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#### **Charter Review Commission Members**

Rex Clark, Chairman Rita Brohman, Vice Chair Paul Frank Janice Hanson Rick Hoem Cathy Macaulay Aldo Pineschi James Viele

### **Charter Review Commission Staff**

City Attorney Department: Brita Bayless, City Attorney City Clerk Department: Sonia Orozco, City Clerk

Audrey Byrnes, Assistant City Clerk

City Manager Department: Julia Burrows, Deputy City Manager

**Economic Development Director** 

### **List of Meeting Dates:**

Meetings held at Civic Center Meeting Rooms 1&2

February 9, 2009

March 16, 2009

April 20, 2009

May 18, 2009

June 15, 2009

July 20, 2009

August 17, 2009 - Cancelled

September 21, 2009

October 26, 2009

November 16, 2009

December 21, 2009

January 19, 2010

April 12, 2010

## **Public Forum Dates:**

February 16, 2010 – Martha Riley Community Library March 15, 2010 – Maidu Community Center

Official minutes of all Charter Review Commission meetings are available at <a href="www.roseville.ca.us">www.roseville.ca.us</a>. Select "Most Visited" on left side of web page; select Agenda & Minutes; then select Charter Review Commission.

#### Introduction & Background

The charter of the City of Roseville serves as the city's "constitution". The charter sets limits of authority for city officers and establishes procedures of government for the city to follow. Although not required by the charter or by state law, the City of Roseville has traditionally amended the charter every ten years.

The charter review process is prescribed by Article 11, § 3(a) of the California Constitution which provides that a city charter may be amended, revised or repealed by a majority vote of the city's electors. Amendments to the city charter may be proposed to the voters by an appointed Charter Commission or by the governing body. (California. Constitution Art. 11, § 3(b); California Government Code § 34451; California Government Code § 34458.) Historically, the city has appointed a Charter Review Commission to review and analyze the various sections of the charter and present proposed modifications to the City Council for consideration and placement on the ballot.

The original charter of the City of Roseville was adopted by the voters on April 1, 1935 and certified by the California Secretary of State on May 2, 1935. Amendments to the original document have been approved by the voters on several occasions with the last major amendment occurring after ballot measures were approved by the voters at the November 7, 2000 General Municipal Election.

On November 19, 2008 the City Council approved a resolution establishing a nine member Charter Review Commission to review the Roseville charter in order to make recommendations to the City Council on proposed amendments for placement on the 2010 General Municipal Election ballot. The Commission was directed to review the charter to determine whether or not the document will adequately serve the community in the future and to report to the City Council as many amendments to the charter as the Commission deemed advisable; the goal being to ensure that the charter is responsive to the changing needs of the community.

The Commission considered a variety of issues, gathered information from various sources, and formulated recommendations which are set forth in this report.

#### **Executive Summary**

This report describes the process of the Commission deliberations, summarizes research and provides a brief synopsis of the rationale for the recommendations.

The report outlines the Commission's recommendations regarding several of the many issues identified for study and deliberations. The Commission believes many of these proposals should be placed before the voters of Roseville for their consideration. The proposals, if adopted, are being suggested in order to promote better government for the residents of Roseville. Like all solutions to complex issues, the proposals are not immune from criticism. The recommendations are the product of careful study, debate, and most importantly, the balancing of many competing considerations.

Following the distribution of data in this report, the City Attorney will prepare an impartial analysis for each of the proposed charter amendments (proposals can be grouped by subject matter for presentation to the voters). Ballot language is already drafted for your review. Impartial analysis of each of the measures is due for review on August 6, 2010. Arguments for and against each proposed amendment may be submitted by qualified voters or associations (California Election Code §§ 9280, 9281). The deadline for submittal of arguments for and against each of the proposed amendments is also August 6, 2010.

While the Commission did not always reach a unanimous decision on each of the recommendations, a majority of the Commission members did support the recommendation made for each of the topics presented. The Commission was aware that the power of cities to enact local laws is subject to several limitations which likewise limit their authority to amend the charter. First, the constitutional grant of authority to cities for the adoption of local laws itself contains certain restrictions. A local law cannot be inconsistent with a general state law or the California Constitution.

Second, the scope of local law authority is restricted with respect to subjects which the courts have determined to be areas of statewide concern. A matter of statewide concern is a subject area which the courts have decided affects the residents of the entire state rather than only the "property, affairs or government" of a particular municipality. The courts have determined such areas as taxation, transportation and highways, incurring of indebtedness, education, social services, and banking practices to be areas of statewide concern and not subject to local revision.

#### **Public Input**

The Charter Review Commission welcomed and received input from members of the community. These members included current and past councilmembers, Chamber of Commerce representatives, Roseville Coalition of Neighborhood Association members, state officials, industry officials and local residents. The Commission hosted twelve (12) meetings at the Roseville Civic Center. These meetings were open to the public and the dates and times were set in order to invite public participation. While the Commission did not obtain as much public participation and input as it hoped during some of these public meetings, the Commission is appreciative of the public input received. The Commission also received input in the form of written letters and email correspondence. Public input reaffirms the theme that citizens want to participate in the establishment of laws that govern their local municipality.

In addition to public input a survey of pertinent staff and department heads was undertaken in order to obtain a general review and analysis of the existing charter. Questions included the following:

- > Is the charter outdated?
- Is the charter too detailed or too vague?
- ➤ Is the charter ambiguous concerning the powers and duties of various city officials and operating units?
- > Is the charter internally consistent?

Opportunities for input are important as the information gathered can be extremely helpful in assessing receptivity to possible changes.

Additional forums and hearings were held, or will be held, on the following dates in order to receive additional input:

Tuesday, February 16, 2010, 5:30 p.m.	Martha Riley Community Library
Monday, March 15, 2010, 5:30 p.m.	Maidu Community Center
Wednesday, April 21, 2010, 7:00 p.m.	Civic Center
Wednesday, May 5, 2010, 7:00 p.m.	Civic Center

#### **Issues for Study**

The basic issues which call for decisions by a charter commission are much the same for all cities. Two issues related to the form of a city charter require decisions before the commission can proceed effectively. The first of these is whether to revise the charter by amending specific provisions while leaving others relatively intact, or to draft a new charter. The Roseville Charter Review Commission chose to revise the charter by amending specific provisions. Secondly, an additional principle guided the Commission and was based upon a theme that was repeated throughout the information-gathering stage and during deliberations on the enumerated issues: change merely for the sake of change should be avoided. The members of the Charter Commission agreed that any recommended changes to pertinent parts of the Charter should be based upon their conclusion that the needs of the City would be better served by the proposed change.

The Charter Review Commission attempted to obtain information from a wide variety of sources concerning the issues proposed. In addition to the facts and opinions provided by individuals who came before the Commission, either in person or in writing, members of the Commission brought considerable background and experience to the table.

With all the information at hand, the members of the Commission sought to reach a consensus on each issue so that a recommendation on each item could be presented to the City Council. In order to properly discuss each proposal, the Commission requested staff conduct research and create issue reports. The data in the issue reports was a product of facts based upon historical data or information gathered from other jurisdictions. The issue reports analyzed proposals and focused on recording as many factors as practical. Research was also conducted by staff regarding best practices in municipal government and board composition. All resource materials are available to the public via the Charter Review Commission page on the City website.

Individual issues considered by the Commission are summarized in order to make recommendations, and are set forth with brief considerations and reasoning for reaching each recommendation.

#### **Initial Recommendations to Date**

### A. Article I. Incorporation, Succession, and Powers

#### **Charter Review and Amendments**

Periodic review and revision may well lay the basis for improved governmental operations. The California Constitution provides the framework for amending a city charter. Staff recommends the Commission consider including language in the charter directing review of the charter every ten years.

#### RECOMMENDATION OF THE COMMISSION:

Incorporate language in the City charter directing review of the charter document every ten (10) years.

### Elimination of Gender Specific References

Current charter language refers to positions as his/her and he/she. Specific language to make the charter inclusive of both male and female is requested.

## RECOMMENDATION OF THE COMMISSION:

Remove all gender references from the charter.

Substantive Modifications to Article I. Incorporation, Succession and Powers:

## Sec. 1.05. Reserved Charter review and amendments.

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

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

#### Sec. 1.055. Genders.

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

## Non-Substantive/Minor Modifications to Article I. Incorporation, Succession, and Powers:

- Capitalize the word "City" in all references within the charter.
- Replace the word member with councilmember in all references within the charter.

#### B. Article II. Plan of Government

### Elections - District Vs. At-Large

One of the issues addressed by the Commission was how Roseville voters elect City councilmembers.

The Commission heard public testimony on this issue from individual residents and representatives from the Meadow Oaks and Cresthaven Neighborhood Associations who support the concept of electing councilmembers by district, rather than the current at-large system. Proponents stated district elections would increase the level of participation in local elections. Many forms of district election models were studied from a "mixed" formula where a candidate must live in the district they wish to represent and each district elects its own councilmember with a certain number of candidates elected at-large; to a "by district" formula where a candidate must live in the district they wish to represent, with no at-large candidates on the ballot; to a "from district" system under which a candidate for council must live in a particular geographic district but runs city-wide in an at-large election.

The majority of California's cities elect their City council at large. Of the 441 cities reviewed, 413 use at-large election systems and 28 utilize district systems.

The November 2000 election included Measure T – Proposal to Amend Roseville City Charter. Voters were asked: "Shall the City Charter be amended to provide that councilmembers be elected by district with the City divided into five (5) districts and with voters able to vote for one

candidate residing within the voter's district and further providing that the office of mayor shall rotate between districts?"The measure qualified for the ballot as a proposed charter amendment to the voters when a petition was filed with the City Clerk and signed by more than fifteen percent of the registered voters within the city.

The impartial analysis by the City Attorney clarified that a commission, selected by lot from all registered voters who apply, would draw the district boundaries. Districts would have to be of approximately equal population. The City Council would have no ability to modify the resulting district boundaries. A new commission, selected in the same manner, would convene every ten (10) years following the Federal census to revise district boundaries.

Roseville voters defeated Measure T with the following tally:

No 20,112 62.89% Yes 12,227 37.87%

(Full text of the November 7, 2000 ballot information is on file in the City Clerk's Department).

After deliberation and study of many factors, the current Commission found district elections do not guarantee equal representation. The idea that only a resident of a geographical area can understand its needs may have some validity when large geographical areas with different degrees of urbanization and concentrated ethnic minority populations and age distributions are involved. However, Roseville is still medium in physical size (36.244 sq. miles) and relative population (less than 150,000 residents). The city has recognized neighborhood associations and citizens are active throughout the community. Current city services are apportioned according to need by a professional staff that is independent of political control.

In regard to representation, historically, the pool of prospective candidates in the city has been small. On average, there have been six (6) council candidates for three (3) vacant council seats. If present trends continue, any subdivision of the city into separate election districts may cause seats to be filled without opposition. If no one runs from a district, how will that

seat be filled? Subsequently, if only one candidate runs for that district, it would be an uncontested election.

## <u>Background/Study Materials Provided to Commission Members on District Election Proposal:</u>

- District Election Issue Report Dated May 14, 2009 covering the following topics:
  - Issue Summary Should Roseville's current practice of electing councilmembers at-large be changed to a "by district" election format?
  - Election Governance Models
  - Data on National and California Cities with District Elections:
    - Nationally Cities between 25,000 to 199,00 residents 59% conduct at-large elections, 24% use the district approach and 17% conduct elections under the hybrid mixed election model
    - California Cities Of the 441 cities reviewed, 413 conduct atlarge elections and 28 conduct district elections
  - Logistics of District Elections Determining boundaries and transition to District Elections
  - Roseville Demographics
  - History of District Election Proposals and Ballot Measures in Roseville
  - Issues Analysis District Elections
  - Issues Analysis At-Large Elections
  - Options for Consideration
  - Report on California Cities Representative Breakdown by Population
  - U.S. Census American Fact Finder Report
  - Study Map of Landscape and Lighting Districts and Community Facilities Districts
  - Council Communication dated June 23, 2000 regarding District Elections proposed by petition
  - Example of former ballot language for Measure T Proposal to Amend Roseville City Charter to provide that councilmembers be elected by district with the city divided into five (5) districts and with voters able to vote for one (1) candidate residing within the voter's district and further providing that the office of mayor shall rotate between districts
  - Arguments in Favor & Against and Rebuttal Arguments Measure T

- Hybrid Elections Issue Report Dated June 15, 2009 covering the following topics:
  - Characteristics of Mixed or Hybrid Elections in California (Example: Oakland)
  - Advantages of Hybrid Model
  - Disadvantages of Hybrid Model
  - California Elections Code (Section 34871) regarding District Elections
  - Transition to Mixed or Hybrid Elections
  - Proportional Representation
    - Single Transferable Vote
    - Limited Voting
    - Cumulative Voting
  - Where is Proportional Representation Used Today in the United States in Local Elections – summary of cities currently using system
  - The News Tribune, Tacoma Washington, article entitled "Hybrid Model for Electing Puyallup Council May Be Best Option for Voters"

The topic of district elections was discussed at the following meetings: April 20, May 18, June 15, October 26, and December 21, 2009; and March 15, 2010.

#### RECOMMENDATION OF THE COMMISSION:

The Commission spent a considerable amount of time hearing reports from Meadow Oaks and Cresthaven Neighborhood Associations, information provided by residents of Roseville, reports from staff comparing other cities in California of like size and demographics as well as cost considerations for redistricting. After much consideration, it is the recommendation and decision of the Commission that the City of Roseville would not benefit from district elections.

## Council Composition - Number of Seats on the Council

The Meadow Oaks Neighborhood Association and the Cresthaven Neighborhood Association along with individual residents requested the Commission consider increasing the number of councilmembers due to the fact Roseville's population is considerably greater than it was originally when five (5) councilmembers where designated in the charter. Support was based on the fact the City must look to the future when the City's

population will further increase. Proponents acknowledged more seats on the council would provide more numeric opportunity for people to run and serve the community. The proposal was to increase the number of council seats to seven (7) members.

Research was conducted and a survey of cities of like size and demographics was provided to the members. The Commission found there is no statistical relationship between the size of a population and the appropriate size of its representative body. Many cities with much larger populations than Roseville function well with a five member governing body. The Commission felt that at the present time there was no compelling reason to increase the size of the Council.

Commission members stated if an increase in membership was warranted prior to the next charter review process in ten (10) years, the council can request an increase to the membership be placed on the ballot, or a citizen's initiative can be circulated in order to place the question on the ballot.

## <u>Background/Study Materials Provided to Commission Members on Council Size Increase Proposal:</u>

- Number of Seats on City Council Issue Report Dated May 14, 2009 covering the following topics:
  - Issue Summary Is there a more effective size (number of seats) for the Roseville City Council? If so, what is the optimal number?
  - Current Practice
  - Pros of Increasing Council size
  - Cons of Increasing Council size
  - California Cities Comparison
    - City Breakdown by Population/Number of Councilmembers:
       14 California Cities surveyed with like size and demographics
  - Options

The topic of council size was discussed at the following meetings: April 20, May 18, June 15 and December 21, 2009; and March 15, 2010.

#### RECOMMENDATION OF THE COMMISSION:

To retain the current model of a five (5) member Roseville City Council with the option to revisit the proposal/recommendation in the future if a strong community sentiment is shown regarding the size of the current membership.

#### Length of Council Terms

The issue of extending term limits to three (3) consecutive four (4) year terms as a replacement of the current limit of two (2) consecutive four (4) year terms was brought before the Commission. Proponents of extending term limits indicated longer terms allow councilmembers more time to learn their role and meet their stated goals and objectives. Those in support of extending the limits also stated longer terms would enable coordination with other longer-term elected officials in state and county government, as well as adding relative stability in governance. One of the points made in favor of extending term limits was incumbents are given the opportunity to handle issues over the long term without having to retrain new members on the status of issues or programs. Additionally, proponents stated longer terms require less frequent campaigning, possibly decreasing incumbent "burn-out" by members trying to complete their role as councilmembers and fundraising and managing a campaign at the same time.

Testimony from those supporting retention of term limits in the current format maintained long term incumbents may be seen as having an unfair advantage in re-election, and may also increase the funding needed by candidates in City elections to win a race against a long term incumbent. Individuals stated donors may be more inclined to contribute more per election due to the perception of influence.

The total elimination of term limits was also discussed. The majority of the Commission members did not support the complete elimination of term limits.

Research of fifty-eight California cities of similar size and composition revealed the following:

Term Limits	# of Cities	Percent
Two (2) Consecutive Four (4) Year Terms	15	26%
Three (3) Consecutive Four (4) Year Terms	6	10%
Unlimited Terms	37	64%

Although the research shows a large number of cities do not have term limits, the majority of the Commission supported that no action be taken regarding the current limits contained in the charter. As a side-note, the Commission indicated if term limits were changed, implementation would need to occur in a later election cycle in order to not disrupt the current councilmembers' term of office. If an election is held in 2010 to increase term limits to some other term length, the 2012 election would be the first opportunity for candidates to be elected to a longer term.

### <u>Background/Study Materials Provided to Commission Members on</u> Increasing City Council Term Limits Proposal:

- Term Limit Issue Report Dated May 14, 2009 covering the following topics:
  - Issue Summary Should the Mayor and City councilmembers have a maximum number of terms they can serve? If so, what is the optimum number of terms? Should Roseville's current practice of limiting terms to two (2) four (4) year terms be changed?
  - Current Practice
  - Pros of Increasing Term limits
  - Cons of Increasing Term limits
  - National Data from D. Fagre former Research Director of the U.S. Term Limits Foundation
  - California Cities Comparison
    - City Breakdown by Population/Term Limits: 12 California cities surveyed with like size and demographics
  - Options
- City Council Term Limits Issue Report Dated September 21, 2009 (modified from March 2009) covering the following topics:
  - City Breakdown by Population/Term Limits: 60 California cities surveyed for comparison purposes
- City Term Limits Data Sheet provided by Patrick Whitnell, General Counsel, League of California Cities

The topic of term limits was discussed at the following meetings: April 20, May 18, June 15, July 20, September 21, October 26 and December 21, 2009; and February 16 and March 15, 2010.

#### RECOMMENDATION OF THE COMMISSION:

Maintain current Charter language of two (2) consecutive four (4) year term limits.

#### Assumption of Office and First Meeting of Council

Staff recommended the Commission consider changing Article II § 2.03 to be in conformance with California Elections Code Chapter 4 § 15372 regarding assumption of office and canvass of vote.

The City of Roseville currently consolidates elections with Placer County. Consolidating elections is cost effective and is mandated by the California Secretary of State. The Placer County Clerk & Recorder/Elections Division has repeatedly informed Roseville that the current provisions outlined in Roseville's charter are not in line with established law per the California Elections Code.

Currently Roseville's charter dictates the council shall assume office, subject to the qualifying provisions of the charter, from and after twelve o'clock noon on the second Monday next succeeding the day of their election.

According to current charter language, the process following the November 4, 2008 election should have had the council seated and sworn into office on Monday, November 17, 2008. However, by law, Placer County Elections department has twenty-eight (28) days to canvass the vote and certify the results of the election. County officials have consistently utilized the full twenty-eight (28) days to certify results for local jurisdictions. Due to Placer County utilizing the full time permitted by law, the new councilmembers were sworn in to office in December after receipt of the official certification.

#### RECOMMENDATION OF THE COMMISSION:

The assumption of office will occur subject to the qualifying provisions of the charter, and upon receipt of a certified statement of the results of the election within twenty-eight (28) days of the election,

pursuant to the California Elections Code 15372, as it may be hereafter amended.

## <u>Appointed Person Standing for Re-election – Partial Term</u>

Staff requested clarification on the Commission's direction if an appointed partial term on the City council should serve as one (1) of the two (2) consecutive four (4) year terms.

Little public testimony was heard on the subject. Historically, if a member was appointed to fill an un-expired term, staff would not consider the appointment as one (1) of the two (2) consecutive four (4) year terms. The action of the Commission is to memorialize this policy.

#### RECOMMENDATION OF THE COMMISSION:

A partial term served due to appointment to the City council does not serve as one (1) of the two (2) consecutive four (4) year terms.

#### Powers and Duties of Mayor

Staff recommended language to Section 2.04 be amended indicating the Mayor is not the proper official for the purpose of serving civil process. Rather, civil process is typically served on the City Clerk. Also the provision that the Mayor is recognized by the governor for military purposes will be removed from the charter as it is not consistent with current practice.

#### RECOMMENDATION OF THE COMMISSION:

Omit language denoting the Mayor as the proper official for the purpose of serving civil process and the provision that the Mayor is recognized by the governor for military purposes.

#### **Boards and Commissions**

Amendment to Section 2.14 corrects language denoting the planning commission and the personnel board (omitting the library board) are created by ordinance. Amendments also include the addition of the word "continuously" to the regulation that all members of such boards and commissions shall be residents of the City at the time of their appointment and "continuously" during the term of their office.

#### RECOMMENDATION OF THE COMMISSION:

Delete library board and add personnel board to Section 2.14 and add the word continuously to the requirements of office for boards and commissions.

#### Change Mayor Pro Tempore to Vice Mayor

Commission members discussed whether the term mayor pro tempore should be modified to vice mayor throughout the charter document. It was recommended the term vice mayor was more widely accepted throughout many local municipalities.

#### RECOMMENDATION OF THE COMMISSION:

Change mayor pro tempore to vice mayor throughout the charter document.

### Process to Elect/Appoint Mayor

Commission members received a proposal on the rotation of the mayor position. Discussion on the process of seating a mayor and a vice mayor on a yearly rotational basis was held and the Commission spoke on the seniority of members as the basis of how and when a member would be seated. The perceived problem discussed at the Commission level was that by using the current election system of seating the highest vote person as mayor during the last two years of their term, if a person is vice mayor when a vacancy occurs, then appointing the current vice mayor as mayor would lead to someone being mayor for over two consecutive years. A possible solution was suggested that council should appoint the second place vote recipient in the previous election as mayor until the new mayor takes office at the next election. After further discussion, it was determined that the councilmember with the greatest seniority on the council following the November 2012 election shall be seated as mayor, and the councilmember with the second greatest seniority on the council shall be seated as vice mayor. Thereafter, the positions of mayor and vice mayor shall rotate annually at the regular meeting held closest to the anniversary date of the last previous rotation, or in election years, at the meeting at which newly elected councilmembers assume office. The position of mayor shall be assumed by the councilmembers who served as vice mayor for the previous year.

The position of vice mayor shall be assumed by the councilmember with the next greatest seniority on the council who has not previously served. Seniority shall be determined by the length of time served on the council. Members who are reelected are deemed to be continuing members and their seniority shall be measured from the date of first joining the council, except that a previous term separated by a period of years shall not be counted. If a member declines to serve, is unable to serve, or resigns as mayor or vice mayor, the next senior member of the council shall assume the position. In the event of a tie in seniority, or upon failure of the procedure, the mayor and vice mayor shall be selected by lot and/or drawing.

## <u>Background/Study Materials Provided to Commission Members on Process to Elect/Appoint Mayor:</u>

- Mayor Rotational Summary May 14, 2009 covering the following topics:
  - Issue Summary Starting with the 2012 election, shall the term of mayor be seated yearly by rotation, based on the highest seniority. Furthermore, shall the term of vice mayor be seated yearly by the second highest seniority on the council?
  - Mayor Rotation Models of the following cities:
    - Cupertino, Del Mar, Huntington Beach, Novato, Palmdale, Pittsburg, Port Hueneme, Signal Hills, Solano Beach, Sunnyvale, Whittier, and Watsonville

The topic of process to elect/appoint the mayor/vice mayor was discussed at the following meetings: May 18, June 15, October 26 and December 21, 2009; and January 19 and February 16, 2010

# RECOMMENDATION OF THE COMMISSION: Approve the yearly mayor and vice mayor rotational amendment.

## Council/City Manager Relationships

A recommendation before the Commission was a request to modify or delete the section that defined the manner in which the council could deal with administrative officers and employees. Ultimately, the Commission decided to leave the section "as is" with the exception of deleting wording that demanded "authorization by the council" to speak or engage members of staff. It was recommended that in seeking clarification on informational

items, councilmembers may directly approach professional staff members to obtain information needed to supplement, upgrade or enhance their knowledge to improve council decision-making. Any councilmember requests that require substantive work should come before the whole council for direction.

## RECOMMENDATION OF THE COMMISSION: Remove the wording "authorized by the council" from Section 2.09.

#### Substantive Modifications to Article II. Plan of Government.

#### Sec. 2.02. Elective officers.

The electors of the Ceity 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 Ceity and shall have authority, except as otherwise provided in this charter, to exercise all powers of the Ceity, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. Two (2) and three (3) council-members shall be elected alternately at the Cegeneral Mmunicipal Eelection each even-numbered year. No council-member 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 seat does not count as one (1) of the two (2) consecutive four (4) year terms. (Amended by Cegeneral Mmunicipal Eelection on November 7, 2000: amended December 22, 1993: amended April 10, 1984: amended April 13, 1982: Res. No. 240.)

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

The council shall <u>be sworn in and</u> assume office, subject to the qualifying provisions of this charter, <u>from and after twelve o'clock noon on the second Monday next succeeding the day of their election. and 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. At such meeting following the regular election of November 2012, the councilmember with the greatest seniority on the council shall be seated as mayor, and The councilmember who received the highest number of votes in the latest election with the second greatest seniority on the council shall be seated as vice mayor. Thereafter, the positions of mayor and vice mayor shall rotate annually, at</u>

the regular meeting held closest to the anniversary date of the last previous rotation, or in election years, at the meeting at which newly elected councilmembers assume office. The position of mayor shall be assumed by the councilmember who served as mayor pro tem vice mayor for the previous year. The position of mayor pro tem vice mayor shall be seated as vice mayor assumed by the councilmember with the next greatest seniority on the council who has not previously served. Seniority shall be determined by the length of time served on the council. Councilmembers who are re-elected are deemed to be continuing members and seniority shall be measured from the date of first joining the council, except that a previous term separated by a period of years shall not be counted. If a councilmember declines to serve, is unable to serve, or resigns as mayor or vice mayor, the next senior member of the council shall assume the position. In the event of a tie in seniority, or upon any failure of the foregoing procedure, the mayor or vice mayor shall be selected by lot and/or drawing. The vice mayor's term of office shall commence upon his or her assumption of office and continue until the election, qualification and assumption of office of his or her successor following the next general municipal election. Upon the termination of a council member's term of office as vice mayor, he or she shall be seated as mayor. The mayor's term of office shall commence upon his or her assumption of office and continue until the assumption of his or her successor following the next general municipal election. (Amended by general municipal election on November 7, 2000: amended December 22, 1993: amended May 20, 1980.)

## Sec. 2.04. Powers and duties of mayor.

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

## Sec. 2.05. Mayor pro tempore. Vice mayor.

In the temporary absence or disability of the mayor, the mayor protempore vice mayor shall exercise the duties and prerogatives of the mayor. The mayor shall, whenever possible, notify the Ceity clerk of his the

<u>mayor's</u> intended absence from the <u>Ceity</u> and shall in every instance notify the <u>City</u> clerk at the time <u>he\_the mayor</u> reassumes <u>his</u> duties. In the event both the mayor and <u>mayor pro tempore\_vice mayor</u> are unable to perform their duties, the council may appoint one of its members to act only as chair<del>man</del> of a meeting.

#### Sec. 2.07. City manager.

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

## Sec. 2.09. Council-manager relationships.

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

#### Sec. 2.14. Boards and commissions.

The council shall by ordinance create a planning commission and a library board\_personnel board, and may create or may abolish such other boards and commissions with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the number, manner of appointment, length of term, and duties of members of such boards and commissions who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the Ppersonnel Bboard, 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 Ceity at the time of their appointment and continuously during their term of office. Boards and commissions existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter. (Amended by General Mmunicipal Eelection on November 7, 2000.)

## Non-Substantive/Minor Modifications to Article II. Plan of Government:

- ➤ Addition of the word "City" to officer's title example from attorney to City attorney.
- ➤ Minor grammatical changes to Sections 2.06, 2.10, 2.12, 2.13.

### Sec. 2.06. City attorney.

The council shall select a Ceity attorney to serve at its pleasure. The pleasure of the council in selecting or discharging the Ceity attorney shall be exercised by at least three (3) affirmative votes. The Ceity attorney shall be selected on the basis of his training, experience and other administrative qualifications for the office, without regard to his political or religious preferences or his place of residence at the time of his the selection. The City attorney shall act as legal advisor to and counsel for the council and City manager in matters relating to their official duties. The City attorney shall represent the Ceity in litigations in which the Ceity is interested; shall provide written legal opinion on official matters when requested by the council or City manager; shall review for legal correctness contracts, bonds, franchises and other instruments in which the Ceity is concerned, and perform such other duties as may be prescribed by ordinance, by administrative code, or otherwise by law. The City attorney may appoint and remove deputy or assistant attorneys, which deputies and assistants shall serve at the City attorney's pleasure, provided that recruitment of such attorneys shall be through the merit system. (Amended by Ggeneral Mmunicipal Eelection on November 7, 2000: amended April 13, 1982.)

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

The <u>City</u> manager shall supervise the administrative affairs of the <u>Ceity</u>. <u>He The City manager</u> shall be charged with the preservation of the public peace and health, the safety of persons and properties, the enforcement of law, and the development and utilization of the <u>Ceity</u>'s

resources. HeThe City manager shall keep the council informed of the condition and needs of the Ceity and shall make such reports and recommendations as he the City manager may deem desirable and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council not inconsistent with this charter. He The City manager shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

#### Sec. 2.12. City Treasurer.

The <u>City</u> treasurer shall have such duties as may be prescribed by the <u>City</u> manager and shall be responsible for the custody of all moneys and evidences of value belonging to the <u>Ceity</u>, or held in trust by the <u>Ceity</u>. He <u>The City treasurer</u> shall receive and give a receipt for all money due the <u>Ceity</u> including that which may be collected by other <u>Ceity</u> officials or employees. He <u>The City treasurer</u> shall keep, deposit and disburse, all <u>Ceity</u> funds in accordance with law. He <u>The City treasurer</u> shall have such powers and duties in regard to the collection, custody, and disbursements of funds belonging to other political subdivisions of the state as may be conferred upon <u>him the City treasurer</u> by law. The council may contract for the provision of some or all of the foregoing services by third parties. (Amended by <u>Ge</u>eneral <u>Mmunicipal Eelection on November 7, 2000.)</u>

## Sec. 2.13. City Clerk.

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

## C. Article III. Provisions Regarding Officers and Employees

#### **Council Vacancies**

Proposed modifications to Article III were brought to the Commission requesting changes be made to the process followed for filling council vacancies when seats are vacated due to resignation prior to the term expiring. Proponents requesting amendments stated the process of requesting applications and interviewing potential candidates is not the proper manner to fill the vacant seat. The suggestion made to the Commission for filling a vacant council seat would be to appoint, automatically, the first runner-up in the previous election. The Commission felt the current process of filling council vacancies was an appropriate process.

## <u>Background/Study Materials Provided to Commission Members on Council Appointment/Vacancy Proposal:</u>

- Appointment Process/Council Vacancy and Subsequent Election Results Report Dated June 15, 2009 covering the following topics:
  - Issue Summary Within the last twenty years have members appointed to Council vacancies served the community of Roseville in a productive manner and filled the qualifications of the position? Additional information covered data on appointed members, and outlined if individuals were subsequently elected to fill an additional term or terms after their appointment
  - Current Practice
  - Appointments and Subsequent Election Results
  - Election Results 20 year time frame
  - Campaign Finance Limits

The topic of council appointment due to vacancy was discussed at the following meetings: April 20, May 18, June 15, October 26, November 16 and December 21, 2009; and March 15, 2010.

#### RECOMMENDATION OF THE COMMISSION:

Retain the current process of Section 3.09 regarding a council seat vacancy which states the provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended which 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.

### Compensation of Councilmembers and Mayor

Council and mayor compensation were also addressed by the Commission. Proponents for an increase spoke on time requirements necessary to perform official duties and on the stipend currently paid for service.

Commission consensus was originally to retain the council pay as outlined in the charter. After compelling testimony by a proponent of the requested amendment, a motion was made to increase the mayor's stipend from \$50.00 extra per month to \$200.00 extra per month. Later in the process of reviewing the charter, the motion of increasing the mayor's stipend to \$200.00 extra per month was repealed due to the current economic climate and the perspective that many individuals serve the community and do not expect payment in return.

# Background/Study Materials Provided to Commission Members on City Council Compensation Proposal:

- City Council Compensation Comparison dated June 15, 2009 covering the following topics:
  - Issue Summary Should the Mayor and councilmembers pay be increased?
  - Pay Comparison
    - Seventeen (17) California cities of like size and demographics. Pay ranged from \$600 per month to \$9833 per month with various benefits associated with the compensation

The topic of council compensation was discussed at the following meetings: April 20, May 18, June 15, July 20, September 21, October 26, November 16 and December 21, 2009.

#### RECOMMENDATION OF THE COMMISSION:

Retain the provisions of Section 3.05 leaving Council pay as established.

## Substantive Modifications to Article III. Provisions Regarding Officers and Employees:

#### Sec. 3.09. Councilmanic Councilmember vacancies.

The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the council shall be filled by a majority vote of the remaining councilmenmembers 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 Memunicipal Eelection and until his a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmanmember elected to fill a vacancy shall hold office for the remainder of the unexpired term. (Amended by General Memunicipal Eelection on November 7, 2000: Res. No. 240.)

## Non-Substantive/Minor Modifications to Article III. Provisions Regarding Officers and Employees:

- Eliminate term Councilmanic and replace with councilmember.
- ➤ Grammatical changes to Sections 3.02 and 3.03

#### Sec. 3.02. Oath of office and bond.

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

## Sec. 3.03. Surety bonds.

All <u>Ceity</u> officers or employees receiving, disbursing, or responsible for <u>Ceity</u> funds shall be bonded. The council may require any officer or employee to give a bond, conditioned upon the faithful and proper

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

### D. Article IV. Procedures of the City Council

Substantive Modifications to Article IV. Procedures of the City Council – None

## Non-Substantive/Minor Modifications to Article IV. Procedures of the City Council:

- ➤ Typographical correction to Section 4.02 Special meetings.
- ➤ Typographical correction to Section 4.05 Attendance and conduct at meetings.
- ➤ Typographical correction to Section 4.06 Council rules.

## Sec. 4.02. Special meetings.

Special meetings may be called by the <u>City</u> clerk on the written request of the mayor or any three (3) councilmenmembers by providing each councilmanmember with twenty-four (24) hours' written notice served personally or left at <u>his their</u> usual place of residence. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting. (Amended by <u>Gg</u>eneral <u>Mm</u>unicipal <u>E</u>election on November 7, 2000.)

## Sec. 4.05. Attendance and conduct at meetings.

The council may, by vote of not less than two (2) of its members, enforce orderly conduct and compel the attendance of its members and other Ceity officers at its meetings. Any member of the council or other officer of the

<u>Ceity</u> who refuses to attend such meetings or conducts <u>himself\_themselves</u> in a disorderly manner thereat shall be deemed guilty of misconduct in office. Upon council request the <u>City</u> manager shall designate a police official or officer to serve as the sergeant-at-arms of the council.

#### Sec. 4.06. Council rules.

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

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

## E. Article V. Legislation

### When Ordinances Take Effect

Commission members discussed section 5.03 and recommended the paragraph be amended removing the term councilmen throughout and replacing the title with councilmember keeping the document consistent with no gender references. Commission members also recommended the provision dictating publication of ordinances be written without the term "under his hand".

#### RECOMMENDATION OF THE COMMISSION:

Remove term councilmen and replace with councilmember and remove statement "under his hand" to section 5.03.

### Substantive Modifications to Article V. Legislation

#### Sec. 5.03. When ordinances take effect.

The effective date of all ordinances shall be prescribed herein, but the effective date shall not be earlier than thirty (30) days after their enactment nor before publication thereof, except that ordinances relating to an election, relating to street improvement proceedings, relating to taxes or appropriations for the usual and current expenses of the Ceity, or ordinances immediately necessary for the preservation of the public peace, health or safety may be given earlier effect by the affirmative vote of not less than three (3) councilmenmembers if three (3) or four (4) councilmenmembers are present at the meeting, and by the affirmative vote of not less than four (4) councilmenmembers if five councilmenmembers are present at the meeting. In case an ordinance is given effect earlier than thirty (30) days after its enactment, all requirements for publication may be met by posting copies thereof in conspicuous locations in three (3) public places in the Ceity, and the City clerk shall, immediately after such posting, enter in the ordinance book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be conclusive evidence of the due publication and posting of the ordinance. (Res. No. 240.)

## Non-Substantive/Minor Modifications to Article V. Legislation – None

#### F. Article VI. Elections

Substantive Modifications to Article VI. Elections – None

#### Non-Substantive/Minor Modifications to Article VI. Elections

Typographical correction to Section 6.01 - General and special Municipal Elections.

## Sec. 6.01. General and <u>S</u>epecial <u>M</u>municipal <u>E</u>elections.

General Mmunicipal Eelections for the election 01\_of officers and for such other purposes as the council may prescribe, shall be held in the Ceity on the date specified by the Elections Code of the State of California for State-wide general elections (Elections Code Section 2550). Such General Mmunicipal Eelections shall be conducted in each even-

numbered year. All other municipal elections that many may be held by authority of this charter, or of general law, or by ordinance, shall be known as Sepecial Mmunicipal Eelections. (Amended December 22, 1993: amended April 10, 1984: Res. No. 240.)

#### G. Article VII. Fiscal Administration

#### Fiscal Amendments and Local Vendor Preference Policy

Concise information was provided to the Commission by Administrative Services Director/City Treasurer Russ Branson on the proposed modifications to bring the fiscal administration portion of the charter up-to-date. Modifications to Article VII also include the addition of language denoting the Council 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. The addition of the local preference language was recommended by the Roseville Chamber of Commerce. Amendments also include increasing the dollar requirement for sealed bids for all transactions from \$10,000.00 to \$19,500.00. Individual recommendations were made for each section.

#### RECOMMENDATION OF THE COMMISSION:

Sec. 7.09 Suggested Change: Change "city taxes" to "special taxes and assessments." Delete second paragraph related to fixing the tax rate on an annual basis. This language is a pre-Proposition 13 provision when the City set the property tax rate on an annual basis.

#### Substantive Modifications to Article VII. Fiscal Administration:

## Sec. 7.09 Tax system.

The council shall, by ordinance, provide a system for the assessment, levy, and collection of city special taxes and assessments taxes upon property. The council may, in its discretion, authorize the officers of Placer County to perform any functions for the Ceity relating to the assessment of property, the collection of taxes, the collection of assessments levied for municipal improvements, the sale of property for nonpayment of taxes or special assessments, and the redemption of property from sales. If the council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon be

automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the city for the current fiscal year.

#### RECOMMENDATION OF THE COMMISSION:

Sec. 7.095 Suggested Change: Eliminate Utility User's Tax text since tax is no longer collected.

Sec. 7.095 Utility User's Tax Reserved.

The provisions contained in Chapter 4.32 of the Roseville Municipal Code, relating to the Utility User's Tax, are hereby ratified and are incorporated herein as of the date of voter approval hereof. All Utility User's Tax Revenue received shall be budgeted and appropriated solely for police, fire, parks and recreation or library services. (Added by general municipal election on November 7, 2000.)

#### RECOMMENDATION OF THE COMMISSION:

Sec. 7.10 Suggested Change: Eliminate Pre-Proposition 13 language which does not reflect the City's authority under the State Constitution.

## Sec. 7.10 Limit of Levy; purpose of levy; manner of making special assessments.

Exclusive of special levies permitted by this charter, the council shall not levy a property tax in excess of one dollar and thirty cents (\$1.30) on each one hundred (\$100.00) dollars of the assessed value of taxable property in the city for municipal purposes, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be authorized shall be specified in such proposition. There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made;

- a. A tax sufficient to meet all liabilities of the city for principal and interest on all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and
- b. A tax sufficient to meet all obligations of the city to the employees' retirement system, if any, due and unpaid or to become due during the ensuing fiscal year. Special assessments for local improvements shall be levied in the manner prescribed by state law.

#### RECOMMENDATION OF THE COMMISSION:

Sec. 7.15 Suggested Change: Recommend change to require three (3) reports to council: initial budget projection, end-of-year actual and mid-year budget projection. Quarterly comparisons of revenue and expenses are not in themselves meaningful due to the uneven fashion that funds come into the City.

#### Sec. 7.15 Budget Control.

At the beginning of each quarterly period least three (3) times during the fiscal year, and more often if required by the council, the Ceity manager shall submit to the council data showing the relation between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

#### RECOMMENDATION OF THE COMMISSION:

SEC. 7.21 Suggested Change: Recommend including the FY2010 bid amount of \$19,500.00 with the provision that annually, at the same time the budget ordinance is adopted, the Council may in that ordinance establish an inflation or deflation adjustment to the base of \$19,500.00; and add the local purchase preference policy language that allows the adoption of an ordinance that includes a preference or advantage for bidders with a place of business located within the City of Roseville.

## 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 responsible bidder; provided, that the council many 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 asked for in all transactions involving the expenditure of ten thousand

(\$10,000.00) nineteen thousand five hundred dollars (\$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 adjustment to the base of \$10,000.00 \$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 adopted, the adjustment shall be added to or subtracted from the base of \$10,000.00 \$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 Ceity, 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.)

## Non-Substantive/Minor Modifications to Article VII. Fiscal Administration

- ➤ Minor changes to Section 7.05 and 7.06 capitalization and change of word member to councilmember.
- > Typographical correction to Section 7.19 Independent audit.
- ➤ Minor grammatical changes to Section 7.20.

## Sec. 7.05. Revision and final adoption of budget; copy for inspection.

After the conclusion of the public hearing the council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three (3) councilmembers. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City clerk, shall remain on file in the office of the City clerk where it shall be available for inspection.

#### Sec. 7.06. Appropriations; transfers.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered, except as provided later in this section and in Section 7.08.

No money shall be drawn from the <u>Ceity</u> treasury nor shall any obligation for the expenditure of money incurred, except pursuant to the budget appropriation. The council may, by ordinance adopted by the affirmative vote of at least three (3) <u>council</u>members, transfer any unencumbered appropriation balance or any portion thereof, from one department, fund or agency to another, or appropriate available revenue not included in the budget. (Amended by <u>Gg</u>eneral <u>Mmunicipal Eelection</u> on November 7, 2000: Res. No. 240.)

#### Sec. 7.19. Independent audit.

The council shall provide for a running audit of all accounts and books of the Ceity by a firm of certified public accountants who are in no other way connected with the Ceity government. Such accountant or accountants shall be employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years. The accountant or accountants so employed shall, examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments and agencies of the Ceity government as the council may require. A comprehensive audit shall be made covering each fiscal year; such audit report shall be submitted to the council and shall be open to public inspection. (Amended April 13, 1982).

## Sec. 7.20. Purchasing and contracts.

Except as otherwise provided in this charter, the <u>City</u> manager shall be responsible for all <u>Ceity</u> purchasing, but <u>he</u> may delegate <u>his the</u> responsibility to any <u>appointed</u> subordinate. <u>appointed by him.</u>

#### H. Article VIII. Personnel Administration

### Title Change Throughout Article VIII

Staff recommended all references of Personnel Director be changed to Human Resources Director.

#### Personnel Rules

Modification to Section 8.04 was proposed by the City Attorney in order to bring the article into compliance with the Roseville Municipal Code.

### Classified and Unclassified Services

Amendment to Section 8.07 was discussed by the Commission to replace a section of the article relative to persons employed for a temporary, seasonal, or special purpose for a period not to exceed nine (9) months full-time employment. The reference will be replaced with 1,500 hours rather than nine months per year with no mention of break in employment.

#### RECOMMENDATION OF THE COMMISSION:

All references of Personnel Director shall be changed to Human Resources Director and Section 8.07 shall be modified to include 1,500 hours with no mention of break in employment. Additionally, modify Section 8.04 in order to be in compliance with the Roseville Municipal Code.

#### Substantive Modifications to Article VIII. Personnel Administration:

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

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

#### Sec. 8.04. Personnel rules.

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

- a. For the classification of all positions in the classified service.
- b. For open, free and competitive examinations to test the relative fitness of applicants for such positions, and or reasonable publication and public advertisement of all examinations and for promotion based upon

competitive examinations or records of efficiency, character, conduct and seniority, or upon examination and record.

- c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to the manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.
- d. For the period of time in which eligible lists shall continue in effect.
- e. For a period of probation not to exceed one (1) year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of <a href="https://doi.org/10.21/">https://doi.org/10.21/</a> former classification by the head of the department of office in which employed. Provided, however, that no period of absence from work, leave, or limited duty assignment shall be credited toward completion of the probationary period, nor shall any overtime or additional work beyond normal working hours be credited towards completion of the probationary period.
- f. For the rejection of candidates or of eligibles eligibility who fail to comply with a bona tide fide occupational qualification in regard to age, or sex; or who fail to comply with a qualification standard which is job-related and consistent with business necessity; and physical handicap or condition; or or who have been convicted of a crime which adversely affects their qualification for the position applied for; or who have attempted any deception or fraud in connection with an examination for employment by the Ceity.
- g. For the employment without examination of provisional employees, in cases of emergency pending appointment from an eligible list, but no such provisional employment shall continue for more than thirty (30) days after the establishment of an eligible list for the position held, and in no event for more than ninety (90) days.
- h. For transfer from one (1) position to a similar position in the same class and grade, for reinstatement after resignation, layoff or reduction in class or grade.
- i. For the discipline of employees by suspension, demotion, discharge or other actions not inconsistent with the provisions of this article.
- j. For the certification to the chief finance officer of the Ceity of names and classifications of all persons legally employed in the Ceity

service, without which certifications this officer shall not authorize the issuance of salary paychecks. (4-11-72.)

#### Sec. 8.05. Special provisions relating to examinations.

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

#### Sec. 8.07. Classified and unclassified services.

The employments in the Ceity service are hereby divided into the classified and unclassified service. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this charter; (c) the City manager, assistant City manager, City attorney, deputy, associate or assistant attorneys, and the heads of one or more departments as provided for in this charter; (d) persons employed in a professional or scientific capacity to conduct or complete a special inquiry, investigation, examination or project, not to exceed thirty-six (36) months full-time employment or equivalent without a break of at least three (3) months; (e) persons employed for a temporary, seasonal or special purpose for a period not to exceed nine (9) months fifteen hundred (1,500) hours full-time employment or the equivalent thereof in any twelve (12) month period without a break in employment of at least three (3) months; (f) reserve firefighters and reserve police officers and (g) disaster service workers whether recruited or conscripted. The classified service shall comprise all positions not specifically included in the unclassified service. (Amended by General Mmunicipal Eelection on November 7, 2000: 4-11-72.)

## Non-Substantive/Minor Modifications to Article VIII. Personnel Administration:

Typographical correction to Section 8.02 Powers and Duties of Personnel Board.

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

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

- a. To advise the council and administrative officials on all matters relating to personnel administration in the <u>Ceity</u> service.
- b. To investigate and pass upon the complaint of an employee or group of employees alleging unfair treatment resulting from a management decision, or lack of decision; concerning the interpretation of Ceity rules or regulations governing personnel practices or working conditions within the control of the department head; in which case, the decision of the board, with regard to the interpretation of said rules or regulations, shall be binding upon the appointing authority.
- c. To investigate and pass upon the claim of any person that his their application for employment or promotion has not been processed and considered pursuant to the provisions of this charter and the personnel rules governing the classified service; in which case, the decision of the board shall be binding on the appointing authority.
- d. To hear appeals from any action of suspension, reduction in rank or pay, or discharge of any employee in the classified service and to report its findings and decisions in writing to the appointing authority; such findings and decisions shall be final and binding on the appointing authority.
- e. To subpoena witnesses and administer oaths. (Amended by General Mmunicipal Eelection on November 7, 2000: Res. No. 240.)

#### I. Article IX. Franchises

## Language Amendment Proposal – When Franchises are Required

Article IX of the City Charter details the City's requirements for franchises to operate within Roseville. For the past three decades, the City has required a local franchise be negotiated and approved by the Roseville City council for community antenna television (CATV) providers, cable television providers, and now video service providers who use the public-rights-of-way to serve their customers. In 2006, the State Legislature passed and the Governor signed the Digital Infrastructure and Video Competition Act (DIVCA). As of January 1, 2007, the State of California is the sole franchising authority for the provision of video service in communities in California. The City has three video service providers – Comcast, SureWest, and AT&T with a fourth – WAVE Communications – that has

made an inquiry about serving customers in Roseville. All now have state video service franchises to do business in Roseville.

Modifications include changing the words "television" and "cable television" to "video service" to reflect current and future service terminology. Further, the specific reference to the "direct authority to the Constitution of the State of California or of the United States" be replaced by broader language, "pursuant to state or federal law" to incorporate the Constitutions and laws like DIVCA that affect franchises in Roseville.

#### RECOMMENDATION OF THE COMMISSION:

Change "television" and "cable television" to "video service" to reflect current and future service technology, and "direct authority to the Constitution of the State of California or of the United States" be replaced by broader language "pursuant to state or federal law".

#### Substantive Modifications to Article IX. Franchises

#### Sec. 9.01. When Franchises are Required.

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

Non-Substantive/Minor Modifications to Article IX. Franchises - None

J. Article X. Municipally-Owned Utilities

Substantive Modifications to Article X. Municipally Owned Utilities – None

Non-Substantive/Minor Modifications to Article X. – Municipally Owned Utilities – None

- K. Article XI. Reserved
- L. Article XII. Miscellaneous

Substantive Modifications to Article XII. Miscellaneous - None

Non-Substantive/Minor Modifications to Article XII. – Miscellaneous – None

### Other Topics Discussed But Not Recommended for Inclusion:

### Prohibition of Project Labor Agreements

The Commission spent a considerable amount of time discussing a request to include a prohibition against project labor agreements in the charter. Testimony was heard from many organizations and individuals including the Roseville Chamber of Commerce, California Associated Builders and Contractors, Coalition for Fair Employment in Construction, Western Electrical Contractors Association and local union and merit shop leaders from throughout the region. The forum was active with dissenting opinions on whether or not a prohibition would serve to protect the City. The Commission ultimately recommended that no changes to the charter be included regarding project labor agreements. The Commission further recommended the City council consider adopting an ordinance establishing a prohibition of project labor agreements in the future.

## Public Contracting and Purchasing - Prevailing Wage

Discussion on the ability for the City to have its own rules for prevailing wage policies was recommended by the California Associated Government Affairs and Contractors. The reference document provided to the Commission outlined that with a stipulation in the charter, the City would be able to calculate a more accurate prevailing wage using its own local surveys or it could set its own prevailing wages as a percentage of the state prevailing wages. The Commission did not recommend this addition as the standards, procedures and rules and regulations of public contracting are addressed by state laws and deviation from the existing standards would not be a benefit to the City.

## Limitations on Campaign Spending

A recommendation was brought to the Commission requesting a campaign spending limit be stipulated in the charter. The Commission did not recommend this addition as Roseville already has an established ordinance and regulations which dictate campaign spending.

## **Appointment Process for Planning Commissioners**

A suggestion was made to the Commission to include language in the Charter that Planning Commission members should be selected at random from a pool of qualified candidates, much as jury selections are done, versus direct appointment by the councilmembers. The Commission felt

the appointment process outlined in Roseville's Municipal Code was sufficient and no change or provision in the charter was required.

## **Charter Position/Appointment of City Clerk**

The City Clerk is currently appointed by the City Manager. A proposal to consider the City Clerk appointment be conducted similar to the City Manager and City Attorney who serve at the will of the council was brought before the Commission. The Commission recommended the City Clerk remain under the direct appointment of the City Manager.

#### **Conclusion**

The Charter Review Commission reviewed all twelve articles of the charter, section by section. Modifications to the City charter are an important tool for making better government decisions possible. The goals of charter revision are in fact the same as those of better city government: better municipal service delivery and more efficient use of financial and human resources in carrying out the functions of government.

## 2010 CHARTER REVIEW COMMISSION REPORT

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