

# **COMMITTEE DIRECTION ON ELEMENTS OF CITY CHARTER UPDATE**

Charter Review Committee Meeting  
March 30, 2022

Sue Gallagher, City Attorney  
Rob Jackson, Assistant City Attorney

# Outline of Presentation

- District Elections
- Council Vacancy
- Frequency of Charter Amendments
- Emergency Services
  - City Manger
  - Mayor
  - Police Chief
  - Fire Chief
- Add Flexibility:
  - Two-year Budget
  - Board of Public Utilities
  - Contract Procurement
- Clarify Ambiguities
  - City Attorney
  - Council Recall Vacancy
  - Deputy Officials
- Other
  - CAB
  - School Districts
  - Library
  - New Council Inductions

# District Elections

- Recommendation: Revise Section 4 to provide:
  - District-based election of Councilmembers
  - District boundaries set by ordinance
  - Decennial update of District boundaries following federal census in accordance with state law
  - Additional update of District boundaries if structure of Council is revised

# Council Vacancy Procedures

- **Section 31: Council Vacancy**
  - In the event of a Council vacancy, section currently authorizes Council to either appoint replacement or call special election
  - If appointed, appointee serves temporarily until election is held, either in a special election or the next regularly scheduled municipal election

# Council Vacancy Procedures

- Recommendation: Retain current language
  - Gives Council flexibility to address circumstances at the time of vacancy
  - Recognizes that appointment may be appropriate:
    - Often the quickest and least expensive means of filling vacancy
    - Temporary, appointee serves only until next election
    - Ensures District representation while important decisions are being made
    - Minimizes the risk of dead-locks

# Council Vacancy Procedures

- Primary concerns:
  - May result in appointment of a District representative by six individuals that do not live in the District
  - If appointment is made, gives appointee advantage of running for election as an incumbent
  - Does not address difficulties in appointment process
    - Selection process (currently elimination voting) is established by resolution and can be readily revised at Council's discretion

# Timing of Charter Review

- Section 12: **Charter Review**
  - Current wording: the Charter “shall be reviewed in the year 2002 and not less than every ten years thereafter . . . .”
  - Revise: “Charter shall be reviewed in the year 2002 and every ten years thereafter . . . .”
  - Add: Nothing in this section precludes additional amendments placed on the ballot by voter initiative or by Council ordinance at such other times as deemed necessary



# Clarification of Emergency Response

- City Code currently designates the City Manager as the Director of Emergency Services (Chapter 2-24)
  - Enables appointment of professional Emergency Manager
  - Enables operation of Emergency Operations Center and strong coordination of first responders and all City departments
  - Allows refinement of emergency response in accordance with best practices



# Clarification of Emergency Response

- Recommendation: To avoid ambiguity during emergency, revise Charter to confirm City Manager's responsibility for emergency leadership
  - Require consistency with Federal and State standards
  - Retain Fire Chief's responsibility for immediate response to fire
- Will require amendment to four sections
  - Section 18 – City Manager
  - Section 15 – Mayor
  - Section 21 – Police Chief
  - Section 22 – Fire Chief

# Clarification of Emergency Response

- Section 18: **City Manager**
  - Add emergency management to list of City Manager's powers and duties
  - Require that emergency services be provided in accordance with Federal and State standards for emergency response
  - Note: City Manager's authority to appoint staff already in Charter

# Clarification of Emergency Response

- Section 15: **Mayor**

- Delete sentence in second paragraph that states:

“In case of riot, insurrection or extraordinary emergencies the Mayor shall assume general control of the City’s government and all its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions.”

# Clarification of Emergency Response

## ■ Section 21: **Chief of Police**

- Language of suppression in third sentence does not reflect current Police policy or intent and should be deleted
- Delete or revise: “It shall be the duty of the Chief of Police to preserve the public peace and to suppress riots, tumults and disturbances.”
- Keep in place: General language that grants the Police Chief powers as provided by state law and as prescribed by Council

# Clarification of Emergency Response

- Section 22: **Chief of the Fire Department**
  - Revise fourth sentence (scope of emergency powers) to read:

“During the time of a fire, the Fire Chief shall have **full and complete** authority over the **territory immediately involved in or threatened by the fire** and all persons in the immediate vicinity of the fire during such time shall be subject to the Fire Chief’s orders.”

# Revisions to Add Flexibility

- Section 28: **Budget**
  - Section currently sets forth detailed outline for annual budget
  - Recommendation: Clarify that City Manager may propose multi-year budget, while retaining all other provisions of the Section.
  - Proposal: Add second sentence to subsection (b) regarding City Manager's proposed budget, to read: "The budget may span a single or multiple years. Whether a single or multi-year budget, the budget shall provide . . ."

# Revisions to Add Flexibility

- **Section 25: Board of Public Utilities**
  - Currently primarily addresses water and sewer utilities, but allows for possibility of other utilities
  - Recommendation: Clarify that BPU's scope of responsibility may, at Council's discretion, include "dry" utilities, including electricity, broadband and others
    - Provides Council with flexibility to address emerging opportunities and technologies
    - Consistent with current language



# Revisions to Add Flexibility

- Section 44: **Contract Procurement**
  - Revise to allow for flexibility and innovation in contracting for public works, equipment and supplies
  - Proposal: Add allowance for alternative procurement procedures as authorized by ordinance

# Revisions for Clarification

- Section 19: **City Attorney**
  - Section requires that City Attorney must have “been in actual practice in the state for at least three years preceding.”
  - Revise to read: City Attorney must “have at least three years of actual practice in the state.”
  - Retains three year minimum state experience, but gives Council flexibility to appoint individual with out-of-state experience as well

# Revisions for Clarification

- Section 32: **Council Member Recall**
  - Section states that a vacancy created by a recall shall be filled by appointment
  - Recommendation: Clarify that a vacancy created by recall will be filled as any other vacancy, in accordance with Section 31
    - Section 31 currently provides for filling vacancy either by appointment or election, at Council discretion
    - Section 31 may be amended

# Revisions for Clarification

- Section 37: **Deputy Officials**
  - Section provides: “Officers appointed by Council shall have the power to appoint their own deputies . . . subject however to confirmation by Council.”
  - In current practice, Deputy City Managers and Deputy City Attorneys are not confirmed by Council
  - Recommendation: Delete phrase “subject however to confirmation by Council.”

## Other Issues

- **Section 10: Community Advisory Board**
  - After consideration, staff recommends no amendment to Section 10 at this time, absent broader discussion
- **Section 29: Santa Rosa School Districts**
  - After consideration, staff recommends no amendment to Section 29 at this time
- **Section 33: Public Library**
  - Existing language provides sufficient flexibility
  - Staff recommends no amendment to Section 29 at this time

## Other Issues

- **Section 6: New Council Members**
  - Section currently provides for induction of new Council members upon certification of election results, which generally occurs in mid-December
  - Proposal for date-certain for induction of new Council members
  - Ease of planning and administration
  - Staff has no recommendation at this time

# Summary of Elements

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# Questions?