Vice Chair Pete Constant, and LaMills Garrett.

The subcommittee met twice and decided to recommend that the Commission consider actions to establish an independent redistricting commission. An independent redistricting commission means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body. Council may not select the members of an independent commission and the law sets forth strict standards on who can serve on independent commissions established by general law cities. Charter cities are free to establish their own criteria for selection in their charters.

In reviewing samples of independent redistricting commissions established by other cities, it became clear that such commissions are usually established by December 31 of the year of the federal decennial census. Since this is the year of the census, an independent redistricting commission should be established by December 31, 2020 as there are deadlines which must be adhered to in redrawing the maps. Given this time constraint, and not wanting to wait to see if

the voters approve a Charter measure establishing an independent redistricting commission in November, the subcommittee asked staff to prepare a draft ordinance for review. If approved by the Commission, the ordinance would be presented to the City Council for adoption. Regardless of whether the City Council adopts the ordinance or not, the subcommittee is also recommending that a Charter measure be placed on the ballot establishing an independent redistricting commission. If Council adopts the ordinance and the voters thereafter approve the Charter measure, the ordinance will be repealed.

The subcommittee met to review the ordinance and the final version is attached for the Commission's review. Areas highlighted in yellow are either provisions required by law or are provisions required to be followed by general law cities which the subcommittee is recommending Roseville also follow. A new Charter Article XI is also attached which is virtually identical to the ordinance.

The ordinance contains the following provisions:

Establishment

The ordinance establishes the Roseville Independent Redistricting Commission. The Commission is tasked with adopting a redistricting report and final map establishing new council district boundaries within prescribed timeframes. The City Council shall have no role in developing or adopting a redistricting report or a final map.

Composition

The Commission shall consist of eleven (11) commissioners and five (5) alternates. Alternates may fully participate in Commission deliberations but may not vote and may not be counted towards the establishment of a quorum.

Qualifications and Restrictions

California Elections Code Section 23003 sets forth the qualifications and restrictions for independent redistricting commissioners serving on such independent commissions for general law cities. The subcommittee proposes to largely follow these same qualifications and restrictions, with a few modifications noted below.

First, the subcommittee proposes that each commissioner be at least eighteen (18) years of age and been a resident of the City for at least three (3) years immediately preceding the date of application. These are not qualifications outlined in State law but are the types of qualifications commonly found in other cities' ordinances and charters.

Second, the ordinance provides that a person shall not be appointed to serve on the Commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, City Council in the eight (8) years preceding the person's application.
2. If the person or the person's family member has done any of the following in the four (4) years (the subcommittee reduced from 8 years for general law cities) preceding the person's application:
 - a. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for City Council.
 - b. Served as an officer of, employee of, or paid consultant to, a political party or as an elected or

appointed member of a political party central committee.

c. Served as a staff member or a political consultant to, or who has contracted with, a currently serving City councilmember.

d. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for City Council, as adjusted pursuant to Section 2.60.065 of the Roseville Municipal Code. The subcommittee clarified that this restriction applies both to contributions to any seated councilmember and current candidate as State law only applies to "candidates for an elective office of the local jurisdiction."

3. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office. This was added by the subcommittee.

4. If the person is a paid employee of the City. This was added by the subcommittee.

5. If the person is a paid employee of any redistricting contractor or consultant. This was added by the subcommittee.

Third, the ordinance prohibits commissioners from doing any of the following:

1. While serving on the Commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for City Council.

2. Be a candidate for City Council if less than five (5) years has elapsed since the date of the member's appointment to the Commission.

3. For four (4) years commencing with the date of his or her appointment to the Commission:

a. Accept employment as a staff member of, or political consultant to, a City councilmember or candidate for City Council.

b. Receive a noncompetitively bid contract with the City.

4. For two (2) years commencing with the date of his or her appointment to the Commission, accept an appointment to the City Council.

Finally, the ordinance provides that the Commission shall not be comprised entirely of members who are registered to vote with the same political party preference, which is consistent with State law for general law cities.

Selection

The ordinance provides that the City Clerk shall publicly select the initial eight (8) members of the Commission. For purposes of selection to the Commission, the City shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The City Clerk shall randomly select two (2) persons from each of the four (4) quadrants. Thereafter, the commissioners selected pursuant to this random method shall select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants.

Redistricting Criteria

State law, Section 21621 of the California Elections Code, sets forth the redistricting criteria that cities, including charter cities, must follow. Therefore, the Commission can add to this criteria but cannot reduce it. The subcommittee is recommending a few additions to the redistricting criteria.

The ordinance provides that the Commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution.

2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal

law applicable to charter cities.

Furthermore, the Commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. Council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. In addition, the subcommittee added that areas that are separated by a railyard or a highway are not contiguous.
2. The geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. The subcommittee added "local neighborhood association boundaries." A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
3. Council district boundaries should be easily identifiable and understandable by residents.
4. Council districts shall be drawn to encourage geographical compactness.
5. Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law. This was added by the subcommittee.

The Commission shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party and the subcommittee added that the Commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

Public Hearings and Incumbents

Although State law requires a minimum of four (4) public hearings, the ordinance requires five (5) public hearings, one to be held in each council district. In addition, the ordinance requires the draft map to be published at least thirty (30) days prior to final adoption, an increase from the seven (7) days required by State law.

Although the City Council may not rescind, supersede, or revise the district boundaries adopted by the Commission, seated councilmembers whose term of office has not expired shall not be impacted by any change in the boundaries.

Administration

The ordinance requires the City Council to appropriate sufficient funds to support the work of the Commission. Furthermore, the City Manager, the City Clerk, and the City Attorney shall assign sufficient staff to support the Commission. The ordinance requires the City Council to approve any consultant contracts recommended for approval by the Commission, within the Commission's budget. Finally, the Commission will be subject to both the Brown Act and the California Public Records Act.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk

ATTACHMENTS:

Description

Redistricting Commission Ordinance

Charter Article XI

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING CHAPTER 2.34
OF TITLE 2 OF THE ROSEVILLE MUNICIPAL CODE REGARDING THE
ROSEVILLE INDEPENDENT REDISTRICTING COMMISSION

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 2.34 of Title 2 of the Roseville Municipal Code is hereby added to read as follows:

2.34.010 Purpose.

The purposes of this chapter are to establish a redistricting process that is open and transparent and allows public comment on the drawing of city council district boundaries, ensure that the district boundaries are drawn according to the redistricting criteria set forth in this code and applicable state and federal laws, and ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.

2.34.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. “Child” means a biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the commissioner stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

B. “Commission” means the Roseville Independent Redistricting Commission established by this chapter.

C. “Consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process. Consultant excludes outside legal counsel.

D. “Family member” means a spouse, parent, sibling, child, or in-law.

E. “Federal decennial census” means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

2.34.030 Established.

A. There is hereby established the Roseville Independent Redistricting Commission. The exclusive authority to redraw council district boundaries is vested in the commission. Accordingly, the city council shall have no role in developing or adopting a redistricting report or a map.

B. The commission shall:

1. Be independent of city council control.
2. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries.
3. Comply with the provisions in this chapter and state and federal law.
4. Conduct itself with integrity and fairness.

C. The commission may adopt for itself rules of procedure not in conflict with this chapter or state or federal law.

2.34.040 Duties.

No earlier than August 1, 2021, and August 1 in each year ending in the number one (1) thereafter, but no later than one hundred and fifty-one (151) calendar days before the city's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two (2) thereafter, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. These districts shall be used for the election or recall of councilmembers, and for filling any councilmember vacancies.

2.34.050 Composition.

A. The commission shall consist of eleven (11) commissioners and five (5) alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this chapter.

B. At its first meeting, the commission shall select one (1) commissioner to serve as chair and one (1) to serve as vice chair. The commission may designate other officers from its membership, and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the commission.

2.34.060 Qualifications and restrictions.

A. Each commissioner and alternate shall meet all of the following qualifications:

1. Be at least eighteen (18) years of age.
2. Been a resident of the city for at least three (3) years immediately

preceding the date of application.

B. A person shall not be appointed to serve on the commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, city council in the eight (8) years preceding the person's application.

2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:

a. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for city council.

b. Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

c. Served as a staff member or a political consultant to, or who has contracted with, a currently serving city councilmember.

d. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for city council, as adjusted pursuant to Section 2.60.065 of the Roseville Municipal Code.

3. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.

4. If the person is a paid employee of the city.

5. If the person is a paid employee of any redistricting contractor or consultant.

C. A commissioner shall not do any of the following:

1. While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for city council.

2. Be a candidate for city council if less than five (5) years has elapsed since the date of the member's appointment to the commission.

3. For four (4) years commencing with the date of his or her appointment to the commission:

a. Accept employment as a staff member of, or political consultant to, a city councilmember or candidate for city council.

b. Receive a noncompetitively bid contract with the city.

4. For two (2) years commencing with the date of his or her appointment to the commission, accept an appointment to the city council.

D. The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

E. If an applicant to the Roseville Independent Redistricting Commission currently serves on another City of Roseville board or commission, he or she may serve on the Roseville Independent Redistricting Commission if selected, provided he or she resigns from their current board or commission and he or she agrees not to serve on another board or commission during his or her term of office on the Roseville Independent Redistricting Commission.

F. Members of the commission shall serve without compensation.

2.34.070 Selection.

A. The city clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all city residents who meet the requirements of Section 2.34.060, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the city. **In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the city clerk.**

B. The city clerk shall review each submitted application for completeness. If the city clerk deems an application to be incomplete, the city clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.

C. Upon close of the application submittal period, the city clerk shall review all applications and remove incomplete applications and remove individuals who are disqualified under Section 2.34.060 from among the commission applicants.

D. At a time and place open to the public, and subject to at least ten (10) calendar days public notice, the city clerk shall select the initial eight (8) members of the commission. For purposes of selection to the commission, the city shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The city clerk shall randomly select two (2) persons from each of the four (4) quadrants. To implement this paragraph, the city clerk shall determine a randomized method that meets professional standards and best achieves a random selection.

E. The commissioners selected pursuant to subsection D shall thereafter select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants. The order in which the alternates shall be seated on the commission as voting members shall be

established by a random method at the time they are selected. The selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, ability to comprehend and apply the applicable state and federal legal requirements, familiarity with the city's neighborhoods and communities, familiarity with the city's demographics and geography, ability to be impartial, and apparent ability to work cooperatively with other commissioners.

F. The commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero.

G. If a commissioner resigns or is removed from the commission, the next alternate in line shall fill the vacancy as a voting commissioner.

2.34.080 Removal.

The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

2.34.090 Redistricting criteria.

A. The commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution. Population equality shall be based on the total population of residents of the city as determined by the latest federal decennial census.

2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal law applicable to charter cities.

B. The commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. Areas that are separated by a railyard or a highway are not contiguous.

2. To the extent practicable, the geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

4. Where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

5. Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

C. The commission shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

D. The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

2.34.100 Adoption of redistricting report and map.

A. The commission shall file a preliminary redistricting plan and draft map with the city clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the commission. The city clerk shall publish the preliminary redistricting plan and draft map at least thirty (30) calendar days prior to the adoption of a final redistricting report and final map.

B. During the thirty (30) calendar day period after publication, the commission shall hold at least five (5) public hearings, including one (1) public hearing in each existing council district.

C. After having heard comments from the public on the preliminary redistricting plan and draft map, the commission shall adopt a final redistricting report and final map. A commission-adopted final redistricting report and final map has the force and effect of law and is effective thirty (30) calendar days after it is filed with the city clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The city council may not rescind, supersede, or revise the district boundaries adopted by the commission.

D. After the final map is adopted, the city clerk shall number each council district such that, for as many residents as possible, the number of the council district they reside in remains the same.

E. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.

F. If the commission does not adopt council district boundaries by the deadlines set forth in this chapter, the city attorney shall immediately file a petition in Placer County Superior Court for an order adopting council district boundaries. The map prescribed by the court shall be used for all subsequent city council elections until a final redistricting report and final map are adopted by the commission to replace it.

2.34.110 Incumbents.

The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the councilmember was elected. Accordingly, upon any redistricting pursuant to the provisions of this chapter, each incumbent councilmember will continue, during the remainder of the councilmember's term, to represent the electoral district to which the councilmember was elected prior to such redistricting.

2.34.120 Addition of new territory.

If the boundaries of the city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the city clerk shall add that new territory to the nearest existing council district without changing the boundaries of other

council district boundaries as prescribed by California Government Code Section 21623, as it now exists or may hereafter be amended.

2.34.130 Administration.

A. The city council shall appropriate sufficient funds to support the work of the commission, including funds necessary to recruit commissioners, meet the operational needs of the commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for city staff time associated with supporting the work of the commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.

B. The city manager, city clerk, and city attorney shall assign sufficient staff to support the commission. The city clerk or the city clerk's designee shall serve as secretary to the commission. The city attorney or the city attorney's designee shall serve as legal counsel to the commission.

C. Subject to funds appropriated to the commission, the commission may retain consultants following the city's standard procurement processes and the city council shall approve any applicable consultant agreements. The commission shall retain the sole authority for determining the selection criteria for consultants.

D. The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

2.34.140 Dissolution.

Each commission established under this chapter shall cease operations and dissolve on the ninety-first day following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the commission shall continue operations until a final redistricting report and final map is implemented by the city. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the commission shall automatically revive and continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the city.

2.34.150 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general

circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk

ARTICLE XI. Roseville Independent Redistricting Commission

Sec. 11.01. Purpose.

The purposes of this article are to establish a redistricting process that is open and transparent and allows public comment on the drawing of City council district boundaries, ensure that the district boundaries are drawn according to the redistricting criteria set forth in this article and applicable state and federal laws, and ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.

Sec. 11.02. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. “Child” means a biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the commissioner stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

B. “Commission” means the Roseville Independent Redistricting Commission established by this article.

C. “Consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

Consultant excludes outside legal counsel.

D. “Family member” means a spouse, parent, sibling, child, or in-law.

E. “Federal decennial census” means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

Sec. 11.03. Established.

A. There is hereby established the Roseville Independent Redistricting Commission. The exclusive authority to redraw council district boundaries is vested in the commission. Accordingly, the council shall have no role in developing or adopting a redistricting report or a map.

B. The commission shall:

1. Be independent of council control.
2. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries.
3. Comply with the provisions in this article and state and federal law.
4. Conduct itself with integrity and fairness.

C. The commission may adopt for itself rules of procedure not in conflict with this article or state or federal law.

Sec. 11.04. Duties.

No earlier than August 1, 2021, and August 1 in each year ending in the number one (1) thereafter, but no later than one hundred and fifty-one (151) calendar days before the City's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two (2) thereafter, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. These districts shall be used for the election or recall of councilmembers, and for filling any councilmember vacancies.

Sec. 11.05. Composition.

A. The commission shall consist of eleven (11) commissioners and five (5) alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.

B. At its first meeting, the commission shall select one (1) commissioner to serve as chair and one (1) to serve as vice chair. The commission may designate other officers from its membership, and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the commission.

Sec. 11.06. Qualifications and restrictions.

A. Each commissioner and alternate shall meet all of the following qualifications:

1. Be at least eighteen (18) years of age.
2. Been a resident of the City for at least three (3) years immediately

preceding the date of application.

B. A person shall not be appointed to serve on the commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, council in the eight (8) years preceding the person's application.

2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:

- a. Served as an officer of, employee of, or paid political consultant to,

a campaign committee or a candidate for council.

b. Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

c. Served as a staff member or a political consultant to, or who has contracted with, a currently serving councilmember.

d. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for council, as adjusted pursuant to Section 2.60.065 of the Roseville Municipal Code.

3. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.

4. If the person is a paid employee of the City.

5. If the person is a paid employee of any redistricting contractor or consultant.

C. A commissioner shall not do any of the following:

1. While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for council.

2. Be a candidate for council if less than five (5) years has elapsed since the date of the member's appointment to the commission.

3. For four (4) years commencing with the date of his or her appointment to the commission:

a. Accept employment as a staff member of, or political consultant to, a councilmember or candidate for council.

b. Receive a noncompetitively bid contract with the City.

4. For two (2) years commencing with the date of his or her appointment to the commission, accept an appointment to the council.

D. The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

E. If an applicant to the Roseville Independent Redistricting Commission currently serves on another City of Roseville board or commission, he or she may serve on the Roseville Independent Redistricting Commission if selected, provided he or she resigns from their current board or commission and he or she agrees not to serve on another board or commission during his or her term of office on the Roseville Independent Redistricting Commission.

F. Members of the commission shall serve without compensation.

Sec. 11.07. Selection.

A. The City clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all City residents who meet the requirements of Section 11.06, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the City clerk.

B. The City clerk shall review each submitted application for completeness. If the City clerk deems an application to be incomplete, the City clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.

C. Upon close of the application submittal period, the City clerk shall review all applications and remove incomplete applications and remove individuals who are disqualified under Section 11.06 from among the commission applicants.

D. At a time and place open to the public, and subject to at least ten (10) calendar days public notice, the City clerk shall select the initial eight (8) members of the commission. For purposes of selection to the commission, the City shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The City clerk shall randomly select two (2) persons from each of the four (4) quadrants. To implement this paragraph, the City clerk shall determine a randomized method that meets professional standards and best achieves a random selection.

E. The commissioners selected pursuant to subsection D shall thereafter select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants. The order in which the alternates shall be seated on the commission as voting members shall be established by a random method at the time they are selected. The selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, ability to comprehend and apply the applicable state and federal legal requirements, familiarity with the City's neighborhoods and communities, familiarity with the City's demographics and geography, ability to be impartial, and apparent ability to work cooperatively with other commissioners.

F. The commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero.

G. If a commissioner resigns or is removed from the commission, the next alternate in line shall fill the vacancy as a voting commissioner.

Sec. 11.08. Removal.

The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

Sec. 11.09. Redistricting criteria.

A. The commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution. Population equality shall be based on the total population of residents of the City as determined by the latest federal decennial census.

2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal law applicable to charter cities.

B. The commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. Areas that are separated by a railyard or a highway are not contiguous.

2. To the extent practicable, the geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.

4. Where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

5. Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

C. The commission shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

D. The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

Sec. 11.10. Adoption of redistricting report and map.

A. The commission shall file a preliminary redistricting plan and draft map with the City clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions

made by the commission. The City clerk shall publish the preliminary redistricting plan and draft map at least thirty (30) calendar days prior to the adoption of a final redistricting report and final map.

B. During the thirty (30) calendar day period after publication, the commission shall hold at least five (5) public hearings, including one (1) public hearing in each existing council district.

C. After having heard comments from the public on the preliminary redistricting plan and draft map, the commission shall adopt a final redistricting report and final map. A commission-adopted final redistricting report and final map has the force and effect of law and is effective thirty (30) calendar days after it is filed with the City clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The council may not rescind, supersede, or revise the district boundaries adopted by the commission.

D. After the final map is adopted, the City clerk shall number each council district such that, for as many residents as possible, the number of the council district they reside in remains the same.

E. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.

F. If the commission does not adopt council district boundaries by the deadlines set forth in this article, the City attorney shall immediately file a petition in Placer County Superior Court for an order adopting council district boundaries. The map prescribed by the court shall be used for all subsequent council elections until a final redistricting report and final map are adopted by the commission to replace it.

Sec. 11.11. Incumbents.

The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the councilmember was elected. Accordingly, upon any redistricting pursuant to the provisions of this article, each incumbent councilmember will continue, during the remainder of the councilmember's term, to represent the electoral district to which the councilmember was elected prior to such redistricting.

Sec. 11.12. Addition of new territory.

If the boundaries of the City expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the City clerk shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries as prescribed by California Government Code Section 21623, as it now exists or may hereafter be amended.

Sec. 11.13. Administration.

A. The council shall appropriate sufficient funds to support the work of the commission, including funds necessary to recruit commissioners, meet the operational needs of the commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for City staff time associated with supporting the work of the commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.

B. The City manager, City clerk, and City attorney shall assign sufficient staff to support the commission. The City clerk or the City clerk's designee shall serve as secretary to the commission. The City attorney or the City attorney's designee shall serve as legal counsel to the commission.

C. Subject to funds appropriated to the commission, the commission may retain consultants following the City's standard procurement processes and the council shall approve any applicable consultant agreements. The commission shall retain the sole authority for determining the selection criteria for consultants.

D. The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

Sec. 11.14. Dissolution.

Each commission established under this article shall cease operations and dissolve on the ninety-first day following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the commission shall continue operations until a final redistricting report and final map is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the commission shall automatically revive and

continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the City.



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Approval of Consensus List
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
Michelle Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 3/16/2020
Item #: 6.2.

RECOMMENDATION

Recommend the Charter Review Commission approve items on the consensus list. The approved items will be placed in the draft report to the City Council and will be available for distribution at the public forums.

BACKGROUND

Since formation in February of 2019, the Charter Review Commission has met fourteen times to identify areas of consideration for changes to the charter. The duties of the Commission consist of recommending charter amendments it deems necessary to improve the effective application of the charter to current conditions, and to make a written report of findings and recommendations to the City Council for placement of items on the November 2020 ballot.

The process of the Commission functions under three elements: public testimony, subcommittee recommendations, and the Charter Review Commission acting as a whole. Each of the items on the consensus list were brought to the Commission in a standard format and discussed. Recommendations approved by a majority of the Commission were then drafted, and the draft language was approved and placed on the consensus list.

Items on the consensus list include language approved as of March 5, 2020. Additional changes regarding the independent redistricting commission will be approved as a stand alone item as the consensus list needs to be finalized so work can begin on the draft report.

Community forums are scheduled for Monday, April 13, 2020 at the Maidu Community Center and Tuesday, April 14, 2020 at the Martha Riley Library. A draft report must be ready for distribution at the forums. Following the forums, the Charter Review Commission will meet on April 20, 2020 for ratification of the report. The report, along with all proposals approved by separate motions, will go before the City Council in late May or early June.

Changes required by law are signified on the last column of the consensus list.

Respectfully Submitted,

Sonia Orozco, City Clerk

Michelle Sheidenberger, Assistant City Attorney

ATTACHMENTS:

Description

Concensus List As of March 5, 2020

CHARTER REVIEW COMMISSION
Article / Section Status Matrix

ARTICLE	SECTION	TITLE	NOTE	APPROVAL *ITEMS REQUIRED BY LAW
I		Incorporation, Succession, and Powers		
	1.01	Corporate name; seal		
	1.02	Boundaries		
	1.03	Rights and liabilities		
	1.04	Continuance of ordinances		
	1.05	Charter review and amendments At least every (10) years, the City council shall appoint a citizen commission <u>committee</u> 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. (Amending by General Municipal Election on November 2, 2010: amended by General Municipal Election on November 7, 2000.)	041519	*Amendment required to come into compliance with State law
	1.055	Reserved		
	1.06	Continuance of pending actions and proceedings		
	1.07	Powers of the City		
II		Plan of Government		
	2.01	Form of government		
	2.02	Elective officers The electors of the City shall elect a council of five (5) members <u>each of whom shall be elected, at-large, by district by the voters in that district</u> for a four (4) year term of office. <u>Commencing with the General Municipal Election in November of 2020 and every four (4) years thereafter, the voters in the odd-numbered electoral districts shall elect a councilmember. Commencing with the General Municipal Election in November of 2022 and every four (4) years thereafter, the voters in the even-numbered electoral districts shall</u>	030520	* First Three Sentences Only - amendments required to come into compliance with the City's district elections ordinance and to prevent a conflict between the City's Charter and that ordinance

	<p>elect a councilmember. 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 of less than two (2) years served due to appointment or election to a vacant council seat does not count as a term for purposes of this section. However, a combination of an appointment to a vacant council seat followed by a subsequent election to fill the remainder of the unexpired term of that same vacant seat shall count as a term for purposes of this section.</p>		
2.03	<p>Assumption of office by, meeting of council, and seating of mayor and vice mayor</p> <p>The council shall be sworn in and assume office, subject to the qualifying provisions of this charter, upon receipt of a certified statement of the results of the election pursuant to California Elections Code 15372, as it may be hereafter amended. The council shall hold its first meeting at that time. The councilmember who received the highest number of votes in the latest election shall be seated as vice mayor. The vice mayor's term of office shall commence upon assumption of office and continue until the election, qualification and assumption of office of their successor following the next General Municipal Election. Upon termination of a councilmember's term of office as vice mayor, the vice mayor shall seated as mayor. The mayor's term of office shall commence upon assumption of office and continue until the assumption of their successor following the next General Municipal Election. Following</p>	022020	<p>* An amendment regarding the selection of mayor and vice mayor is required to come into compliance with the City's district elections ordinance and to prevent a conflict between the City's Charter and that ordinance; however, it doesn't necessarily have to be this selection method</p>

		<u>the certification of the 2020 General Municipal Election, the councilmember who received the highest number of votes in the 2018 election shall be seated as mayor for a two (2) year term and the City clerk shall draw lots among all of the electoral districts except the district where the mayor resides to determine the selection of the initial vice mayor. The selected councilmember shall be seated as vice mayor for a two (2) year term. Following each General Municipal Election thereafter, a vice mayor shall be seated by rotation in sequential order of the five (5) districts. Upon termination of a councilmembers' term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor and vice mayor shall each serve a two (2) year term.</u>		
	2.04	Powers and duties of mayor No future consideration	111819 Removed	
	2.05	Vice mayor		
	2.06	City attorney No future consideration	111819 Removed	
	2.07	City manager No future consideration	111819 Removed	
	2.08	Temporary City manager or City attorney		
	2.09	Council-manager relationships		
	2.10	City manager's duties and authority		
	2.11	Powers of City manager as to administrative officers and employees		
	2.12	City treasurer No future consideration	061719 Removed	
	2.13	City clerk		
	2.14	Boards, and commissions, and committees The council shall may by ordinance create a planning commission and a personnel board, and may create or may abolish such other boards, and commissions, and committees 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, and committees who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of	041519 012720	

		<p>their official duties. In all cases, except that of the personnel board required by Section 8.01, and the board of appeals, the council shall provide for an appeal by any interested or aggrieved person from the decision of any boards, or commission, or committee to the council. The council’s decision shall be final. All members of such boards, and commissions, or committees shall be residents of the City at the time of their appointment and continuously during their term of office. Boards, and commissions, and committees 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.</p>		
	2.15	Administrative organization		
III		Provisions Regarding Officers and Employees		
	3.01	<p>Eligibility for office Only United States citizens may be elected or appointed officers of the City. Furthermore, in order to be eligible for City office, any councilmember elected or appointed to represent an electoral district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in, the district in which the candidate seeks election at the time nomination papers are issued. Only registered qualified electors who have been residents of the City or any territory legally annexed thereto at the time nomination papers are issued to the candidate pursuant to the general election law, shall be eligible to an election City office.</p>	121619	* Amendment required to come into compliance with the City’s district elections ordinance and to prevent a conflict between the City’s Charter and that ordinance
	3.02	Oath of office and bond		
	3.03	Surety bonds		
	3.04	Financial interests prohibited		
	3.05	<p>Compensation of council members and mayor</p> <p>a. The council may enact an ordinance providing that Commencing January 1, 2021, each member of the council shall</p>	030520	

	<p><u>receive a stipend in the amount of either fifteen (15) cents per Roseville resident per year or the average per capita annual salary with benefits of councilmembers in the neighboring cities of Rocklin, Lincoln, Citrus Heights, Folsom, and Elk Grove, whichever is lower. The stipend shall be payable in monthly installments and the mayor shall receive an additional two hundred and fifty dollars (\$250) per month for the mayoral duties described in Section 2.04. The population shall be initially determined by the latest population estimate published by the United States Census Bureau. Thereafter, the stipend shall be adjusted following each federal decennial census.</u></p> <p><u>1. If the City's population is between 50,000 and 75,000 persons, inclusive, the salary shall be five hundred dollars (\$500) per month for each councilmember, and the mayor shall receive an additional amount of fifty dollars (\$50) per month.</u></p> <p><u>2. If the City's population exceeds 75,000 persons, the salary shall be six hundred dollars (\$600) per month for each councilmember and the mayor shall receive an additional fifty dollars (\$50) per month.</u></p> <p>b. Councilmembers may <u>shall</u> upon order of the council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.</p>		
3.06	Compensation of City manager, City attorney and other officers and employees		
3.07	Reserved		
3.08	<p>Employee welfare benefits</p> <p>The council may provide for the retirement of the City's non elective officers and employees and make available to them <u>employees only</u> any group life, hospital, health or accident insurance, either</p>	121619	

		independently of, or as a supplement to, any retirement or other employee welfare benefits in effect at the time of approval of this charter by the legislature or otherwise provided by law.		
3.09	Councilmember vacancies	<p>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 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.</p> <p>a. <u>An office becomes vacant on the happening of any of the following events before the expiration of the councilmember's term:</u></p> <ol style="list-style-type: none"> 1. <u>Upon any of the grounds listed in Section 1770 of the California government Code as it now exists or may hereafter be amended.</u> 2. <u>Upon termination of residency in an electoral district by a councilmember elected or appointed to that district unless a substitute residence within the district is immediately declared and established within thirty (30) calendar days after the termination of residency.</u> <p>b. <u>When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the council shall initiate the appointment or</u></p>	022020	

election process in anticipation of the vacancy. The councilmember who will be vacating the seat may not participate in the process.

- c. Any vacancy on the council shall be filled by the candidate not elected for a contested district council seat who received the next highest number of votes, provided said candidate received votes from at least twenty percent (20%) of the total number of votes cast in that district. A person seated to the council in this manner to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term.
- d. If for any reason the vacancy cannot be filled in accordance with subsection c, the vacancy may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once.
- e. If the council fails, for any reason, to fill such vacancy within the sixty (60) day period set forth in subsection d, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.
- f. In the event of a vacancy in the office of mayor, the vice mayor shall be seated as mayor and shall hold office for the remainder of the unexpired term being assumed. In the event of a vacancy in the office of vice mayor, a vice mayor shall be seated from the electoral district next in rotation and shall hold office for the remainder of the unexpired term being assumed. The filing of

		vacancies pursuant to this subsection, however, shall not disrupt the normal mayoral and vice mayoral rotation and shall not result in reducing a mayor's or vice mayor's scheduled term.		
	3.10	Recall		
	3.11	Separations from office		
IV		Procedure of the City Council		
	4.01	<p>Regular meetings</p> <p>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 and place of its the meetings.</p>	061719	
	4.02	<p>Special meetings</p> <p>Special meetings may be called by the City clerk, <u>City manager, City attorney,</u> on the <u>or by</u> written request of the mayor or any three (3) councilmembers by providing each councilmember with twenty-four (24) <u>at least seventy-two (72)</u> hours' written notice, <u>except that for time sensitive business, only twenty-four (24) hours' written notice is required.</u> Written notice shall be served personally, <u>electronically,</u> or left at their <u>each councilmembers'</u> usual place of residence, <u>and shall be publicly posted in accordance with the timeframes set forth in this section.</u> Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.</p>	061719	
	4.03	Meetings to be public		
	4.04	<p>Quorum</p> <p>No future consideration</p>	111819 Removed	
	4.05	Attendance and conduct at meetings		
	4.06	<p>Council rules</p> <p>The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of</p>	061719	

		<p>proceeding 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 <u>available</u> on a bulletin board in the City hall, on <u>the City's website</u>, and within thirty (30) days after any regular or special council meeting, <u>action</u> minutes of the meeting shall be prepared by the council for its approval.</p> <p>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.</p>		
V	5.01	Form of legislation		
	5.02	Enactment, amendment and repeal of ordinances		
	5.03	When ordinances take effect		
	5.04	Publication of ordinances		
	5.05	Technical codes		
	5.06	Penalties		
	5.07	Reserved		
	5.08	Compilation and codification of ordinances		
	5.09	Initiative and referendum		
	5.10	Reserved		
	5.11	Rules of ordinance construction; severability		
VI		Elections		
	6.01	General and Special Municipal Elections		
	6.02	Procedure of holding elections		
VII		Fiscal Administration		
	7.01	Fiscal year		
	7.02	Budget procedure		
	7.03	Budget review; hearings and adoption		
	7.04	Interested citizens to be heard at budget hearing		
	7.05	Revision and final adoption of budget; copy for inspection		
	7.06	Appropriations; transfers		
	7.07	Reserved		
	7.075	Utility reserve fund		

	7.08	Capital outlay fund; taxation for public improvement		
	7.09	Tax system		
	7.095	Reserved		
	7.10	Limit of levy; purpose of levy; manner of making special assessments		
	7.11	Power to incur indebtedness		
	7.12	Advertisement and sale of bonds		
	7.13	Preparation and record of bonds		
	7.14	Unissued bonds		
	7.15	Budget control		
	7.16	Depository		
	7.17	Repealed		
	7.18	Actions against the City		
	7.19	<p>Independent audit</p> <p>The Council shall provide for a running <u>an annual</u> audit of all the City accounts and books of the City by a firm of <u>independent</u> certified public accountants who are in no other way connected with the City government. Such <u>The accountant or accountants firm</u> shall be <u>retained subject to the restrictions and limitations prescribed by state law.</u> employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years. <u>A comprehensive audit shall be made covering each fiscal year</u> The accountant or accountants so employed shall <u>to assure that the City's financial transactions, accounts and records are maintained in accordance with the requirements of the City charter, state and federal laws and generally accepted accounting principles.</u> ,examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments and agencies of the City government as the council may require. <u>A comprehensive audit shall be made covering each fiscal year;</u> <u>Such</u> audit report shall be submitted to the council and shall be open to public inspection.</p>	071519	
	7.20	Purchasing and contracts		
	7.21	Bids for contracts; certified checks for bid bonds; performance bonds	071519 081919	

	<p>Competitive prices or bids for all purchases and public works and improvements shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest responsible bidder; provided, that the council may waive the bidding requirements prescribed in this section in the purchase of noncompetitive items or in case of an emergency. Sealed bids shall be asked for in all transactions involving the expenditure of nineteen thousand five hundred <u>seventy-five thousand dollars</u> (\$19,500.00 <u>\$75,000.00</u>) or more, and in the case of public works, the transaction evidenced by a written contract submitted to and approved by the council. Annually, at the same time the budget ordinance is adopted, the council may in that ordinance establish an inflation or deflation adjustment to the base of \$19,000.00 to take economic changes into account. Such adjustment shall be determined utilizing reliable indicators or indices of price increases or decreases. Once adopted, the adjustment shall be added to or subtracted from the base of \$19,000.00 so that sealed bids shall be asked for in all transactions involving the expenditure of the adjusted base. The council may reject any and all bids. In all transactions where sealed bids are required, the council may demand a deposit by each bidder in the form of a certified check or bid bond in an amount which shall be specified in the call for bids. The council may require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the City <u>and/or on the City's website</u>, not less than five (5) days before the deadline for submission of bids, unless the council declares by resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance.</p>		
7.22	Contract with other public jurisdictions		
7.23	Determination as to which public works to be performed by City forces or contracts	071519	

		<p>The council shall determine which public works or improvement projects are to be performed by City forces and which are to be let by contract in the manner prescribe in this article.</p> <p>4.12.090 Public works and services – Formal bidding and contract procedure.</p> <p><u>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.</u></p>	<p>Charter delete 081919 <u>RMC addition</u></p>	
	7.24	Approval of contract by City attorney		
VIII		Personnel Administration		
	8.01	<p>Personnel board</p> <p>A personnel board consisting five (5) resident and qualified voters shall be appointed by the council for four (4) year overlapping terms of office. Vacancies shall be filled by the council appointment for the expired portion of the term. A member of the personnel board shall be removed from office by the council only for malfeasance, misfeasance or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend themselves in an open public hearing before the council. <u>In the event of a vacancy on the personnel board, other than vacancies caused by expiration of the terms of members, the city council shall appoint a person to fill the unexpired term. Such an appointment to fill an unexpired term shall not be considered as one of the two term limit.</u></p> <p>The board shall provide for its own organization and rules for conduct of meetings; provided, that all meetings shall comply with the public meeting requirements of state law. Three (3) members shall constitute a quorum. Members of the board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the City in the performance of their duties.</p>	012720	

	<p>No member of the personnel board shall serve more than two (2) consecutive terms.</p> <p>Reappointment of incumbents to the personnel board shall be for four-year (4) terms in accordance with this section.</p>		
8.02	Powers and duties of the personnel board		
8.03	Human resources director		
8.04	<p>Personnel rules</p> <p>It is the intention of this article to provide for a merit system of employment in City service. The council shall enact by ordinance a set of rules governing classified municipal employment which shall, among other things, provide:</p> <ol style="list-style-type: none"> a. For the classification of all position 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, except if waived or modified in the personnel rules, and for the certifications 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 	071519	

		<p>case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of 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.</p> <ul style="list-style-type: none">f. For the rejection of candidates of 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; 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 City.g. For the employment with 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 (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.		
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		j. For the certification to the chief finance officer of the City of names and classifications of all persons legally employed in the City service, without which certifications this officer shall not authorize the issuance of salary paychecks.		
	8.05	Special provisions relating to examinations		
	8.06	Special services		
	8.07	<p>Classified and unclassified services</p> <p>The employments in the City 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, <u>and all persons holding an assistant department head position who were hired or promoted to that position after March 5, 2014</u>, 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 fifteen hundred (1,500) hours employment or the equivalent thereof in any twelve (12) month period; (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.</p>	071519	
	8.08	Repealed		
IX		Franchises		
	9.01	<p>When franchises are required</p> <p>No future consideration</p>	081919 Removed	
	9.02	Certain carriers and utilities exempt		

	9.03	Operation without franchise		
	9.04	Authority and procedure in granting franchises		
	9.05	Authorization by ordinance		
	9.06	Reservation of privilege; bids		
	9.07	Terms of franchises		
	9.08	Right of acquisition of property not affected		
	9.09	Provisions of franchise		
	9.10	Right of City to change grade, location or use of streets, etc		
	9.11	Lease, assignment or alienation		
	9.12	Right of revocation		
	9.13	Rates, fares and charges		
X		Municipally-Owned Utilities		
	10.01	<p>General powers respecting utilities</p> <p>The City shall possess all powers granted to cities by state law to construct, condemn and purchase, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, transportation, sewage and refuse collections, treatment and disposal services., or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law. Notwithstanding the foregoing, after January 1, 2021 the City shall not provide retail potable water service to new service areas outside its corporate limits. Each City-owned utility shall be financially self-sufficient, and shall fully compensate the City general fund for all goods, services, real property and rights to use or operate on or in City-owned real property.</p>	081919	
	10.02	<p>Rates; collection of utility charges</p> <p>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</p>	091619	

		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.		
	10.03	Disposal of utility plants and property		
XI		Reserved		
		Reserved for Independent Redistricting Commission language		
XII		Miscellaneous		
	12.01	Construction of the charter		
	12.02	Section headings		
	12.03	Violations		
	12.04	Effect of illegality of any part of charter		
	12.05	Effective date of charter		
	12.06	Reserved		