

## Charter Review Commission Meeting Monday, December 21, 2009 Civic Center Meeting Rooms 1 & 2 5:30 p.m.

Members:

Rita Brohman, Rex Clark, Paul Frank, Janice Hanson, Rick Hoem,

Cathy Macaulay, Aldo Pineschi, and James Viele

Staff:

City Attorney Brita Bayless, City Clerk Sonia Orozco, Deputy City

Manager Julia Burrows, Assistant City Clerk Audrey Byrnes

## **AGENDA**

- 1. Call to Order
- 2. Approval of Minutes November 16, 2009
- 3. Public Comments (On Items Not Appearing on the Agenda)
- 4. Old Business/Follow-up:
  - a) Update Local Vendor Preference Policy Proposed Wording
  - b) Project Labor Agreements Follow-up and Question/Answer Session with Roseville Electric representative regarding Roseville Energy Park Project
  - c) Reconsideration Items:
    - 1. Letter submitted by Richard Roccucci
      - Procedure to Elect/Appoint Mayor
    - 2. Letters submitted by: James Berg, Cresthaven Neighborhood Association, Mary Jo Lawrence, Mary Clark, and Wesley Clark Various Topics Including:
      - Expand Council to Seven (7) Members
      - District Elections
      - Council Vacancies/Appoint Next Highest Vote
      - Setting Campaign Finance Limits
      - Councilmember Pay Increase
      - Term Limits
      - Process for Appointment of Planning Commissioners
- 5. New Business:
  - a) <u>Charter Position/City Clerk</u> Appointment Options (Manager or City Council)
- 6. Comments/Members/Public

PLEASE NOTE: Public Comments on Items Not Listed on the Agenda or on Any Matters Requiring Committee Discussion or Action Will Be Listed on a Future Agenda

7. Adjournment – Next Meeting: NOTE DATE CHANGE: Scheduled for Tuesday, January 19, 2010 at 5:30 p.m.



# Minutes Charter Review Commission Meeting

Monday, November 16, 2009 Civic Center Meeting Rooms 1 & 2 5:30 p.m.

## 1. Call to Order

## **Members Present**

Paul Frank
Janice Hanson
Rex Clark
Aldo Pineschi
Rita Brohman
Cathy Macaulay
Rick Hoem

#### **Staff Present**

Brita Bayless, City Attorney Sonia Orozco, City Clerk Julia Burrows, Deputy City Manager Audrey Byrnes, Assistant City Clerk

## 2. Minutes Approval

James Viele

Motion to approve the Minutes of October 26, 2009.

Moved by Macaulay, seconded by Hoem Vote: Motion carried 7-0 (Viele abstain)

## 3. Public Comments

Jim Williams, Meadow Oaks Neighborhood Association – Suggested consideration of a community Safety Commission in conjunction with the Police Department to bring forth issues to Council, and suggested the need for more Code Enforcement Officers.

James Berg – Spoke in support of appointing next highest vote getter at previous election to any Council vacancy rather than holding a Special Election or by requesting applications and appointing members.

## 4. Old Business/Follow-up

## A. Follow-up on Personnel Administration

(Change from nine (9) months to 1500 hours/clarification)

City Clerk Orozco clarified that the text change would coincide with legal language regarding eligibility of benefits due to hours worked, thereby changing reference from nine (9) months to 1500 hours with no break in service.

Motion to accept text changes for Section 8.07.

Moved by Viele, seconded by Hoem

Vote: Motion carried: 8-0

## Charter Review Commission Minutes – November 16, 2009

## B. Article IX - Franchises

Deputy City Manager Burrows made the presentation to Commission.

Richard Roccucci – Inquired if franchises need to bury cable by street cutting. Deputy City Manager Burrows confirmed that franchises would still need an encroachment permit and necessary street cutting would be regulated.

Motion to accept recommended changes to Article IX recommending the words "television" and "cable television" be replaced by "video service" and changing the specific reference to the "direct authority to the Constitution of the State of California or of the United States" be replaced by language "pursuant to state or federal law".

Moved by Macaulay, seconded by Viele

Vote: Motion carried 8-0

## 5. New Business

## a) Article X – Municipally Owned Utilities

City Clerk Orozco presented that no changes were recommended to Article X.

## b) Article XII - Miscellaneous

City Clerk Orozco presented that no changes were recommended to Article XII.

## c) Project Labor Agreements

Wendy Gerig, Roseville Chamber of Commerce, spoke in opposition to Project Labor Agreements (PLAs), and referenced the Roseville Energy Park Project Labor Agreement, and requested commission include language in Charter prohibiting PLAs.

Steve Pease – Spoke in opposition to Project Labor Agreements and requested commission put language in the Charter prohibiting PLAs.

Matt Heedy – Spoke in opposition to Project Labor Agreements citing discriminatory practices.

Kevin Dayton – Spoke in opposition to Project Labor Agreements and requested commission recommend language in the Charter prohibiting PLAs.

James Berg – Spoke in support of unions.

Richard Roccucci – Spoke on Project Labor Agreements and of concerns of putting language into the Charter regarding PLAs, and he also spoke to use of public funds and abuse of environmental laws.

Commission discussion

Matt Heedy – Spoke that merit shop contractors are excluded when Project Labor Agreements are enacted.

## Charter Review Commission Minutes – November 16, 2009

Kevin Dayton – Spoke to the point that currently there are no cities that have language in their Charter to eliminate Project Labor Agreements, and that some cities enacted a Resolution or Ordinance.

City Attorney Bayless spoke, with reference to Electric Utility Director Habashi input regarding construction of the Energy Park, that if the City Council were to give up their right to sign Project Labor Agreements, the City of Roseville would have been engaged into a contractual struggle with considerable project delay and financial cost.

Kevin Dayton – Spoke in reference to City of Fresno's consideration of placing Project Labor Agreement language into their charter, and the Cities of Chula Vista and San Diego considering Project Labor Agreement Ordinances.

Richard Roccucci – Spoke that a Project Labor Agreement does not guarantee that a project will proceed without issues, and inquired what the advantages are of signing a Project Labor Agreement.

Steve Pease – Spoke in favor of giving City Council a choice regarding a prohibition in Charter of Project Labor Agreements based on public fund spending.

Jack Wallace – Inquired if there have been any challenges by the unions regarding the push against Project Labor Agreements.

Wendy Gerig – Stated that the Roseville Energy Park Project Labor Agreement Item can be viewed on video streaming.

Kevin Dayton – Spoke in support of a City of Roseville Charter language prohibition regarding Project Labor Agreements. Dayton further recommended if Charter language not changed, that Roseville enact an Ordinance prohibiting PLAs.

Matt Heedy – Spoke in support of a City of Roseville Ordinance regarding Project Labor Agreements.

Kevin Dayton – Spoke to the point that Chula Vista Project Labor Agreement Ordinance came from the ballot initiative process.

Wendy Gerig – Suggested Roseville take an active lead against Project Labor Agreements and confirmed that the City does not and will not expend money in advocacy for or against ballot initiative positions.

Committee consensus to request more information regarding Roseville Energy Park Project Labor Agreement, including quantified financial information

## Charter Review Commission Minutes – November 16, 2009

attributed to the Roseville Energy Park Project Labor Agreement, and information on other California Cities that have Project Labor Agreement language in their Charter.

## 6. Comments/Members/Public

PLEASE NOTE: Public Comments on Items Not Listed on the Agenda or on Any Matters Requiring Committee Discussion or Action Will Be Listed on a Future Agenda

Commissioner Brohman requested future agenda item on the responsibilities of the City Manager.

Commission Chair Clark requested the Commission consider the appointment of the City Clerk position by the City Manager or the City Council. Chair Clark also requested the status of the Local Preference Policy on upcoming agenda.

Committee consensus to list requests on upcoming agenda.

## 7. Adjournment

Motion to adjourn the meeting at 6:50 p.m. Moved by Hoem, seconded by Brohman

Vote: Motion carried 8-0

APPROVED DATE:	November 21, 2009
Rex Clark, Chairm	an
ATTEST:	
Audrey Byrnes, Ass	sistant City Clerk

#### Sec. 7.21. Bids for contracts; certified checks for bid bonds; performance bonds.

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 **Deleted:** n 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, and may adopt by ordinance a modified competitive bidding procedure that includes a preference or advantage for bidders with a place of business located within the City of Roseville. Sealed bids shall be Deleted: ten asked for in all transactions involving the expenditure of nineteen thousand, five hundred dollars **Deleted:** 10,000 (\$19,500.00) 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 **Deleted:** 10,000 adjustment to the base of \$19,500.00 to take economic changes into account. Such adjustment shall be determined utilizing reliable indicators or indices of price increases or decreases. Once **Deleted:** 10,000 adopted, the adjustment shall be added to or subtracted from the base of \$19,500.00 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, 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. (Amended June 18, 1986: Res. No. 86-108 § 4; amended April 13, 1982: Res. No. 60-2, § 1.)



December 1, 2010

Julia Burrows
Deputy City Manager/Economic Development Director
City of Roseville
311 Vernon Street
Roseville, CA 95678

Dear Ms. Burrows:

As the City of Roseville prepares a staff report for its charter review commission concerning the impact of the Project Labor Agreement (PLA) on the Roseville Energy Park, please be aware that our company - TIC (The Industrial Company) - builds power plants throughout the United States with non-union labor and subcontracts out construction trade work to both union and non-union contractors. In fact, we have installed over 40,000 MW of combined cycle power plants, making us one of this country's leading companies in power plant construction. We have built a few of the larger power plants in California where developers successfully resisted the efforts of California Unions for Reliable Energy (CURE) to delay the permits until a Project Labor Agreement was imposed. For example, we recently finished the Riverside Power Plant Units 1 and 2 on-time, on-budget, and safely.

TIC was certainly capable in 2004 of building a 120 megawatt, natural gas fired, combined cycle power plant such as the Roseville Energy Park. The Project Labor Agreement prevented us from bidding and deprived numerous subcontractors from the opportunity to work on this power plant. It also eliminated the competition that could have resulted in savings for you and your ratepayers. The unsubstantiated claim that "only union contractors could have built the Roseville power plant" is false. Please incorporate these comments into your report for the City of Roseville Charter Review Commission.

Sincerely,

Kevin O'Neill SR. Regional Business Development Mgr.

TIC - WESTERN
Bakersfield Office
1550 James Road
Bakersfield CA 93308
661.391.5700 - fax 661.391.5701





December 3, 2009

Julia Burrows

Deputy City Manager/Economic Development Director
City of Roseville
311 Vernon Street
Roseville, CA 95678

Dear Ms. Burrows:

We have learned that the City of Roseville is preparing a report for its charter review commission that may contend that non-union contractors would not have built the Roseville power plant, so the Project Labor Agreement did not affect bid competition or cost. Nothing could be further from the truth.

Our company has built many of the smaller power plants in California. We would routinely build power plants over 50 megawatts in California, except for the requirement that contractors sign union-only agreements with construction unions. The Northern California Power Agency staff claimed in November that 57 of the 63 power plants over 50 megawatts built in California since 1999 have required contractors to sign PLAs.

The Roseville Energy Park was supposed to have a peak construction workforce of 206 with an average monthly workforce of 114 over an 18-20 month period. The general contractor for the Roseville Energy Park was based in Glastonbury, Connecticut – 2910 miles from Roseville. We are based in Lodi, California – 52 miles from Roseville.

Sincerely,

Nathen Howard

President



## UCI CONSTRUCTION, INC.

GENERAL CONTRACTOR
CA LIC. 399624 NV LIC. A-41994 OR LIC. 143249

Julia Burrows
Deputy City Manager/Economic Development Director
City of Roseville
311 Vernon Street
Roseville, CA 95678

Dear Ms. Burrows:

As the City of Roseville prepare a staff report for its charter review commission concerning the impact of the Project Labor Agreement (PLA) on the Roseville Energy Park, please be aware that our company, UCI Construction, Inc., has done work on many forms of power generation throughout the Western United States with non-union labor and subcontracts out construction trade work to both union and non-union contractors. We have completed work on various power generating systems in California.

Should developers fail to resist the efforts of California Unions for Reliable Energy (CURE) to delay the permits until a Project Labor Agreement is imposed, our competitive bid would be completely excluded from consideration. That is bad business for tax payers and stakeholders. Limiting competition drives prices higher. Companies like mine can offer quality construction, on schedule and on budget.

UCI Construction, Inc. was certainly capable of being a successful contractor involved in the 2004 building of a 120 megawatt, natural gas fired, combined cycle power plant such as the Roseville Energy Park. The Project Labor Agreement prevented us from bidding and deprived numerous subcontractors from the opportunity to work on this power plant. The unsubstantiated claim that "only union contractors could have built the Roseville power plant" is false. Please incorporate these comments into your report for the City of Roseville Charter Review Commission.

Sincerely,

UCI Construction, Inc.

Jessica V. Weatherford Chief Financial Officer

## Orozco, Sonia

From:

Kevin Dayton [dayton@abc-cal.org]

Sent:

Thursday, December 17, 2009 9:34 AM

To:

Bayless, Brita; Burrows, Julia; Orozco, Sonia; Byrnes, Audrey

Subject:

Charter Review Commission: PLA Ban in Oceanside Charter for Voter Consideration

Attachments: Oceanside Draft Charter.pdf

City of Roseville staff: please forward this to the Charter Review Commission. Thank you!

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## **Charter Review Commission:**

As you prepare for your meeting on Monday, December 21 to decide whether or not to recommend a ban on Project Labor Agreements (PLAs) in the city charter as a means to discourage environmental extortion, you should be aware that Roseville would NOT be the first city in California to include such language in a proposed charter. The Oceanside City Council voted last night to include a Project Labor Agreement prohibition in its charter that will go to voters in June 2010. (See Section 303 in the attached proposed Oceanside charter.) The PLA prohibition language is based on the City of Fresno ordinance, not the Orange County ordinance or proposed Chula Vista or San Diego ordinances.

See news coverage at this link:

OCEANSIDE: Council wants June vote on charter city idea — North County Times — December 17, 2009

A plan to ask voters to give Oceanside more independence from the state by making it a charter city was approved 3-2 by the City Council on Wednesday ...

Kevin Dayton
State Government Affairs Director
Associated Builders and Contractors of California
(916) 439-2159

## NORTH COUNTY TIMES THE CALIFORNIAN

## OCEANSIDE: Council wants June vote on charter city idea

Approval would bring more independence from state

By RAY HUARD - rhuard@nctimes.com | Posted: Wednesday, December 16, 2009 10:50 pm

A plan to ask voters to give Oceanside more independence from the state by making it a charter city was approved 3-2 by the City Council on Wednesday over the strong objections of the mayor and Councilwoman Esther Sanchez.

"This is being forced down your throat without any scrutiny by anybody," Mayor Jim Wood said. "This is wrong, wrong, wrong."

Councilman Jack Feller put the charter question on the council agenda one day after Councilman Jerry Kern defeated a drive to force him from office in a recall election last week.

Feller said he was in a hurry to push the matter through the council because of the pending departure of Councilman Rocky Chavez, who resigned effective Friday after he was appointed state undersecretary of veterans affairs in November.

With Chavez leaving, Feller would lose a majority voting bloc on the five-member council. Feller, Kern and Chavez voted Wednesday to put the issue on the June election ballot, and Wood and Sanchez voted against it.

Feller said his charter proposal was modeled after charters in other cities. He said he drafted his plan with the help of a private lawyer whom he declined to name.

Outside the council chambers, a representative of the Associated Builders & Contractors said he provided Feller with sections of charters that Feller used to write his charter plan.

Bill Baber, government affairs director for the builders' group, said he gave Feller sections of charters from Vista, Fresno and a proposed charter from Chula Vista that were "cut and pasted" to produce the proposal for Oceanside.

Wood said it was improper to bring the measure to the council with little time for review by the public, city attorney or council members.

"You don't slip it in on the last meeting before your fellow council member leaves," Wood said.

Calling Feller's proposal "a bombshell," Wood asked "can you imagine voting on an item because it is the last meeting you have three votes on?"

Wood said Vista's charter is being challenged in court and Oceanside risks a similar legal challenge.

Sanchez said there should be no rush to pass the charter plan, and urged Feller to withdraw his proposal to allow more discussion before putting it on the ballot.

"If this is what the citizens of Oceanside believe in, it will happen," Sanchez said. She said Feller's proposal was "a developer-driven law."

Chavez stayed out of the discussion and said nothing before casting his vote in support of Feller.

Kern said the public will have plenty of time to review the charter plan leading up to the June election.

"I have full faith in the citizens of Oceanside," Kern said. "What we're doing now is just putting it on the ballot."

As a general law city, Oceanside is bound by state law on everything from how it awards construction contracts to when it schedules city elections and how much it pays council members. A charter city can make its own rules on such matters.

Feller's proposal includes provisions that would exempt the city from paying prevailing wages ---- essentially union wages ---- on construction projects that don't use state or federal money.

City Attorney John Mullen said he'd had little time to review the proposal, but portions of it may conflict with bargaining agreements the city

http://www.nctimes.com/news/local/oceanside/article f765ce65-2da5-5edb-abec-458653bc9485.ht... 12/17/2009

has with at least one labor union that represents some city workers.

Ricardo Ochoa, a lawyer for the San Diego and Imperial Counties Labor Council, said there were "some real legal problems" with the charter Feller proposed. He said state law on prevailing wages and other labor issues would trump labor issues included in city charters.

Oceanside resident Francis Pedraza backed the charter plan, saying it was "about local sovereignty."

"It's about bringing power back here," Pedraza said.

Resident Margaret Malik said she might support a charter, but wanted more time to study the plan.

"I know it gives City Council total, total control," Malik said. "I don't know if that's really good."

Oceanside voters have rejected previous attempts to adopt a charter, but several San Diego County cities have charters, including Carlsbad, Vista and San Diego.

Call staff writer Ray Huard at 760-901-4062.



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## Press Room - Press Release

Fresno City Council Makes it Official: Passes Historic Anti-PLA Ordinance

Posted: Sunday, February 6, 2000

**Press Release** 

**Contact: Eric Christen** 

2/6/00 (707) 432-0676

## FRESNO CITY COUNCIL MAKES IT OFFICIAL: PASSES HISTORIC ANTI-PLA ORDINANCE.

Fresno City Hall-Over 300 people witnessed a first of its kind ordinance voted into law in California when the Fresno City Council, by a 4-3 margin, banned so-called "Project Labor Agreements" on all city funded construction projects. This historic vote culminated months of campaigning by local residents who viewed these agreements as discriminatory, unnecessary and a waste of taxpayer dollars. The PLAs had been pushed on the cit for more than a year by local unions who viewed them as a way to guarantee union-only work on city constructic projects. In response to this threat a group of local citizens, led by Central Valley Coalition for Fairness in Construction, has tirelessly worked to educate the city council and other elected officials as to the threat PLAs po to Fresno and its citizens. From holding dinners, workshops and forums to meeting one on one with elected officials and city staff, this group successfully demonstrated that Project Labor Agreements were wrong for Fresi

Joe Garcia, a local contractor and one of the leaders of CVCFC, believes simply that the truth won out in Fresno and that was all this was about. "This was never about union vs. non-union or Democrat vs. Republican" said Garcia. "What this was about was whether the City of Fresno should openly discriminate against an individual or company based solely on the fact they choose to be union-free." Frank Cornell, another local construction owner and leader of CVCFC, added: "This is a great day for all the citizens of Fresno. From taxpayers that would have had to foot the bill for increased construction costs, to the workers who would not otherwise have been able to work on city projects, everyone won. Truth and basic fairness prevailed today."

The ordinance passed by the council is the first of its kind in the state of California and is seen as a sign of the growing opposition to PLAs statewide. "Project Labor Agreements hurt workers, their families, taxpayers and project owners while benefiting only one group: union bosses" said Eric Christen, Executive Director of the Coalition for Fair Employment in Construction, a statewide organization dedicated to fighting PLAs. "Fresno is just the latest example of how average citizens and elected officials alike are beginning to see PLAs for the discriminatory and unnecessary agreements that they are."

» Back to Media Room

ORDINANCE OF THE COUNCIL OF THE City OF FRES PROPOSED AND INITIATED BY MOVED BY SECONDED BY		
BILL NO.	_	
ORDINANCE NO.		

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 3-109.2 TO THE FRESNO MUNICIPAL CODE, RELATING TO PROHIBITION OF ANY REQUIREMENT FOR PROJECT LABOR AGREEMENTS AND OTHER TYPES OF PREHIRE AGREEMENTS ON PUBLIC WORKS CONTRACTS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3-109.2 is added to the Fresno Municipal Code to read:

SECTION 3-109.2 PROHIBITION OF PROJECT LABOR

AGREEMENTS.

- (a) The City shall not, in any contract for the construction, maintenance, repair, or improvement of public works, require that a contractor, subcontractor, or material supplier, or carrier engaged in the construction, maintenance, repair, or improvement of public works, execute or otherwise become party to any project labor agreement, collective bargaining agreement, prehire agreement, or other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works contract.
  - (b) For purposes of this section, the term "public works" means:

- (1) a building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, redevelopment project, or other facility owned or to be owned or to be contracted for by the City of Fresno or the Redevelopment Agency of the City of Fresno, that is paid for in whole or in part with tax revenue paid by residents of the City of Fresno; or
- (2) Any other construction service or nonconstruction service.

SECTION 2. SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. The Council declares that it would have passed each section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance irrespective of the fact that any portion of this ordinance could be declared unconstitutional, invalid or ineffective by a court of competent jurisdiction.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA ) COUNTY OF FRESNO ) CITY OF FRESNO )	<b>\$\$</b> .	
	CH, City Clerk of the City of Fresno, cert ne Council of the City of Fresno, at a reg 2000.	
AYES : NOES : ABSENT : ABSTAIN :		
Mayor Approval:	And the second s	2000.
Mayor Approvai/No Re	eturn:	2000.
Mayor Veto:		2000.
Council Override Vote	· · · · · · · · · · · · · · · · · · ·	2000.
	REBECCA E. KLISC City Clerk	н
	BY	
APPROVED AS TO FORM CITY ATTORNEY'S OFFICE	Deputy	
BY: Hilde Cinke Monty		

(c) That the redevelopment of blighted areas and the provisions for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of health, safety, and welfare of the people of the State and of the communities in which the areasexist.

Consistent with the state's intention to preempt the field in the area of redevelopment, the \$5,000 limit for redevelopment agency contracts as set forth in Public Contract Code Section 20688.2 is the controlling statutory limit.

On June 24, 2003, the Agency Board of Directors adopted Resolution No. 1630 amending its bylaws. The City's Purchasing Agent is the officer in charge of the Agency's competitive bidding for public works projects. Except contracts for legal services, the Agency's Executive Director or his/her designee is authorized to contract for services required by the Agency for which an appropriation has been made; provided the contract involves an expenditure less than \$50,000. The Resolution allows the Agency to conduct its business according to applicable state law and not those policies and procedures of the City.

## E. PROHIBITION OF PROJECT LABOR AGREEMENTS

Project labor agreements, also known as "prehire agreements," are defined as "collective-bargaining agreements providing for union recognition, compulsory union dues or equivalents, and mandatory use of union hiring halls, prior to the hiring of any **employees**.'

Under the Fresno Municipal Code, a City contract for the construction, maintenance, repair, or improvement of public works may not require that a contractor, subcontractor, or material supplier, or carrier engaged in the construction, maintenance, repair, or improvement of public works, execute or otherwise become party to any project labor agreement, collective bargaining agreement, prehire agreement, or other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works contract. "Public works" is defined in the ordinance to mean a building, road, street, sewer, storm drain, water system, irrigation system, reclamation

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<sup>&</sup>lt;sup>138</sup> Health and Safety Code § 33037 (emphasis added).

<sup>&</sup>lt;sup>139</sup> Redevelopment Agency Bylaws Article II, Section 6.

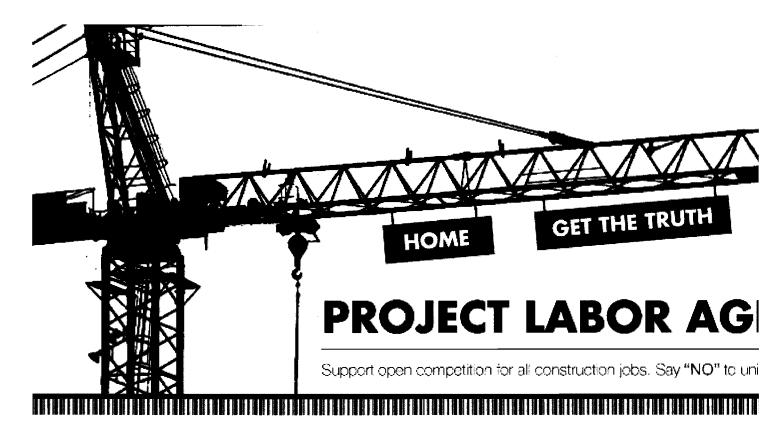
<sup>&</sup>lt;sup>140</sup> Redevelopment Agency Bylaws Article IV, Section 1.

Health and Safety Code § 33037 (emphasis added).

project, redevelopment project, or other facility owned or to be owned or to be contracted for by the City of Fresno or the Redevelopment Agency of the City of Fresno, that is paid for in whole or in part with tax revenue paid by residents of the City of Fresno; or any other construction service or nonconstruction service.

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<sup>&</sup>lt;sup>142</sup> FMC § 3-109.2.





Orange County Ordinance

## **Prohibiting Project Labor Agreements on County Projects Passes**

It's official. The nation's fifth largest and perhaps most famous county has said NO to discriminatory and | NOVEMBER 4, 2009 – 8:47 AM costly project labor agreements (PLAs).

Yesterday, the Orange County (CA) Board of Supervisors unanimously approved an ordinance prohibiting governmentmandated PLAs on county-funded construction projects.

The ordinance was approved 5-0 last week, but had to be heard a second time yesterday before it could become law.

The ordinance prohibits the county from mandating PLAs on county-funded construction contracts unless California and/or federal law forces the county to require PLAs. All contractors are free to voluntarily enter into PLAs but government will no longer be able to "play favorites" and funnel public contracts to Big Labor and other special interests via discriminatory and costly PLAs.

This is a huge victory for Orange County taxpayers and sends a decisive message to other California elected officials that government-mandated PLAs are bad public policy.

A 10/29 Orange County Register editorial headline sums up this victory best: "Unions' Public Works Loss is Taxpayers' Gain."

## Agenda Item

## AGENDA STAFF REPORT

**ASR Control** 09-001761

MEETING DATE:

10/27/09

TO:

Orange County Clerk of the Board

LEGAL ENTITY TAKING ACTION:
SURMITTING ACENCY/DEPARTMENT

Board of Supervisors

SUBMITTING AGENCY/DEPARTMENT:

Supervisor Moorlach

**DEPARTMENT CONTACT PERSON(S):** 

Prof. Mario Mainero, (714) 628-2518

**CATEGORY:** Discussion

**SUBJECT:** 

Ordinance regarding Public Contracts

# RECOMMENDED ACTION: RECOMMENDED ACTION(S)

- Read Title of Ordinance.
- Order further reading of the ordinance be waived.
- Consider the matter.
- Direct ordinance be placed on agenda for the next regularly scheduled Board meeting for adoption.
- At the next regularly scheduled meeting, consider the matter, and adopt the ordinance.

## **SUMMARY/BACKGROUND: SUMMARY:**

An Ordinance of the County of Orange, California, <u>adding Sections 1-8-3 and 1-8-4 to the Orange County Codified Ordinances</u> to preserve competition and prohibit the requirement of Project Labor Agreements in certain County Public Contracts, except where otherwise required by State law.

#### BACKGROUND

On January 11, 2000, the Board of Supervisors voted 3-0-2 to pass a Resolution requiring a "Construction Stabilization Requirement Agreement," also known as a Project Labor Agreement (PLA), on all public works projects. PLAs require contractors bidding on public works contracts to enter into agreements that set forth the terms and conditions of working on a construction project to which the employer, construction unions, and contractor are signatories. In effect, it required that all public works contracts utilize union labor.

The articulated purpose of the agreement was purportedly to ensure that no labor stoppages occurred on the covered projects. In exchange for this, the general contractor on each covered project was required to abide by union rules and pay union wages.

The agreement applied to (1) general public works construction contracts greater than \$225,000 and (2) specialty

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public works construction contracts greater than \$15,000 awarded by the County.

Only those public works contracts that received federal funding were eventually made exempt, due to Executive Order 13202 signed by President Bush on February 17, 2001.

The agreement was to continue in effect until December 31, 2005. It would have automatically renewed on that date for an additional five years (i.e. through December 31, 2010) UNLESS one of the parties gave notice to terminate the agreement no later than 90 days prior to the expiration date.

On December 21, 2004, the Board voted 4-1 to give notice of the termination of the agreement. It did so, according to the Agenda Staff Report, because "the field of qualified bidders for public works construction projects has been reduced by the agreement, because many qualified contractors will not bid on those projects."

PLAs are still a staple of a number of local governments and, as demonstrated in 2000, could still be instituted again. However, some local governments have chosen to abolish them, some by charter amendment. The problem with PLAs was alluded to in the ASR directing the sending of a Notice of Termination in 2004: they are anti-competitive and discriminatory, in that they tend to reduce the number of contractors willing to bid on public works projects to those who are willing or able to incur the higher costs of union labor. This in turn drives up the cost to the taxpayer of these projects, which reduces the number of public works projects that can be performed and indirectly places budgetary pressure on other agencies of County government.

This action would enact an Ordinance barring the County of Orange, and any other agency for which the Board of Supervisors acts as the governing authority (such as the Orange County Flood Control District, the Orange County Housing Authority, and the Orange County Development Agency) from entering a contract or requiring a contractor on a public works project to do any of the following: (1) execute, or become a party to, an agreement between organized labor, on the one hand, and the County or the Contracting Party on the other; (2) become a signatory to a collective bargaining agreement; or (3) require its employees to join a union, or pay dues or make contributions to a union or union benefit fund.

The only exceptions to this prohibition are those mandated by State or Federal Law. For example, State law currently allows certain public works projects to be built using a design-build contract, but requires PLAs or similar agreements as part of the contract. Such a requirement would be unaffected by this Ordinance.

With an Ordinance in place, it would be far more difficult for a future Board of Supervisors to require such a contract, as had been done in the past. Such a Board would have to publish a proposal to repeal the Ordinance, and would have to explain to taxpayers why it was in their best interest to do so.

## **EXHIBIT(S):**

**Proposed Ordinance** 

#### **COUNTY COUNSEL REVIEW:**

# AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE TO INCLUDE PROVISIONS PROHIBITING THE REQUIREMENT OF PROJECT LABOR AGREEMENTS AND OTHER ANTICOMPETITIVE MEASURES EXCEPT WHERE OTHERWISE REQUIRED BY STATE AND FEDERAL LAW

The Board of Supervisors of the County of Orange ordains as follows:

Section 1. Sections 1-8-3 and 1-8-4 of the Codified Ordinances of Orange County California are herby enacted to read as follows:

# Section 1-8-3. Prohibition of Anti-Competitive or Discriminatory Requirements in Public Contracts.

Except as otherwise required by State or Federal law, in contracting for the construction, maintenance, repair, improvement or replacement of public works:

- (a) The County shall not fund, in whole or in part, any contract containing a requirement that an owner, developer, contractor, subcontractor or material supplier [individually and collectively referred to for purposes of this Section as the "Contracting Party"]:
- (1) shall execute, or become a party to, an agreement between organized labor, on the one hand, and the County or the Contracting Party on the other;
  - (2) shall become a signatory to a collective bargaining agreement; or
- (3) shall require its employees to join a union, or pay dues or make contributions to a union or union benefit fund.
- (b) The County shall not such impose, as a bid specification, contract prerequisite, contract term or otherwise, any requirement prohibited by subsection (a) of this Section.
- (c) For purposes of this Section, the term "public works" means: a building, road, street, park, playground, sewer, storm water, water system, irrigation system, reclamation project, redevelopment project, or other facility funded, owned, or to be owned or

contracted for, by the County of Orange, the Orange County Flood Control District, the Orange County Housing Authority, the Orange County Development Agency, or any other governmental entity for which the Orange County Board of Supervisors acts as the governing body.

- (d) Nothing in this Section shall prohibit parties covered by the National Labor Relations Act from entering into agreements or engaging in activity protected by law.
- (e) Any person aggrieved or injured in any way by a violation of this Section shall be entitled to injunctive relief in the Superior Court of the State of California, County of San Orange, including by way of an action filed pursuant to California Code of Civil Procedure section 526a.

## Section 1-8-4. Severability.

If any provision, section, subsection, paragraph, or clause of Section 1-8-3 of these Codified Ordinances of the County of Orange is held by a court of law to be invalid, the remainder of said Section 1-8-3 shall not be affected but shall remain in full force and effect, and to that end the provisions of said Section 1-8-3 are severable.

TO: Sonia Orozco, City Clerk and Charter Revision Committee Members

FROM: Richard Roccucci

SUBJECT: Charter Revision Committee, Future Agenda Items

I would like to have the following item placed on the next agenda scheduled for December 21, 2009.

## BACKROUND:

I've made several comments previously concerning how vacancies in the selection of a councilmember or mayor should be filled. I suggested that a council vacancy should be filled by appointing the first runner-up at the previous election and that the mayor vacancy should be filled by appointing the second place person in the second election back. Both suggestions have not been embraced by the committee although I still believe they have merit.

## ADDITIONAL BACKGROUND:

There has been some discussion at past meetings concerning both items and also the large amount of money being spent on local elections. This has spawned new ideas like making our campaign reform policy more stringent and possibly going to district wide elections. Those too have not been accepted, and I have some doubts that they would improve the current situation.

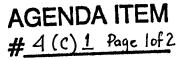
## **NEW VIEW:**

Many cities and the county do not select the chairperson of the board or council based on election results, but rather by rotation or vote of the governing body. This is also done on a yearly basis versus the City of Roseville's procedure to elect our mayor every two years. I believe there is some merit in adopting the approach by other cities and the county. I favor the rotation method of selecting the mayor because it would be the most fair and transparent.

## MY PROPOSAL:

Change appropriate language in the charter to:

- 1. Randomly designate each position on the council with a number from one to five.
- 2. Starting with the 2012 election, position number one will be designate mayor for one year, and position number two would be designated as mayor pro tem. This person could have been selected in that election or was already on the council.
- 3. Should the mayor leave for any reason during that year, the next person in line will be mayor. This part time year will not be used to deny that person a complete year but will be in addition to this part time year.
- 4. If the person in that part year position does not seek election or is not elected, the mayorship would be the person who fills that new position.



## **ADVANTAGES:**

The recommended changes could have several effects:

- 1. This would emphasize that we have a council-manager form of government, not a mayor-manager form of government. (see section 2.01 where it states it's the intent to form a council-manager form of government)
- 2. It would solve the mayor vacancy issue and take political favoritism out of the process.
- 3. It may decrease the size of the money being spent on local elections because the impression among many is that the maximum is being spent in an attempt to be mayor not just a councilmember.
- 4. It would increase the number of votes cast for councilmember. In the last election with approximately 50,000 voting, only a little over 100,000 total votes were casts, where a maximum of 150,000 were possible because we could vote for three. Single voting will still exist, but the incentive to do so would be reduced.
- 5. The council could start acting more like a five member council instead of one and four and may bring better governance to the city. I believe it could improve communications between the city councilmembers and between individual councilmembers and the city manager.

I look forward to discussing this at your next regular scheduled meeting.

#### Richard Roccucci

PS On Tuesday November 17<sup>th</sup>, the day after your last meeting where you discussed the merits of a PLA, an article appeared in the Sacramento Bee concerning two lawsuits against the City of Sacramento in regard to the railyard project. One suit was by Westfield and the other by William Kopper representing a group called Sacramento Citizens Concerned About the Railyards. The suits alleged the City of Sacramento did not adequately address the traffic and other environmental impacts of the project. A judge ruled in the City's favor. Kopper said he was still concerned that the issues were not adequately addressed. The conclusion here is that the city can still be sued even is they have no PLA prohibition in the charter. Food for thought. Looking forward to your discussion next month on the subject.

Cupertino	Does not have an official written policy, but there is a pattern that was set up some time ago and is generally followed. It became more confusing when term limits were adopted; so our official answer is that "Council members choose the mayor and vice mayor". The person with the most votes in an election becomes the vice mayor two years later, and mayor in the third year. The person with the second most votes in an election becomes the vice-mayor three years later, and mayor in the fourth year. The person with the third most votes in an election doesn't become vice-mayor or mayor (unless they run for office again and come in first or second).
Del Mar	Tradition of the Council is to place the top two vote getters in any one election into a queue to rotate into the position of Mayor and Deputy Mayor. In each City Council election, the person with the most votes shall be placed first in the rotation of that group, the second highest vote getter will be placed second, and in the years when there is a third seat contest, the third highest vote getter will be placed third in that rotation. However, the Council member who received the third most votes in an election year filling three seats will not be in the queue for either Deputy Mayor or Mayor but would be in rotation should the Council member traditionally rotating into the Deputy Mayor or Mayor position be unavailable to serve in that role. In case of appointment to the City Council to fill a vacancy, that person will occupy the last position in the current rotation. Each new election will determine the rotation only for the group in that election. Should any City Council member not be available to take their regular place in the established rotation, the next person in the rotation will be elevated to the Deputy Mayor's position and the rotation will continue as previously set.
Huntington Beach (This is the policy our Council follows. However, I would note that Section (d) 3 requires four years between terms as Mayor Pro Tem. This has resulted in some Council Members getting a second turn as Mayor before others have had their first turn. It may be better to make this five years).	The Mayor and Mayor Pro Tempore shall serve terms of one year. The member of the City Council serving as Mayor Pro Tempore shall become the Mayor on the expiration of the Mayor's term. The member of the City Council having the longest consecutive City Council service shall become the Mayor Pro Tempore. In the event that two City Council members have the same length of service, then the member who received the greatest number of votes in the last Council election in which such member was elected shall become Mayor Pro Tempore.  If any member declines his/her term as it arises in rotation, that member shall remain in the same place in the rotation cycle as if he/she had served.  Any City Council member who has served as Mayor within the last four years will not e eligible for election as Mayor Pro Tempore.
Monte Sereno	The Mayor and Mayor Pro Tempore shall be chosen annually by

	the City Council from among its members by the affirmative vote of three or more of the Council Members at the first regular Council meeting in December of each year. In the event that newly elected Council Members are seated at the first meeting in December due to the certification of the election results, the Mayor and Mayor Pro Tempore shall be chosen prior to those newly elected Council Members being seated.  Term of Office  The Mayor and Mayor Pro Tempore shall each hold office until his/her successor is elected and qualifies.  Qualifications  Any member of the Council is eligible to serve as Mayor or Mayor Pro Tempore who has not served in that position the previous year. In casting their votes for Mayor and Mayor Pro Tempore, members of the Council may consider the candidate's leadership
	qualities, his/her ability to conduct meetings of the Council expeditiously and fairly, and his/her willingness to represent and implement positions adopted by the Council when such positions are at variance with his/her personal views, as well as other factors as they deem pertinent, including seniority, rotation, or prior service as Mayor or Mayor Pro Tempore.
Novato	The top vote getters rotate among four of the five councilmembers. In the election where three are running, the person who comes in third does not get to be Mayor.
Palmdale	The Councilmember with the longest continuous service on the City Council, among those councilmembers who have not served as Mayor Pro Tern, shall be appointed as Mayor Pro Tern. In the event two or more councilmembers have an equal length of such continuous service, then the order of appointment shall be based on the number of votes received by each at the election at which they were elected to the City Council, with the Councilmember who received the highest number of votes being appointed first to serve as Mayor Pro Tem.  In the event that all councilmembers have already had the opportunity to serve as Mayor Pro Tem, the councilmember whose former service as Mayor Pro Tem was earliest in time shall be selected.  Any councilmember may elect not to serve as Mayor Pro Tem; however, for purposes of determining eligibility to serve as Mayor Pro Tem, such councilmember shall be deemed to have served as Mayor Pro Tem during such year.
Pittsburg	Rotation of Mayor The position of Mayor shall be for a one-year term and will

	be rotated among all the City Council members. The sitting Vice-Mayor will automatically become Mayor upon the City Council annual reorganization meeting which will be the first meeting in December of each year. Should any Vice-Mayor not be available to take their regular term as Mayor (due to failure to be re-elected, work conflict, etc.), the next person in rotation for Vice-Mayor will be elected to the position of Mayor and the rotation will continue as previously set.
	Rotation of Vice-Mayor The position of Vice Mayor shall be for a one-year term and will be rotated among all the City Council members based on seniority. Seniority shall be determined by placing in the most recent election. In each City Council election the person with the most votes shall be placed first in the rotation of that group, the second highest vote total will be placed second and if a third seat is contested, the third highest vote total will be placed third in that rotation. In case of appointment to the City Council to fill a vacancy, that person will determine the rotation only for the group in that election. Should any City Council member not be available to take their regular place in the established rotation (i.e., failure to be re-elected, work conflict, etc.) the next person in the rotation will be elevated to the Vice Mayor's position and the rotation will continue as previously set.
Port Hueneme	At the first meeting in December of each year, the Council's reorganization will be placed on the City Council Agenda. At this time the Council may reorganize and select one of its members as Mayor, and one of its members as Mayor Pro Tempore.
Signal Hills	Any member of the City Council may nominate any member for the position of Mayor. No second is required for the nomination.  The City Clerk then declares the result of the selection. The nominee receiving a majority vote of the City Council shall be declared the new Mayor.
Solano Beach	The deputy mayor shall have first priority to serve as mayor to the extent possible, each member shall be given the opportunity to serve as deputy mayor and then mayor.  The position of finish for each member at their last election will be an important factor in choosing between members who each have served as mayor or between members who have not previously served as mayor.
	The first place finisher in each election shall have the opportunity to serve a full year term as mayor.
	Any member may share their term as mayor with any other

member. Priority would be given to those who have not served, or if all have served, priority would be given to the member with the least total terms as mayor.

If a member accepts a shared term of at least six months as mayor, that shall be deemed a full term as mayor. However, if due to an incapacity a mayor is not able to fulfill a term, a member who is called upon to fill less than six months of the remainder of another member's term as mayor shall not be considered to have served a full term as mayor. The member called upon under such a situation shall be allowed to continue serving as mayor the next full term.

A person may decline an appointment, but shall lose eligibility unless the person subsequently regains eligibility as a result of reelection.

A person who declines to accept a shared term as mayor shall not lose any eligibility.

The Council may choose to appoint a person to the position of mayor or deputy mayor based on factors other than those set forth in this resolution.

## Sunnyvale

## Terms of Office:

The Mayor shall have a two year term of office, with the term of office beginning with the meeting at which a general municipal election is certified (typically in January of even numbered years) and shall serve until a successor is selected.

The Vice Mayor shall serve a one year term with the term beginning concurrently with the Mayor and shall serve until a successor is selected. Should the Mayor and/or Vice Mayor's office become vacant during a term for whatever reason (i.e. resignation, death, disability, Council vote), the Councilmember selected to fill the vacancy shall serve the remainder of the unexpired term.

## Agenda for Selection of Mayor and Vice Mayor:

The individual functioning as presiding officer for the selection of Mayor shall be in the following order:

- (I) The incumbent Mayor if still on the Council.
- (II) The incumbent Vice Mayor if still on the Council.
- (III) The Councilmember with the longest period of continuous service. Should there be two members of equal length of service, a drawing conducted by the City Clerk prior to the meeting shall be used to determine the presiding officer.

The newly selected Mayor shall preside over the selection of the Vice Mayor.

Nomination and Selection Process for Mayor:

Councilmembers shall select a Mayor who best exhibits the following criteria:

- (I) Leadership. The candidate has a vision for the City and clearly defined goals that other Councilmembers support. The candidate recognizes Sunnyvale's role in regional issues as well.
- (II) Executive skills. The candidate can run public hearings efficiently so that as many members of the public as possible are able to provide input on Council decisions. The candidate delegates tasks appropriately to the Vice Mayor, to subcommittees, and to Councilmembers. The candidate works well with city staff but does not take direction from staff.
- (III) Integrity. The candidate maintains the highest possible ethical standards, works well with all Councilmembers, has the courage to take an unpopular position if it is best for the City, rises above petty disputes, remains calm in a crisis, and seeks recognition for the City more than personal acclaim.
- (IV) Commitment. The candidate is willing and able to devote sufficient time to the role of Mayor in order to perform it properly, is supportive of the community and is supported by the community. The candidate's past actions have been for the City's benefit rather than being self-serving.

## Nominations:

The Mayor Pro Tempore shall ask the Council for nominations for the position of the new Mayor. Any of the other Councilmembers may nominate someone other than himself or herself (including the incumbent or the Mayor Pro Tempore) for the position. The Mayor Pro Tempore shall ask each nominated Councilmember if he or she is willing to serve before declaring that person nominated. If there are no nominations, the Mayor Pro Tempore may make a nomination. When it appears that no further nominations will be made, the Mayor Pro Tempore shall announce that the nominations are closed.

Nomination and selection process for Vice Mayor shall be carried out in the same manner as the election of the Mayor, with two exceptions: A new vice mayor shall e elected every year, and the incumbent Mayor, whether newly seated or halfway through a two-year term, is ineligible to be nominated as Vice Mayor.

#### Whittier

While the Mayor and the Mayor Pro Tempore are selected by a vote of the City Council, the City Council declares its intent to generally follow a custom of rotation that is based on seniority when selecting the Mayor and the Mayor Pro Tempore.

The custom of rotation in office proceeds as follows: When a new member joins the City Council, that person shall enter the rotation sequence in last place as the member with the least seniority. Seniority begins when a member first joins the City Council. Members who are reelected are deemed to be ongoing members, not new members.

	If two or more new members are elected to the City Council on the same date, precedence in seniority shall be given to the new member who received the greatest number of votes in the city election.
	A new mayor must be selected after each election, however, it does not require the term of the mayor to be two years, or preclude selection of a mayor at other times.
Watsonville	At one point our Council was following an apparent rotation, but then one year they didn't and now it's anyone's guess as to who the next mayor may be.

Expand Council to Seven (7) Members
Members Elected By Districts
Council Vacancy Filled by Next Highest Vote in Previous Election
Set Campaign Finance Limits/Charter

\*\*The Council to Seven (7) Members

\*\*The C

Roseulle City Council
Roseulle Charter Recueu Commission
3// Vernon Street
Roseulle, Ca 95478

Place a number of items on the househor 2010 election I The Council be expanded to a 7 member Council. II members should be elected by districts not alyunda. II when Council members lique the Council for augreason, the vaciency, Vancies, should be feled based on the Rumans election. IV Canpaign Jenance himits should be set to also mare Participation.

Respectfulery James & Derg

# 4 (c) 2 10f5

## Cresthaven Neighborhood Association

TO: Roseville City Clerk

ATTN: Roseville Charter Review Commission Roseville City Council

December 1, 2009

SUBJECT: Roseville City Charter

Earlier this year, the Cresthaven Neighborhood Association (CNA) Board of Directors submitted a letter to the Charter Review Commission requesting certain items be included in their report to the Council to be placed on the November 2010 ballot for all Roseville residents to vote on. The Charter Review Commission refused to include any of our suggestions in their recommendations to the city council.

At the CNA November business meeting, with the entire neighborhood noticed and invited to participate, we again discussed the city charter issue, and the importance of allowing all residents to vote on matters pertaining to the city charter. Opinions were expressed very strongly that the charter belongs to all registered voters in the city, and items of interest to a large number of residents should be placed on the ballot to be decided by the voters.

After lengthy discussion on several issues, we reached unanimous agreement that there is a great deal of interest in the following items, and we respectfully request that they be placed on the November 2010 ballot for all Roseville registered voters to decide.

- 1. Should we have a Seven (7) member council, versus five (5)?
- 2. Should Council members be elected by district, versus citywide?
- 3. Should Council Vacancies between elections be filled by appointing the first runner-up in the previous election, versus direct appointment by the city council?
- 4. Should the charter set campaign finance limits for council candidates?
- 5. Should councilmembers' pay be increased from the current \$600 per month?
- 6. Should councilmember term limits be increased from two consecutive terms to three?
- 7. When the mayor's seat is vacated between elections, should the council member receiving the second most votes in the next to the last election become mayor?
- 8. Should commission members (Planning commission, etc.) be selected at random from a pool of qualified candidates, much as jury selections are done, versus direct appointment by the city council?

Exact wording for the charter can be prepared later, in coordination with the city attorney. Arguments both pro and con can be presented in the appropriate ballot arguments section.

WILLIAM J, HAMMOND, President

William & Hammond

Expand Council to Seven (7) Members Dec.11, 2009 NO District Elections Council Vacancy Filled by Next Election Highest Vote in Previous Election Campaign Finance Limits

NO Increase in Council Pay Review Commission

From: Mary Jo Lawrence. Re: Changes to Kasinille City Charter

I know you are working hard to update the City Charter. Delow are some of my thoughts. I hape you will give my input encideration.

- i) Increasing the eauncel to seen members will give better representation to our larger city and reduce the current burden on existing manders.
- 2) I don't think we are so large and denence to elect council members by districts.
- 3) I feel that council vacancies between elections should be given to the highest note getter from the previous election because:

  a) This person has shown an interest in
  - A) Voters have already expressed their approval
  - c) Crongram is prevented. Very impartant
- 4) Limiting election funding is tricky. More might be able to participate if a limited donation of kay \$200 per person was extablished It would present large carparate / Contractar interests from so much influence.
- 5) While considering the payment for casencel service, I feel the current amount in adequate. They are not working for a ralary. It is an honor to be elected and surre.

Sincerely, mary & Lawrence

CC Sounille City Causail

12 December 2009

Charter Review Commissioners 311 Vernon Street Roseville, CA 95678

Subject: Suggested Changes/Updates to the City Charter

I would like to suggest the following changes/updates to the City Charter by the Charter Review Commission and by Members of the City Council:

1. Filling Vacancies on the Council when a member moves on or retires.

The voters need representation on who sits on our city council; therefore, the candidate who received the next highest votes in the past election is qualified to be appointed. This person has demonstrated a desire to serve our city by taking the time and spending money competing in the election process.

## 2. Number of Council Members:

I believe we need to have a 7 member council. Roseville has grown exponentially in the past 20 years. Besides, we need more people to look out for the interests of the voting community. Seems there were decisions made that had a detrimental financial impact on our community. Perhaps a more diverse council membership would be able to put the brakes on some of these unwise decisions.

Respectfully

Mary V.Clark

Mary V. Clark

cc: City Council Members

December 12, 2009

Charter Review Commissioners 311 Vernon Street Roseville, CA 95678

Subject: Appointments to Vacant Council Seats

As we are entering the final months of the City Charter Review (every 10 years) there is one thing I would like to see changed and put before the voters of Roseville. As it is now, when a vacancy occurs on the City Council, the city Council appoints a replacement. I would like to see this changed so that the next highest vote getter from the previous election is appointed.

Due to the many scandals recently in the Roseville government, I believe this to be prudent. If a candidate puts his/her life on hold and spends much of their resources in order to seek a position on the City Council; I think this change is justified. Also the City Council members can avoid the appearance of any impropriety by not appointing a fellow friend, contributor or member of the chamber of commerce.

Respectfully

Wisley Clark
Wesley Clark

cc: City Council

	City	GL/C	Population	Appointed BY
	Antioch	GL	100,361	Elected
1	Berkeley	С	106,697	City Council
	Burbank	С	108,029	Elected
	Carlsbad	GL	103,811	Elected
	Concord	GL	123,776	Elected
72.2	Daly City	GL	106,361	Elected
4	Downey	С	113,379	City Council
5	Elk Grove	GL	139,542	City Council
	El Monte	GL	126,053	Elected
	Secretaria de la Secretaria de la Carta de Cart Carta de Carta de Ca			
THE STATE OF THE S	Fairfield	GL	106,753	Elected
1	Fontana	GL	188,498	Elected
7	Fullerton	GL	<b>137,4</b> 37	City Council
			100 A	
9	Hayward	С	149,205	City Council
	Inglewood	С	118,878	Elected
11	Mission Viejo	GL	100,242	City Council
12	Moreno Valley	GL	1 <b>83</b> ,860	City Council
	Oceanside	GL	1 <b>79</b> ,681	<u>Elected</u>
	Ontario	GL	173,690	Elected
	Orange	GL	140,849	Elected
	Oxnard	GL	194,905	Elected
15	Palmdale	GL	147,897	City Council
16	Pasadena	C	148,126	City Council
17	Pomona	C	163,405	City Council
10.	Rancho Cucamonga	GL	174,308	Elected
18	Richmond	С	103,577	City Council
20	Salinas	C	150,898	City Council
	Santa Cla <u>ra</u>	. C	117,242	Elected
24	Simi Valley (cm/cc me)	GL	125,657	City Council
	South Gate	GL	102,816	Elected
	Torrance	С	148, <b>9</b> 65	Elected
30	Visalia (cm/cc title)	С	120,958	City Council
400:	West Covina	GL	112,667	<u>Elected</u>

480 incorporated cities/town in California

323 have appointed City Clerk positions

48 Cities with population between 100,000 – 200,000 surveyed

30 Cities with appointed City Clerk positions