

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: SUE GALLAGHER, CITY ATTORNEY  
CITY ATTORNEY'S OFFICE  
SUBJECT: CHARTER AMENDMENT BALLOT MEASURE – CHARTER  
UPDATE AND MODERNIZATION

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended that the Council, by resolution, place a measure on the November 8, 2022 ballot to amend the City Charter to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality.

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EXECUTIVE SUMMARY

At its July 12, 2022 meeting, the Council determined to place three measures on the November 2022 ballot for the voters' consideration: (1) a ballot measure to amend the City Charter to increase Council compensation, tying Mayor and Council compensation to the County's Area Median Income; (2) a ballot measure to amend the City Charter to reflect the City's recent transition to district-based election of Council members; and (3) a ballot measure to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality. A resolution was presented to the Council to place all three measures on the November ballot. The resolution would have required a single vote, without differentiating between the three measures.

In order to allow for a separate vote on each of the three measures, the three measures have been separated into three agenda items, each with its own resolution.

In this agenda item, the Council will consider adoption of a resolution to place a measure on the ballot to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality.

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BACKGROUND

The 2022 Charter Review Committee was formed last fall. The Committee met for more than six months and issued its final report on May 24, 2022. After lengthy discussions and deliberations, the Committee recommended that three ballot measures be placed on the ballot for the voters' consideration in November 2022: (1) a ballot measure to amend the City Charter to increase Council compensation, tying Mayor and Council compensation to the County's Area Median Income; (2) a ballot measure to amend the City Charter to reflect the City's recent transition to district-based election of Council members; and (3) a ballot measure to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality. The Charter Review Committee also recommended that the Council consider at least one possible additional measure in future years.

On June 21 and July 12, 2022, the Council met and considered the Committee's recommendations. After deliberations, the Council accepted all three of the Committee's recommendations and directed staff to return with the three proposed ballot measures.

This agenda item brings to the Council a resolution to place on the November 2022 ballot the recommended measure to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality.

PRIOR CITY COUNCIL REVIEW

On August 17, 2021, Council adopted Resolution No. RES 2021-147, establishing the 2021-2022 Charter Review Committee and initiating Charter review.

On May 24, 2022, Council held a study session to receive the Charter Review Committee's Final Report and Recommendations.

On June 21, 2022, Council considered and discussed the Committee's recommendations. The Council directed staff to return with the three proposed ballot measures, but to allow for flexibility for the Council to determine the specifics for increased Council compensation.

On July 12, 2022, the Council further considered and discussed the Committee's recommendations. The Council directed staff to return with the three proposed ballot measures, with amendments as specified.

## ANALYSIS

### **Ballot Measure to Update and Modernize City Charter**

The proposed revisions to the City Charter will clarify existing ambiguities, give greater flexibility in City operations, and modernize language to ensure gender and citizenship neutrality. All of the revisions are anticipated to be non-controversial and it is recommended that they be included in a single ballot measure. Similar “clean-up” measures were presented to the voters in 2002 and 2012 and passed with strong support. Such measures are expressly authorized by state law.

Elements of this year’s proposed update include:

1. Frequency of Charter Amendments: The proposed update includes clarification of Section 12 of the City Charter to confirm that the Charter will continue to be reviewed every ten years, but that nothing precludes additional amendments placed on the ballot by voter initiative or by Council ordinance at such other times as deemed necessary or appropriate.
2. Responsibilities for Emergency Management: The Charter update includes amendments to confirm that the City Manager and Public Safety hold the responsibility for leadership during emergencies and to remove possible ambiguities and outdated language. The amendments include revisions to Sections 15 (Mayor), 18 (City Manager), 21 (Police Chief) and 22 (Fire Chief).
3. Option for Two Year Budget: The Charter update includes a revision to Section 28 (Budget) to clarify that the City Manager may propose a multi-year budget. All other provisions of Section 28 would remain unchanged.
4. Confirm Scope of Board of Public Utilities: The Charter update includes a revision to Section 25 (Board of Public Utilities) to clarify that, in addition to water-related utilities, including water, wastewater and stormwater, the Board’s responsibilities may, at the Council’s discretion, include “dry” utilities, including electricity, broadband and others. This clarification will confirm the existing language and intent of Section 25.
5. Clarification of Ambiguities: The Charter update includes minor clarifications to Section 19 (City Attorney – to clarify that City Attorney must have at least three years of practice in California, but that those three years need not immediately precede appointment); Section 32 (Council Member Recall – to clarify that a vacancy created by recall shall be filled in the same manner as any other vacancy); and Section 37

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(Deputy Officials – to clarify that the City Manager and City Attorney may select their own deputies without need for Council consent).

6. Gender Neutrality: The Charter update includes revisions as necessary to ensure all language in the Charter is gender-neutral.
7. Citizenship Neutrality: The Charter update includes revisions to replace the word “citizen” with the word “resident” throughout.

Note: This revision affects Sections 10 and 11 of the Charter, and the proposed revisions are set forth in the draft ballot measure. attached as Ballot Measure No. 3.

The proposed ballot measure is attached, as well as a proposed resolution to place that measure on the ballot in the consolidated election to be held on November 8, 2022.

#### FISCAL IMPACT

The proposed update and modernization of the City Charter is not anticipated to have any fiscal impacts.

#### ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and no further environmental review is required.

#### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The Charter Review Committee was formed in the fall of 2021 and worked diligently over the course of six months to research, discuss and deliberate on a series of potential amendments to the City Charter. The Committee issued its Final Report to Council on May 24, 2022.

#### NOTIFICATION

Not applicable.

#### ATTACHMENTS

- Resolution
- Exhibit A - Ballot Measure No. 3 (Charter Update and Modernization)

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CONTACT

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