



AGENDA

February 20, 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 January 27, 2020 Charter Review meeting.

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

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

6.2. Selection of Mayor and Vice Mayor - Article 2 - Section 2.03

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve revisions to Article 2 - Section 2.03 regarding selection of mayor and vice mayor and place this section on the consensus list.

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

6.3. 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

6.4. Councilmember Vacancies - Article 3 - Section 3.09

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve revisions to Article 3 - Section 3.09 regarding councilmember vacancies and place this section on the consensus list.

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

6.5. Subcommittee Report

Report on Independent Redistricting Commission model and schedule.

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

6.6. Meeting Schedule

Report on meeting schedule and deadlines.

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: 2/20/2020
Item #: 5.1.

RECOMMENDATION

Recommend the Charter Review Commission approve the January 27, 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

January 27, 2020 Charter Review Commission Meeting Minutes



MINUTES

January 27, 2020

SPECIAL MEETING NOTICE **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 January 27, 2020 Charter Review Commission meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Brohman, Cannon, Constant, Frank, Garrett, Rohan

Absent: Dohner

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Susan Rohan.

4. PUBLIC COMMENTS

No public comment received.

5. MINUTES

5.1. Minutes of Prior Meeting

Memo from Assistant City Clerk Audrey Byrnes and City Clerk Sonia Orozco recommending the Charter Review Commission members approve the minutes of the December 16, 2019 Charter Review meeting.

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

Motion by Samuel Cannon, seconded by Rita Brohman, to approve the

December 16, 2019 Charter Review Commission Minutes as edited per request. The Motion Passed.

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

Absent: Dohner

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.

Larry Hufty - Requested clarification on terms of office.

Lisa Larkin - Spoke to concerns regarding Council appointments.

Motion by Paul Frank, seconded by Peter Constant, to approve moving the language of sequencing of districts into the Charter and that staff return with language for Section 2.02. The Motion Passed.

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

Absent: Dohner

6.2. Selection of Mayor and Vice Mayor - Article 2 - Section 2.03

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve revisions to Article 2 - Section 2.03 regarding selection of mayor and vice mayor and place this section on the consensus list.

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

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

Lisa Larkin - Spoke in support.

Larry Hufty - Spoke in support.

Motion by Peter Constant, seconded by Samuel Cannon, to approve proposed language for Section 2.03 with amendment to include initial seating of Vice Mayor be drawn by random lot by City Clerk excluding the District occupied by the Mayor, and have staff return with proposed language in full. The Motion

Passed.

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

Nays: Frank, Garrett

Absent: Dohner

6.3. Boards and Commissions - Article 2 - Section 2.14

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation and approve a proposed change to Article 2 - Section 2.14 regarding boards and commissions adding the Board of Appeals as a body whose final decision cannot be appealed to the City Council.

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

City Clerk Sonia Orozco made the presentation to Council.

No public comment received.

Motion by Peter Constant, seconded by Samuel Cannon, to approve Section 2.14 as follows: Sec. 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 embers of such boards, and commissions and committees 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 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 board, 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. The Motion Passed.

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

Absent: Dohner

6.4. 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.

Julia Sweeney - Supports a Council compensation that would encourage more citizen participation.

Lisa Larkin - Supports a Council compensation that would encourage more citizen participation.

Larry Huffy - Supports a Council compensation that would encourage more citizen participation.

Kathleen Crawford - Supports additional compensation for the Mayor.

Rex Clark - Supports Council be paid according to volunteerism.

Motion by Rita Brohman, seconded by LaMills Garrett, to approve commencing January, 2021 each member of the Council shall receive a stipend in the amount of .15 per Roseville resident per year. The population shall be initially determined by the latest population estimate published by the United States Census Bureau. Thereafter, the population shall be adjusted following each federal decennial census. The Mayor shall receive an additional \$250 per month. Councilmembers shall be reimbursed for reasonable and necessary expenses actually incurred in the service of the City per established policy approved by Council prior to ballot placement. The Motion Failed.

Roll call vote: Ayes: Brohman, Cannon, Garrett

Nays: Constant, Rohan

Absent: Dohner

Abstain: Frank

Motion by Rita Brohman, seconded by LaMills Garrett, to approve commencing January, 2021 each member of the Council shall receive a stipend in the amount of .15 per Roseville resident per year. The population shall be initially determined by the latest population estimate published by the United States Census Bureau. Thereafter, the population shall be adjusted following each federal decennial census. The Mayor shall receive an additional \$250 per month. Councilmembers shall be reimbursed for reasonable and necessary expenses actually incurred in the service of the City per established policy approved by Council prior to ballot placement, and have staff return with proposed language in full. The Motion Passed.

Roll call vote: Ayes: Brohman, Cannon, Frank

Nays: Constant, Rohan

Absent: Dohner

6.5. Councilmember Vacancies - Article 3 - Section 3.09

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve revisions to Article 3 - Section 3.09 regarding councilmember vacancies 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.

Kathleen Crawford - Spoke to percentage of votes required to qualify for appointment, and requested stronger language for election rather than appointment.

Lisa Larkin - Spoke in favor of Option 2 and against appointments.

Larry Hufty - Spoke in favor of Option 2 and against appointments.

Susan Gutowski - Spoke in favor of Option 2.

Consensus to have staff return with language for Section 3.09.

6.6. Personnel Board - Article 8 - Section 8.01

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation and approve a proposed revision to Article 8 - Section 8.01 regarding the personnel board revising the process of appointment of members.

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

City Clerk Sonia Orozco made the presentation to the Commission.

No public comment received.

Motion by Peter Constant, seconded by LaMills Garrett, to approve Section 8.01 as follows: 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. 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. 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. Section 8.01 as follows: 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. The Motion Passed.

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

Rohan Absent: Dohner

6.7. Roseville Redistricting Commission - Options for Consideration

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on Assembly Bill 849, determine the need for a redistricting commission, and direct staff to return with language regarding redistricting commission composition.

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

City Clerk Sonia Orozco made the presentation to the Commission

Lisa Larkin - Spoke in opposition to map drawing based on incumbency and in support of transparency and option B.

Larry Hufty - Spoke in support of option B.

Julia Sweeny - Spoke to clear language regarding public participation.

Kathleen Crawford - Spoke in support of option B.

Motion by Rita Brohman, seconded by Peter Constant, to approve to create an independent subcommittee to establish district criteria and bring back to full Charter Commission for consideration, and appoint Rohan, Constant, and Frank to the subcommittee. The Motion Passed.

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

Nays: Frank

Absent: Dohner

7. ADJOURNMENT

Motion by Samuel Cannon, seconded by Rita Brohman, to adjourn at 9:45 p.m.
The Motion Passed.

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

Absent: Dohner



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Elective Officers - Article 2 - Section 2.02
Contact: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 2/20/2020
Item #: 6.1.

RECOMMENDATION

Recommend the Charter Review Commission approve revisions to Article 2 - Section 2.02 regarding elective officers and place this section on the consensus list.

BACKGROUND

At the last meeting, the Commission rejected language which would have limited the term of a councilmember who is appointed or elected to serve more than two years to only one additional consecutive term. Instead, the Commission is proposing alternative changes to Section 3.09 to address vacancies. However, the Commission directed staff to return with language that added in the sequencing of the elections into Section 2.02 so it is clear in what years what electoral districts are up for election. Language memorializing the Commission's decision is proposed below.

Current language of Section 2.02 is as follows:

Sec. 2.02. Elective officers

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

Proposed revisions to Section 2.02 are as follows:

The electors of the City shall elect a council of five (5) members each of whom shall be elected ;

at large, by district by the voters in that district for a four (4) year term of office. 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 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 served due to appointment to a vacant council seat does not count as a term for purposes of this section.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Selection of Mayor and Vice Mayor - Article 2 - Section 2.03
Contact: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 2/20/2020
Item #: 6.2.

RECOMMENDATION

Recommend the Charter Review Commission approve revisions to Article 2 - Section 2.03 regarding selection of mayor and vice mayor and place this section on the consensus list.

BACKGROUND

Previously, the Commission opted to recommend that the mayor and vice mayor be seated by rotation among the five electoral districts. Initially, the Commission had recommended that the initial vice mayor under this system be seated from electoral district 5. At the last meeting, the Commission decided that the initial vice mayor shall be determined by the City Clerk drawing lots among all of the electoral districts except the district where the mayor resides. Language memorializing the Commission's decision is proposed below.

Current language of Section 2.03 is as follows:

Sec. 2.03. Assumption of office by, meeting of council, and seating of mayor and vice mayor

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 be 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.

Proposed revisions to Section 2.03 are as follows:

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.~~ Following 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. 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 be seated as mayor. The mayor and vice mayor shall each serve a two (2) year term. 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.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Compensation of Councilmembers - Article 3 - Section 3.05
Contact: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 2/20/2020
Item #: 6.3.

RECOMMENDATION

Recommend the Charter Review Commission approve revisions to Article 3 - Section 3.05 regarding compensation of councilmembers and place this section on the consensus list.

BACKGROUND

Previously, the Commission approved councilmember stipends in the amount of fifteen cents per Roseville resident. At the last meeting, the Commission approved an additional stipend in the amount of \$250 per month for the mayor and proposed changes to Subsection b which will require councilmembers to be reimbursed for reasonable and necessary expenses. Language memorializing the Commission's decision is proposed below.

Current language of 3.05 is as follows:

Sec. 3.05. Compensation of council members and mayor

- a. The council may enact an ordinance providing that each member of the council shall receive a salary, the amount of which shall be determined by the following schedule:
 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.
 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.
- b. Councilmembers may, upon order of the council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.

Proposed revisions to Section 3.05 are as follows:

- a . ~~The council may enact an ordinance providing that~~ Commencing January 1, 2021, each

~~member of the council shall receive a salary; stipend in the amount of which shall be determined by the following schedule: fifteen (15) cents per Roseville resident per year 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 population shall be adjusted following each federal decennial census.~~

~~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.~~

~~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.~~

~~b. Councilmembers may, shall upon order of the council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.~~

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Councilmember Vacancies - Article 3 - Section 3.09
Contact: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us
Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

Meeting Date: 2/20/2020
Item #: 6.4.

RECOMMENDATION

Recommend the Charter Review Commission approve revisions to Article 3 - Section 3.09 regarding councilmember vacancies and place this section on the consensus list.

BACKGROUND

At the last Commission meeting, the Commission evaluated two versions of a new Section 3.09 since staff is recommending that the current Section 3.09 be repealed in its entirety. The Commission asked staff to return with a revised version of Option 2.

Revised Option 2 eliminates as a grounds for vacancy an election to an incompatible office. Instead, it provides that when a vacancy is anticipated, the Council may initiate the replacement process while the councilmember vacating the seat remains in office. The Commission will need to decide whether the vacating councilmember can participate in the replacement process.

Revised Option 2 requires any vacancy on the Council to be filled by the next highest vote getter, as long as such person received at least 20% of the votes in that district. A person seated to the Council in this manner 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.

Revised Option 2 clarifies that if a person is appointed to the Council who is not the next highest vote getter, the appointed person 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.

These changes mean that a person filling a vacancy will not serve more than two years. It also means that the election sequencing will remain intact.

Current language of Section 3.09 is as follows (recommended to be stricken):

Sec. 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 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.

REVISED OPTION 2 – Anticipated Vacancy and Next Highest Vote Getter

a. An office becomes vacant on the happening of any of the following events before the expiration of the councilmember's term:

1. Upon any of the grounds listed in Section 1770 of the California Government Code as it now exists or may hereafter be amended.

2. 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.

b. 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 councilmember who will be vacating the seat [may or 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 voters 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. 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.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Subcommittee Report
Contact:

Meeting Date: 2/20/2020
Item #: 6.5.