



AGENDA

January 27, 2020

SPECIAL MEETING NOTICE 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 December 16, 2019 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 sheidenberger@roseville.ca.us

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

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

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

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

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

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: 1/27/2020
Item #: 5.1.

RECOMMENDATION

Recommend the Charter Review Commission approve the December 16, 2019 Charter Review Commission minutes.

BACKGROUND

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

Respectfully Submitted,

Audrey Byrnes, Assistant City Clerk

Sonia Orozco, City Clerk

ATTACHMENTS:

Description

December 16, 2019 Charter Review Commission Minutes



MINUTES
December 16, 2019

CHARTER REVIEW COMMISSION

5:30 p.m.

City Council Chambers

311 Vernon Street

Roseville, California

www.roseville.ca.us

1. CALL TO ORDER

Chair Susan Rohan called the December 16, 2019 Charter Review Commission meeting to order at 5:30 p.m..

2. ROLL CALL

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

Note: James Viele Charter Review Commission resignation received December 11, 2019.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Kristine Dohner.

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 November 18, 2019 Charter Review meeting.

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

Motion by Samuel Cannon, seconded by Robert Sanchez, to approve the November 18, 2019 Charter Review Commission Minutes as presented. The Motion Passed.

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

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 receive a presentation on proposed changes to Article 2 - Section 2.02 regarding elective officers.

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

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

No public comment received.

Motion by Peter Constant, seconded by Rita Brohman, to approve retention of status quo for section 2.02 regarding term limits to two (2) consecutive four (4) year terms. The Motion Passed.

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

Motion by Peter Constant, seconded by Paul Frank, to approve addition of text to section 2.02: "each of whom shall be elected by district by the voters in that district". The Motion Passed.

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

6.2. Number of Councilmember Seats - Article 2 - Section 2.02

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on projected population growth and the number of councilmember seats.

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

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

No public comment received.

Motion by Rita Brohman, seconded by LaMills Garrett, to approve remaining at

five (5) councilmembers as stipulated in section 2.02. The Motion Passed.

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

6.3. 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 receive a presentation on proposed changes to Article 2 - Section 2.03 regarding selection of mayor and vice mayor.

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

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

Kathleen Crawford - Spoke in favor of five council members, rotation of Mayor seat, Vice Mayor appointment for two years prior to assuming Mayor, and district numerical sequencing.

Commission consensus that staff return with language for 2.03 at upcoming meeting.

6.4. Eligibility for Office - Article 3 - Section 3.01

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on proposed changes to Article 3 - Section 3.01 regarding eligibility for office.

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

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

Kathleen Crawford - Spoke in support of minimal residency time in a district.

Motion by Peter Constant, seconded by Samuel Cannon, to approve staff's recommended language for section 3.01 Eligibility for Office to read as follows: 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, and be a registered voter in, the district in which the candidate seeks election at the time nomination papers are issued. The Motion Passed.

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

6.5. Compensation of Councilmembers and Mayor - Article 3 - Section 3.05 and Employee Welfare Benefits Article 3 - Section 3.08

Memo from City Clerk Sonia Orozco and Assistant City Attorney Michelle Sheidenberger recommending the Charter Review members receive a presentation on Article 3 - Section 3.05 compensation of councilmembers and mayor and Article 3 - regarding Section 3.08 employee welfare benefits.

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

City Clerk Sonia Orozco made the presentation to the Commission.

Kathleen Crawford - Spoke to City utility services as a condition of consideration for compensation.

Motion by Peter Constant, seconded by Susan Rohan, to direct staff to come back with language to change the Charter and take sections one and two and refer to implementing/following the guidelines of the state code in relation to general law cities, keep the section that talks about reimbursement for reasonable and necessary expenses and make a recommendation that the administrative policy get reviewed for the council to get fully reimbursed for their reasonable and necessary expenses. The Motion Failed.

Roll call vote: Ayes: Constant, Dohner, Rohan, Sanchez

Nays: Brohman, Cannon, Garrett

Abstain: Frank

Motion by Rita Brohman, seconded by Samuel Cannon, to approve to propose that each councilmember (provide information on the ballot regarding the city's budget and things they do) and call it a stipend limitation measure for section 3.05 at \$.15 per resident per resident per year for councilmembers and mayor compensation with decennial census numbers to confirm population/compensation with first year of stipend to be based on current estimates. The Motion Passed.

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

Nays: Constant, Dohner, Rohan

Commissioner Pete Constant left the meeting.

Motion by Paul Frank, seconded by Susan Rohan, to approve staff's recommended language for section 3.08 Employee Welfare Benefits to read as follows: The council may provide for the retirement of the City's elective officers and employees and make available to employees only any group life, hospital, health or accident insurance, either 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. The Motion Passed.

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

Nays: Cannon, Garrett
Absent: Constant

7. ADJOURNMENT

Commissioner LaMills Garrett - Requested report for Redistricting Committee include language that natural boundaries always take precedence over incumbency and potential candidacy.

Motion by Samuel Cannon, seconded by Rita Brohman, to adjourn at 7:44 p.m.
The Motion Passed.

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

Absent: Constant



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: 1/27/2020
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 approved revisions to the first sentence of this section regarding district elections and directed staff to return with language which limits the term of a councilmember who is appointed or elected to serve more than two years to only one additional consecutive term. 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. 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.~~ Any person appointed or elected to the council as a councilmember to fill an unexpired term of two (2) years or less in length shall be eligible to serve two (2) consecutive four (4) year terms upon the expiration of the unexpired term for which that person was appointed or elected. However, any person appointed or elected to the council as a councilmember to fill an unexpired term of more than two (2) years in length shall only be eligible to serve one (1) consecutive four (4) year term.

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: 1/27/2020
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

At the last meeting, the Commission opted to recommend that the mayor and vice mayor be seated by rotation among the five electoral districts. 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 councilmember elected to electoral district number five (5) 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: Boards and Commissions - Article 2 - Section 2.14
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 1/27/2020
Item #: 6.3.

RECOMMENDATION

Recommend the Charter Review members approve a 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.

BACKGROUND

Previous changes to Article 2 - Section 2.14 were approved by the Charter Review Commission on April 15, 2019. The changes approved were as follows:

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 with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the number, manner of appointment, length of term, and duties of members of such boards and commissions who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the personnel board required by Section 8.01, the council shall provide for an appeal by any interested or aggrieved person from the decision of any board or commission to the council. The council's decision shall be final. All members of such boards and commissions shall be residents of the City at the time of their appointment and continuously during their term of office. Boards and commissions existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter.

An additional change is necessary to add the Board of Appeals as a body whose final decision cannot be appealed to the City Council. The change is denoted below:

The council may by ordinance create or abolish boards and commissions with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the

number, manner of appointment, length of term, and duties of members of such boards and commissions who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the personnel board 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 to the council. The council's decision shall be final. All members of such boards and commissions shall be residents of the City at the time of their appointment and continuously during their term of office. Boards and commissions existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter.

Respectfully Submitted,

Sonia Orozco, City Clerk

Michelle Sheidenberger, Assistant City Attorney



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: 1/27/2020
Item #: 6.4.

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

At the last meeting, the Commission approved councilmember stipends in the amount of fifteen cents per Roseville resident. The population will be initially set based on the latest U.S. Census Bureau estimate, but will be adjusted after every federal decennial census. 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. 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, 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: 1/27/2020
Item #: 6.5.

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

The proposed revisions to Section 3.09 are intended to capture several items the Commission previously discussed. Due to the extensive nature of the revisions, staff is recommending that the entire Section 3.09 be stricken and completely replaced.

First, the revisions add on additional grounds creating a vacancy, including moving out of an electoral district and election to an incompatible public office. Second, the revisions extend the period of time in which Council may fill a vacancy from 30 days to 60 days and makes appointment discretionary, instead of mandatory (replacing "shall" with "may"). Third, the revisions provide that persons either appointed or elected to fill a vacancy shall hold office for the remainder of the unexpired term, instead of until the next election as currently written. Finally, pursuant to the Commission's request, mayor and vice mayor vacancy provisions have been added to Section 3.09.

The Commission had requested two versions of Section 3.09. The first version allows Council to fill vacancies by appointment. The second version requires Council to appoint the next highest vote getter in the last election assuming that candidate received a certain percentage of the vote, which the Commission did not determine. Both versions require a special election if appointment or seating of the next highest vote getter does not occur.

Current language of Section 3.09 is as follows:

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.

Option 1 (Council Fills Vacancy) - Newly Proposed Section 3.09

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.
3. Upon certification of election to an incompatible public office as defined in Section 1099 of the California Government Code as it now exists or may hereafter be amended.

b. Any vacancy on the council 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 for the remainder of the unexpired term. No person may be appointed to the council more than once.

c. If the council fails, for any reason, to fill such vacancy within said sixty (60) day period, 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.

d. 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.

Option 2 (Next Highest Vote Getter) - Newly Proposed Section 3.09

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.

3. Upon certification of election to an incompatible public office as defined in Section 1099 of the California Government Code as it now exists or may hereafter be amended.

b. 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 X percent (X%) of the total number of voters in that district.

c. If for any reason the vacancy cannot be filled in accordance with subsection b, 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 for the remainder of the unexpired term. No person may be appointed to the council more than once.

d. If the council fails, for any reason, to fill such vacancy within said sixty (60) day period, 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.

e. 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.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Personnel Board - Article 8 - Section 8.01
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Meeting Date: 1/27/2020
Item #: 6.6.

RECOMMENDATION

Recommend the Charter Review members approve a revision to Article 8 - Section 8.01 regarding the personnel board by revising the process of appointment of members to be consistent with the appointment of all other city boards and commissions.

BACKGROUND

The proposed revision is recommended for consistency regarding appointment of city board and commission members.

Current language of Section 8.01 is as follows:

Section 8.01

A personnel board consisting of 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 by appointment for the unexpired 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. 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.

No member of the personnel board shall serve more than two (2) consecutive terms.

Reappointment of incumbents to the personnel board shall be for four-year (4) terms in accordance with this section.

Proposed revision to Section 8.01 is as follows:

A personnel board consisting of 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 by appointment for the unexpired 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. 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.

No member of the personnel board shall serve more than two (2) consecutive terms.

Reappointment of incumbents to the personnel board shall be for four-year (4) terms in accordance with this section.

Respectfully Submitted,

Sonia Orozco, City Clerk

Michelle Sheidenberger, Assistant City Attorney



CHARTER REVIEW COMMISSION COMMUNICATION

Title: Roseville Redistricting Commission - Options for Consideration
Contact: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us
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Meeting Date: 1/27/2020
Item #: 6.7.

RECOMMENDATION

1. Recommend the Charter Review Commission receive a presentation on Assembly Bill 849 (the Fair Maps Act) effective January 1, 2020 regarding redistricting; and
2. Recommend the Charter Review Commission determine the need for a redistricting commission; and
3. Direct staff to return with language regarding redistricting commission composition (independent, hybrid or advisory).

BACKGROUND

Assembly Bill 849 (AB 849 or Act) specifies redistricting criteria and deadlines for the adoption of new boundaries by the governing body. This bill standardizes redistricting procedures and requirements for counties and cities, including imposing new public hearing, outreach, notice, and transparency requirements. The bill requires the governing body to take specified steps to encourage the residents of the local jurisdiction to participate in the redistricting process.

Requirements to redistrict under AB 849 stipulate that following each federal decennial census, and using that census as a basis, the Council must adopt boundaries for all Council districts so that the districts shall be substantially equal in population as required by the U.S. Constitution. The Council shall adopt boundaries that comply with the U.S. Constitution, the California Constitution, and the federal Voting Rights Act of 1965.

Using census data as a basis, the Council shall, by ordinance or resolution, adopt boundaries for any or all of the Council districts of the city so that the Council districts shall be substantially equal in population.

Boundaries shall be adopted no earlier than August 1 in each year ending in the number one, (e.g., August 1, 2021), but not later than 151 days before the city's next regular election occurring after March 1 in each year ending in the number two. For the November 2022 election, the latest date the map can be adopted is June 10, 2022.

The previous law the Council followed during the conversion to district-based elections, used to state that the City Council “may” give consideration to the following factors when drafting a map: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts. These factors were not in any particular order. The previous law gave Council a lot of flexibility in the criteria used in drafting the initial district map.

Under AB 849, the City Council “shall” adopt district boundaries following each decennial census 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.

(2) To the extent practicable, the geographic integrity of any local neighborhood 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) To the extent practicable, and 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.

In addition, the City Council is prohibited from adopting council district boundaries for the purpose of favoring or discriminating against a political party.

Public outreach is also specified in AB 849 as the Act contains timing as to when redistricting must occur by. Under this bill, cities are required to hold at least four hearings, including at least one hearing or workshop on a weekend or after 6:00 p.m. on a weekday. Cities are additionally required to provide live translations of hearings – if requested 72 hours in advance – into languages other than English in certain situations. In addition, the Council must engage in other specified outreach requirements. In lieu of holding the public hearings itself, Council is authorized to establish a redistricting commission to hold the required public hearings.

Until recently, many cities who formed redistricting commissions appointed advisory bodies that could offer only map recommendations to the governing body. The main exception was with charter cities, whose “home rule” autonomy under the state constitution empowered them to create fully independent commissions.

California Elections Code Section 23001 to 23003 states a jurisdiction may establish by resolution, ordinance, or charter amendment an independent, hybrid or an advisory redistricting commission composed of residents of the local jurisdiction.

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. A person shall not be appointed to serve on an Independent Redistricting Commission if the person or any family member of the person has been elected or appointment to, or been a candidate for, an elective office of the local jurisdiction in the eight years preceding the person's application. Additionally, a person shall not be appointed to serve on the commission if his or her spouse has served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction. Further restrictions apply stating if an individual has contributed five hundred dollars (\$500) or more a year to any candidate for an elective office of the local jurisdiction, the individual is barred from appointment. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero. While working on the commission, an individual cannot endorse, work for, or volunteer for an elective office of the local jurisdiction.

A Hybrid Redistricting Commission means a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification. Council may not select the members of a Hybrid Commission and the law sets forth strict standards on who can serve. Many of the same provisions regarding appointment to an Independent Restricting Commission apply to appointment to a Hybrid Commission.

An Advisory Redistricting Commission means a body that recommends to a legislative body placement of the district boundaries for that legislative body. Under this scenario, the Council may make changes to recommendations made by the Advisory Commission as it is ultimately responsible for selecting the district boundaries. Council may select the members of an Advisory Commission. A person who is an elected official of the local jurisdiction, or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction shall not be appointed to serve on the commission.

Alternatively, a city may contract with a county in which the city is located that has established an Independent Redistricting Commission to have that commission adopt the city's election district boundaries. As the date of this report, Placer County does not have an Independent Redistricting Commission. Senate Bill 139 introduced in 2019, would have required each county with a population over 400,000 residents to establish an Independent Redistricting Commission to re-draw the boundaries of each supervisorial district. The bill was vetoed by Governor Gavin Newsom on October 13, 2019.

As an example, in order to seat an Independent or Hybrid redistricting commission, a panel consisting of the following could choose members for appointment: one retired judge, one law, government, or public policy professor teaching at an accredited institution; and one member of a non-profit organization qualified under Internal Revenue Code Section 501(c)(3) that has at least a ten-year history of advocating for good government and for their non-profit organization. The panelists shall be randomly selected by the city attorney from a pool of qualified applicants. Panelist should meet the same qualifications required of commissioners. Commissioners can then apply and are screened by the City Clerk prior to going before the panel for appointment.

Another approach in order to seat a redistricting commission would be to allow the City Clerk to screen all applications submitted to ensure that each applicant satisfies the eligibility criteria of the California Elections Code. At a time and place open to the public, and subject to at least ten days public notice, the City Clerk would then select the initial members of the redistricting commission. The City Clerk would randomly select one person from each of the established council districts. The first person chosen from each district will be appointed to the redistricting commission. The City Clerk would then randomly select one additional individual from each of the council districts to

serve as an alternate for the individual who has been appointed from that district. To implement this method, the City Clerk would need to determine a randomized method that meets professional standards and best achieves a random selection.

Cities and counties that have established redistricting commissions include Berkeley, Chula Vista, Escondido, Modesto, Oakland, Sacramento, San Diego, San Jose, San Francisco, Los Angeles County and San Diego County. The composition of their commissions range from independent, hybrid and advisory.

A redistricting commission, as part of the city budget, will need sufficient funds to support the work of the commission, including funds necessary for community outreach, costs for city staff time associated with supporting the work of the redistricting commission, and the hiring of any necessary consultants, outside counsel and a demographer.

If directed by the Charter Review Commission to report back on a specific type of redistricting commission to recommend to the City Council, the Charter Review Commission will need to propose the size of the commission, and determine if the commission will also have alternates. Alternates could be appointed as voting members if a seated commissioner leaves office for any reason.

Respectfully Submitted,

Michelle Sheidenberger, Assistant City Attorney

Sonia Orozco, City Clerk