

RECOMMENDATIONS
OF THE
SANTA ROSA CHARTER REVIEW COMMITTEE
June, 2002

CITY OF SANTA ROSA, CALIFORNIA

**RECOMMENDATIONS
OF THE
SANTA ROSA CHARTER REVIEW COMMITTEE
June, 2002**

CITY OF SANTA ROSA, CALIFORNIA

**OFFICE OF THE CITY ATTORNEY
Room 8, City Hall
100 Santa Rosa Avenue
Post Office Box 1678
Santa Rosa, California 95402**

Table of Contents

Section

1. Presentation Letter to City Council i - iii
2. Members of the Charter Review Committee iv
Staff to the Charter Review Committee
3. Recommendations of the Charter Review Committee 1-22
4. Statements and Comments of Individual Charter
Review Committee Members (in alphabetical order) *following the
Recommendations*

SENNEFF, FREEMAN & BLUESTONE
50 Old Courthouse Square. Suite 401
P.O. Box 3729
Santa Rosa ca 95401
(707) 516-4150
Fax (707) 516-0347
www.sennefflaw.com

June 7, 2002

Members of the Santa Rosa City Council
Attn: Michael Martini, Mayor
100 Santa Rosa Avenue
Santa Rosa, CA

Re: 2002 Charter Review Committee
Report and Recommendations

Dear Mayor Martini and Members of the Council:

Last November, you appointed a Committee of 29 citizens to examine the Santa Rosa City Charter, our City's governing document. A similar process had been undertaken in 1994, which resulted in some significant modifications to our Charter following the November, 1994, general election. As modified, the Charter, in Section 12, anticipated a review in the year 2002 (after assimilation of the 2000 Census figures) and "not less than every ten years thereafter." Thus, our Committee.

The Council charged the Committee with the task of evaluating the Charter "to review how the City is governed." Though not so limited, the Committee was asked to specifically address the issues of the method of mayoral selection; the manner by which the City elects its Council representatives, whether district or at large; the duties and powers of the Mayor; Council compensation; the City Clerk function and department head listings; the authority of the Board of Public Utilities; the Public Works bidding process; and conflict of interest section as related to gifts.

The Committee has concluded its task. I have had the pleasure of serving as its Chair and now have the privilege of presenting you with its report and recommendations.

The Committee, as a whole, has a substantial history of active participation in community affairs. The levels of experience of the individual members were significantly varied. Many are or have been members of City or County boards, commissions, neighborhood associations, non-profit organizations and various interest groups. Some have been legislators or Council representatives. Every member of the

Committee has an active interest in the issues before it and the responsiveness of our City governmental processes to its citizenry.

After an organizational meeting last December, the Committee meetings started in January and continued throughout the entire process on a weekly basis. There was excellent participation by the members of the Committee. With slight and occasional exception, we had 'virtually full Committee participation. During the decision-making stages of our process from late April until now, we had 28 or 29 attendees at each session.

Because we all came to the Committee with different levels of experience, it was important, during the first few months, to educate ourselves on the issues in an effort to bring everyone to a relatively common level of understanding. The materials and information gathered during the 1994 review were available to us. Through our Resource Subcommittee, we developed a base of data about the experiences of other communities on the relevant issues. We had excellent cooperation and presentations from City staff. Presentations were made by and discussions had with panels of former Council members and Mayors, City Managers from other communities, academics experienced in similar Charter issues, and members of the 1994 Charter Committee.

The Committee made great effort to encourage public participation. Towards the conclusion of its information gathering process, it held a public forum. With the assistance of City staff, invitations to attend the meeting were sent to scores of interest groups, service clubs and other identifiable organizations that regularly express interest in the City. The presentations at the public forum were informative and challenging. From that point on, the public participation in the weekly meetings regularly increased.

At the outset of its task, the Committee decided to use the same process as had the 1994 Committee for purposes of submitting any report. As such, it agreed that it would submit one report to the Council reflecting the consensus of the Committee on the specific issues without minority reports. To allow individual Committee members to express their thoughts that might differ from those contained in the report, each Committee member was given the opportunity to submit a one page statement to be appended to the Committee's report. The enclosed report is in accord with that process. In answer to the specific issues posited by the Council, the Committee has recommended that:

- (e) The Council continue to be elected at large throughout the City with a change, however, in the method by which the votes are counted; namely, that there be a cumulative voting system.
- (f) The compensation of the Council representatives and Mayor be increased.
- (g) The Mayor continue to be elected by the Council for a two year term, with the same duties and responsibilities, with the limitation, however, that the Mayor

cannot serve consecutive terms.

- (h) The City Clerk's functions have been modified, as has the appointing authority for the City Clerk, Police Chief and Fire Chief.
- (i) Sections 26 and 27 have been significantly modified to reflect the present operation and authority of the Board of Public Utilities.
- (j) No modifications were made regarding the public bidding process or the conflict of interest section as related to gifts.
- (k) There were four significant issues covered not otherwise within your charge:
 - (a) As with the 1994 Committee, further revisions are suggested to the budget provisions of Section 29.
 - (b) Provisions have been recommended for the establishment of a system of district commissions in Section 10.
 - (c) There is significant modification to the method of appointment to boards and commissions in Section 11.
 - (d) Provisions for campaign finance reform are contained in Section AA.

There are also some minor technical changes to bring some of the sections current.

The Committee appreciates the broad discretion of the Council in the manner by which it may choose to present these issues to the voters. Some would encourage the Council to present each item separately; others in groups. While the effort and interest of the Committee create strong feelings on such issues, we did not believe it was within our charge to make such a recommendation. We leave it to the Council's discretion.

Somewhat different than the 1994 report, the enclosed report reflects the votes taken on each issue. (It does not identify abstentions.) There was a significant diversity of opinion which changed from issue to issue. The comments by all Committee members throughout the entire process were thoughtful, well-stated, respectful and certainly appeared sincere. As one who enjoys the public process, it has been a real pleasure to serve as Chair.

Finally, I and the Committee want to recognize the incredible effort expended by Assistant City Attorney Bruce Leavitt and our Secretary, Karen Hansell of the City Attorney's staff. They, along with their colleagues in the City Attorney's Office, were always there to provide sound assistance, advice and direction. The project could not have been completed without them. We thank them for such and commend you for

having such fine staff assistance.

Respectfully,

/S/

Michael D. Senneff
Chairman
2002 Charter Review Committee

cc: Bruce Leavitt, Assistant City Attorney

**MEMBERS OF THE
SANTA ROSA CHARTER REVIEW COMMITTEE
2002**

Michael D. Senneff,
Chairman

Peter Ashcroft
Doug Bosco
Bill Carle
Brian Carroll
David Corsi
Bobbie Cross-Solie
Carol Dean
Frances Dias
Peggy Ferrel
Bob Flores
Jodi Formway
Judith Guzman
Mike Hauser
Kathy Hayes

Stan Henrikson
Linda Kachiu
Carolyn Lopez
Tee Jay Lowe
Andy Merrifield
Mark Miller
Jim Pedgrift
Margot Piccinini
Willard Richards
Carlos Rivas
Mike Runyan
Sonia Taylor
Herb Williams
Keith Woods

**STAFF TO THE
SANTA ROSA CHARTER REVIEW COMMITTEE:**

Bruce Leavitt, Assistant City Attorney
Karen Hansell, Paralegal, Office of the City Attorney
and Secretary, Charter Review Committee
Lynne Smith, Legal Secretary, Office of the City Attorney

RECOMMENDATIONS
OF THE
SANTA ROSA CHARTER REVIEW COMMITTEE

Section 4. The Council.

Committee Recommendation:

- (e) The legislative body of the City shall consist of seven persons elected at large to be known as the Council. The Council shall be elected by the use of cumulative voting which shall allow each voter to cast as many votes as there are Council seats open, with the votes being distributed among the candidates as the voter sees fit. The members of the Council shall hold office for four years and until their successors are elected and qualified. The terms of the Council member shall alternate so that three members or four members, as the case may be, shall be elected every two years. In case of a tie vote, the person elected shall be decided by lot. There shall be no limitation on the number of consecutive terms a Council member or Vice-Mayor may serve. A Council member may not serve consecutive terms as Mayor.
- (f) Council members shall receive compensation of \$1,500 per month and the Mayor shall receive compensation of \$2,250 per month while serving in that position. This compensation shall be subject to an annual cost of living adjustment (COLA) which shall match the annual increase given to the City's executive staff, but which may not exceed the annual consumer price index (CPIU) increase for the San Francisco Greater Bay Area. Council members shall be allowed fringe benefits through participation in, and City contribution to the City's retirement plan, health plans, eye and dental care programs, long-term disability (LTD) and employee assistance program (EAP).
- (g) No person shall be eligible to hold office as a member of the Council, unless he or she is a registered voter of the City at the time the person's nomination papers are issued and is, at the time of assuming office, an elector of the City.

Existing Charter:

The legislative body of the City shall consist of seven persons elected at large to be known as the Council. The Council may act, by ordinance, to provide compensation to each of its members in an amount authorized by state law for the compensation of council members in general law cities of comparable size; provided, however, that the Mayor, while holding that office, shall receive compensation in an amount equal to one hundred and fifty percent of the compensation received by another council member. The members of the Council shall hold office for four years and until their successors are elected and qualified; provided, however, the addition of two members to the Council, to bring its membership to seven, shall be accomplished in accordance with section 57 of this charter. From and after the election to be held in November 1996, the terms of the Council members shall alternate so that three members or four members, as the case may be, shall be elected every two years. In case of a tie vote, the person elected shall be decided by lot. There should be no limitation on the number of consecutive terms a Council member, a Mayor, or a Vice-Mayor may serve.

No person shall be eligible to hold office as a member of the Council, unless he or she is a registered voter of the City at the time the person's nomination papers are issued and is, at the time of assuming office, an elector of the City.

Comment:

For clarity, the Committee's recommendations for Charter section 4 have been placed in three lettered subsections.

Subsection (a).

By a 15 to 13 vote, the Committee recommends retention of the at large method of election of Council members.

By a 15-12 vote, the Committee recommends cumulative voting be used for the election of Council members.

By a 28-0 vote, the Committee recommends the Council member selected to serve as Mayor be prohibited from serving a second, consecutive term as Mayor.

Conversion provisions of existing section 4 under which the Council in 1966 expanded from five to seven members are recommended for deletion in that the conversion has been accomplished.

Subsection (b).

By a 20-4 vote, the Committee recommends that the existing method by which compensation may be provided to Council members be replaced by salaries to be paid and benefits to be made available in the amounts specified in section 4(b), subject to annual increases also as specified in section 4(b).

Subsection (c).

Subsection (c) carries forward the provisions of the last paragraph of existing section 4.

Section 8. Ordinances.

Committee Recommendation:

Section 8. Ordinances. All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances shall be as follows: "The people of the City of Santa Rosa do enact as follows." No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor, attested by the City Clerk, and be published at least once in a newspaper of general circulation before becoming effective. The publication requirement of this section may be satisfied by either the publication of a summary of the ordinance and a posting of the ordinance or the publication of display advertisements and posting of the ordinance as provided in the provisions of the Government Code relating to the satisfaction of ordinance publication requirements for general law cities. Any ordinance declared by the Council to be necessary as an urgency measure for preserving the public peace, health, or safety and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a five-sevenths vote, shall become effective immediately.

Comment:

The percentage of majority votes for passing ordinances has changed from four-fifth to six-sevenths because of the addition of two Council members.

The Committee's vote on this recommendations for this section was unanimous.

Existing Charter:

Section 8. Ordinances. All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances shall be as follows: "The people of the City of Santa Rosa do enact as follows." No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor, attested by the City Clerk, and be published at least once in a newspaper of general circulation before becoming effective. The publication requirement of this section may be satisfied by either the publication of a summary of the ordinance and a posting of the ordinance or the publication of display advertisements and posting of the ordinance as provided in the provisions of the Government Code relating to the satisfaction of ordinance publication requirements for general law cities. Any ordinance declared by the Council to be necessary as an urgency measure for preserving the public peace, health, or safety and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately.

Section 10. Task Force: Citizen and Neighborhood Participation.

Committee Recommendation:

- (a) The Council shall appoint a task force to recommend to the Council approaches to greatly increase citizen and neighborhood participation and responsibility.
- (b) The Council shall establish a District Commission encompassing the entire City. The Commission shall be composed of the representatives of 14 districts, whose boundaries shall be established by the Council, from time to time, and which shall be as nearly equal in population as possible. Each district shall have three representatives on the District Commission who shall be appointed by the Council, using cumulative voting, to two-year terms. Each district representative, at the time of appointment and during his or her service as such, shall be, and remain a resident of the district he or she is appointed to represent.
 - 1. The District Commission shall meet quarterly to provide advice to the Council on general City matters.
 - 2. The representatives of each district shall hold monthly public meetings within the boundaries of the district to consider City matters of interest to the residents of the district. All significant planning matters involving area(s) within a district shall be referred by the applicable City department, in accordance with procedures adopted by the Council, to that district's representatives for their review and comment following a public hearing held by the representatives.
 - 3. The Council shall establish each year meaningful allocations for public improvements within each district which the district representatives, after a noticed public hearing, shall determine how to expend.

Existing Charter:

The Council shall appoint a task force to recommend to the Council approaches to greatly increase citizen and neighborhood participation and responsibility.

Comment:

The Committee voted 13-10 to add this language to section 10.

Section 11. Participation and Diversity in Boards and Commissions.

Committee Recommendation:

- (a) The City shall undertake all reasonable efforts to encourage participation by all citizens. Further, the City Council shall undertake all reasonable methods to ensure that their appointments to boards, commissions and committees reflect Santa Rosa's diversity, including geographic and ethnic diversity.
- The City Council shall issue a written report annually that will be discussed in public session regarding their appointments to boards, commissions and committees. The report shall contain, but is not limited to, the total number of appointments in a given year, the total number of applications in a given year, and relevant diversity information including geographic and ethnic diversity. Further, the report will evaluate the progress and success of increasing the diversity of appointments.
- (b) A designated council member, as drawn by lots, shall replace all appointments to boards and commissions, including the Board of Public Utilities, when terms expire, by appointment until such time as individual council appointments fill all appointments. Thereafter, the individual council members only shall fill vacancies for each term. Terms shall coincide with the term of the appointing council member. A new council member may replace appointments in the event one is selected to serve out the unexpired term of a council member. Except the Redevelopment Agency, Personnel, Building Regulations Appeals, and the Housing Authority Boards, any board or commission with less than seven members shall be increased to seven, with appointments by council members determined by lot. Any board or commission with more than seven shall be appointed by individual council members for any number divisible by seven, and by council majority, by cumulative voting for the remainder. Boards and commissions dealing with issues of interest to the general public shall commence public meetings, whenever practicable, no earlier than 5:00 p.m.

Existing Charter:

Section 11. Participation and Diversity in Boards and Commissions. The City will encourage participation and diversity in boards and commissions.

Comments:

The Committee voted 22-1 to revise the existing language of section 11 as set forth in (a).

The Committee voted 27-0 to revise, as set forth in section 11(b), the current methods of appointment to boards and commissions.

Section 20. City Clerk.

Committee Recommendation:

Sec. 20. City Clerk. There shall be a City Clerk appointed by the City Manager. The City Manager may not serve as the City Clerk. The City Clerk shall keep an accurate record of the proceedings of the Council and shall maintain in properly indexed books, the originals of all ordinances and resolutions adopted by the Council. The City Clerk shall have power to administer oaths and affirmations, take affidavits and certify to the same, and shall have charge of the City's Seal. The City Clerk shall act as the City's election official and shall have such other powers and duties as may be prescribed by the Council.

Comments:

The Committee recommends that the listing of the Office of City Clerk be retained in the Charter, but that the appointment of the City Clerk be made by the City Manager rather than the Council, and that the City Manager be expressly prohibited from appointing himself or herself to the office. The duties and powers of the City Clerk have been updated. Additional duties and powers may be prescribed by the Council.

By an 18-5 vote, the Committee voted to retain the position of City Clerk and provide that the City Clerk be appointed by the City Manager.

The Committee's vote on the language modifying the duties of the City Clerk was unanimous.

Existing Charter:

Sec. 20. City Clerk. There shall be a City Clerk appointed by the Council. The City Clerk shall keep a record of the proceedings of the Council. The City Clerk shall keep a book marked "City Ordinances" in which the City Clerk shall affix printed copies of all ordinances, with a certification as to passage and publication of the same. The City Clerk shall have power to administer oaths and affirmations, take affidavits and certify to same. The City Clerk shall have charge of the Seal of the City.

Section 21. Chief of Police

Section 22. Chief of the Fire Department

Committee Recommendation:

Section 21. Chief of Police. There shall be a Chief of Police appointed by the City Manager. The Chief of Police shall be head of the Police Department of the City and shall have all powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. It shall be the duty of the Chief of Police to preserve the public peace and to suppress riots, tumults and disturbances. The Chief of Police shall have such other powers and duties as may be prescribed by the Council. The Chief of Police shall appoint and remove all subordinates in the department, in accordance with the applicable rules of the City, and shall make rules and regulations for the management of the department.

Section 22. Chief of the Fire Department. There shall be a Fire Chief appointed by the City Manager. The Fire Chief shall be head of the Fire Department of the City, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. The Fire Chief shall have such other powers and duties as may be prescribed by the Council. During the time of a fire, the Fire Chief shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time shall be subject to the Fire Chief's orders. The Fire Chief shall appoint and remove all subordinates in the department, in accordance with the applicable rules of the City, and shall make rules and regulations for the management of the department.

Existing Charter:

Section 21. Chief of Police. There shall be a Chief of Police appointed by the City Manager. The Chief of Police shall be head of the Police Department of the City and shall have all powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. It shall be the duty of the Chief of Police to preserve the public peace and to suppress riots, tumults and disturbances. The Chief of Police shall have such other powers and duties as may be prescribed by the Council or rules of the police department. The Chief of Police shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the City Manager.

Section 22. Chief of the Fire Department. There shall be a Fire Chief appointed by the City Manager. The Fire Chief shall be head of the Fire Department of the City, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. The Fire Chief shall have such other powers and duties as may be prescribed by the Council. During the time of a fire, the Fire Chief shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time shall be subject to the Fire Chief's orders. The Fire Chief shall appoint and remove all subordinates in the department and make rules and regulations for the management thereof, subject to the approval of the City Manager.

Comment:

The Committee recommends that the offices of the Chief of Police and Chief of the Fire Department be retained in the Charter. The powers of each chief with respect to the administration of their departments have been updated to reflect current City practices and procedures.

The Committee's vote on the recommendations for these sections was unanimous.

Sec. 23. Health Officer.

Committee Recommendation:

Delete.

Existing Charter:

The Council shall provide for a City Health Officer who shall be appointed by the City Manager and shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs. Alternatively, the Council may contract for the providing of those services by the Sonoma County Health Officer.

Comment:

The Committee recommends deletion of the existing reference in the Charter to a City Health Officer as unnecessary and unneeded. Health officer services are provided to the City by contract with the Sonoma County Health Officer and this practice may be continued by the exercise of a charter city's inherent powers.

The Committee's vote on the recommendations for this section was unanimous.

Section 24. City Engineers.

Committee Recommendation:

Sec. 24. City Engineers. There shall be one or more City Engineers, as authorized by the Council, who shall be appointed by the City Manager. Each City Engineer shall be a practicing civil engineer, registered as a civil engineer in California for a period of at least three years immediately prior to appointment, and shall maintain such registration during his or her employment as City Engineer.

Existing Charter:

Sec. 24. City Engineers. There shall be one or more City Engineers, as authorized by the Council, who shall be appointed by the City Manager. One City Engineer shall also be ex-officio Street Superintendent. One City Engineer shall have charge of the City's water and sewer facilities and operations, subject to the general supervision and control of the Board of Public Utilities as provided in section 26. Other City Engineers, as authorized by the Council and appointed by the City Manager, shall have charge of such technical matters as require the supervision and approval of a civil engineer. Each City Engineer, at the time of appointment, shall be a practicing civil engineer, registered as a civil engineer in California for a period of at least three years prior to such appointment.

Comment:

The Committee felt it was important to retain the identification of one or more City Engineers in the Charter. The Committee's recommendation more precisely identifies the minimum qualifications to be held by each City Engineer upon appointment and during employment as a City Engineer, but leaves the number and duties of each such office to the Council.

The Committee's vote on the recommendations for this section was unanimous.

Section 26. Board of Public Utilities

Section 27. Water Rates

Committee Recommendations:

Section 26. Board of Public Utilities.

- (a) There shall be a Board of Public Utilities composed of seven (7) members appointed by the Council, at least one of which, if practical, shall be a civil engineer having some knowledge of municipal utilities. The members shall be appointed to staggered terms of four (4) years in accordance with section 11. Members will serve without compensation. Additionally, the City Manager or a member of the City Manager staff shall sit on the Board ex officio.
- (b) The Board of Public Utilities shall have general policy authority and direction over the management and operation of the City's water and sewer utilities, utilities operations managed by the City and utilities hereafter owned or operated by the City.
- (c) Within the limits of the specific appropriations contained in the Council adopted annual budget for each City utility, the Board of Public Utilities may: (1) approve utility projects and award contracts therefor in accordance with procedures adopted by the Council; (2) negotiate property acquisitions for each utility consistent with the policies and practices of the city council and within the parameters of state law; (3) rent and lease utility property and property needed for City utility purposes consistent with the policies and practices of the city council and within the parameters of state law; and (4) award contracts for maintenance, services, supplies and professional services needed by each City utility in

Existing Charter:

Section 26. Board of Public Utilities.

There shall be a Board of Public Utilities of five members appointed by the Council. The City Manager and City Engineer shall be ex-officio non-voting members of the Board of Public Utilities. The Board of Public Utilities shall have control of the construction, operation and maintenance of all water and sewer public utilities now or hereafter owned and operated by the City, and of the funds derived therefrom and such other public utilities, quasi-public utilities and properties and the funds derived therefrom as the Council may by ordinance direct. Of the five appointed members, at least one, if practicable, shall be a civil engineer having some knowledge of municipal utilities. The appointed members shall hold office for four years and until their successors are appointed and qualified, subject, however, to removal as provided in section 16, provided that the first appointments hereunder shall be for terms of one, two, three and four years, respectively. They shall serve without compensation. The City Clerk shall serve as clerk of the Board, without any additional compensation or the right to vote. The City Clerk shall keep a record of the Board's proceedings.

The books of each utility shall be kept in accordance with generally accepted accounting practices for municipal enterprises.

The Board of Public Utilities shall control the generation, purchase, distribution and sale of water and control sewer services and any other utility owned, operated, or distributed

accordance with Council adopted procedures.

- (d) The books of each utility shall be kept in accordance with generally accepted accounting principles for municipal enterprises.
- (e) The Board of Public Utilities shall perform such other duties and exercise said other authority as the Council, by resolution or ordinance, may from time to time direct.

by the City including sewage transportation, treatment and disposal, and subject to approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof. Anything provided for herein within the control of or to be done by the Board of Public Utilities may, with the express or implied consent of the Board of Public Utilities, be done by the Council.

Committee Recommendations:

Section 27. Water and Sewer Rates; Connection/Demand Fees; and Miscellaneous Fees and Charges.

- (a) The Council, by ordinance or resolution, shall establish, from time to time, the rates to be charged for water furnished and sewer services provided by the City and the fees, currently called demand fees, to be charged for connections to each City utility system.
- (b) The Board of Public Utilities, by resolution, shall establish, from time to time, other fees and charges needed in connection with the operation and maintenance of each City utility system.
- (c) Notwithstanding any other provision of this Charter, no funds derived from the sale of water or the providing of sewer services, from fees imposed for connections to either City system, or fees or charges imposed and collected in connection with the operation of either system shall be transferred to the general fund of the City; but all such funds shall be used exclusively for the uses and purposes of the City water system and the City sewer system, respectively, and for the payment of interest on, and the redemption of, bonds issued by the City for the purpose of providing City water and sewer services.

Existing Charter:

Section 27. Water Rates. The Council shall establish by ordinance the rates to be charged for water furnished by the City, provided, however, that notwithstanding any other provision of this charter, no funds derived from the sale of waters shall be transferred to the general fund of the City; but such funds shall be used exclusively for the uses and purposes of the municipal water system and for payment of interest on and redemption of bonds issued by the City for municipal water purposes.

Comments regarding Sections 26 and 27:

The Committee recommends:

- The Board of Public Utilities (BPU) be increased from five to seven members to be appointed in accordance with the procedures recommended by the Committee for Section 11;
- Retention of the current requirement that at least one member of the BPU, if practicable, be a civil engineer with some knowledge of municipal utilities;
- That the City Manager or a member of the City Manager staff (instead of the City Manager and the City Engineer) be an ex-officio member of the BPU;
- That the City Council set water and sewer service and demand fees and that the BPU establish other fees and charges needed in connection with the operation and maintenance of each utility system;
- Clarification of the authority of the BPU to provide that the BPU would have general policy authority and direction over the management and operation of the City's water and sewer utilities and, within the limits of the specific annual budget appropriations contained in the Council adopted annual budget for each utility, and in accordance with City Council policies and procedures, to: (1) approve utility projects and award contracts; (2) negotiate property acquisitions; (3) rent and lease utility property and property needed for utility purposes; and (4) award contracts for maintenance, services, supplies and professional services needed by each utility; and
- Retain the requirement that utilities funds may only be used for utilities purposes.

The Committee's vote on the recommendations for these sections were 17-3.

Section 29. Budget.

Committee Recommendation:

Sec. 29. Budget.

- (j) Not later than January 1st of each year, the Council shall publish a notice of the times and places where copies of the current year's adopted budget and a summary thereof are available for public review and the first notice that a public hearing will be held for the purpose of soliciting oral and written comment upon budget priorities for the next fiscal year. A public hearing seeking comment from the public on budget priorities shall be held by the Council in January of each year prior to any annual goal setting meeting held by the Council. The notice of the public hearing shall be published twice, the first not earlier than 31 days prior to the hearing and the second not later than 5 days prior to the hearing. The notices shall be published at least seven days apart. The City Manager shall submit a proposed budget to the Council for the maintenance, operations and capital improvement, for all City departments and funds each fiscal year.
- (k) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such a form as the City Manager deems desirable or the Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income and all proposed expenditures, including debt service, for the ensuing fiscal year, and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding two fiscal years.
- (l) Prior to adopting the budget, the Council shall publish a general summary of the proposed budget and a notice stating:

Existing Charter:

Sec. 29. Budget.

- (a) The City Manager shall submit a proposed budget to the Council for the maintenance, operations and capital improvement, for all City departments and funds each fiscal year.
- (b) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such a form as the City Manager deems desirable or the Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income and all proposed expenditures, including debt service, for the ensuing fiscal year, and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding two fiscal years. It shall indicate in separate sections:
 - 1. The proposed goals and objectives and expenditures for current operation during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures; and
 - 2. The proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such expenditure; and
 - 3. The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the City.
- (c) The Council shall adopt the budget on or before the last day of June of each year, If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.
- (d) Notice and hearing. The Council shall

- (1) The times and places where copies of the proposed budget are available for review by the public; and
 - (2) The time and place, not less than two weeks after such publication, of a public hearing to be held by the Council on the proposed budget.
- (m) The Council shall adopt the budget on or before the last day of June of each year. If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect. The Council may revise or amend the budget from time to time during the fiscal year it is in effect.
- publish a general summary of the proposed budget and a notice stating:
1. The times and places where copies of the proposed budget are available for inspection by the public; and
 2. The time and place, not less than two weeks after such publication, for a public hearing on the proposed budget.
- (e) Not later than January 15th of each year, the Council shall publish a general summary of the current year's adopted budget together with a general notice that a public hearing will be held for the purpose of soliciting oral and written comment upon budget priorities for the next fiscal year. A public hearing seeking public comment on budget priorities shall be held by the Council not later than March 15th of each year. The initial notice of the public hearing shall be published not later than 21 days prior to the hearing.

Comment:

The Committee's recommendation reorganizes into a more logical chronological order, the steps leading to the adoption of an annual budget. Existing subsection (e) is re-lettered subsection (a) and the requirements that a general summary of the current year's budget be published are revised to require publication of a notice where copies of the adopted budget as well as a summary of the current budget may be reviewed by the public. Under the Committee recommendation, the public hearing seeking public comment on budget priorities is required to be held in January of each year prior to any Council goal setting meeting, so that the information produced at the public hearing will be available to the Council when it considers its annual goals. Notice of the January budget priority hearing is required to be published twice.

Existing subsection (b), re-lettered subsection (c) by the Committee's recommendation and has been reduced in length by the deletion of existing subsections (b)(1), (2) and (3) as unnecessary.

Existing subsection (c) has been re-lettered subsection (d) and a provision has been added to expressly authorize the revision or amendment of the budget by the council during the fiscal year it is in effect.

The Committee's vote on the recommendations for this section was unanimous.

Section 37. Compensation.

Section 38. Deputies.

Committee Recommendation:

Section 37. Compensation. The Council shall, by ordinance, fix the compensation of all officers, deputies and assistants appointed by the Council, except those appointed by the City Manager, who shall fix the compensation of the deputies, assistants and employees of all officers appointed by him or her; subject, however, to approval of the Council.

Section 38. Deputies. Officers appointed by the Council, shall have the power to appoint their own deputies when the same are necessary, subject, however to confirmation by the Council.

Existing Charter:

Sec. 37. Compensation. The Council shall, by ordinance, fix the compensation of all officers, deputies and assistants appointed by the Council or Mayor, except those appointed by the City Manager, who shall fix the compensation of the deputies, assistants and employees of all officers appointed by him or her; subject, however, to approval of the Council.

Sec. 38. Deputies. Officers appointed by the Council or Mayor, shall have the power to appoint their own deputies when the same are necessary, subject, however to confirmation by the Council.

Comment:

The phrase "the Mayor" has been removed from sections 37 and 38 because the Mayor has no special appointment power.

The Committee's vote on the recommendations for these section was unanimous.

Section 45. Contract Work.

Committee Recommendation:

Sec. 45. Contract Work. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for the protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of Five Thousand Dollars, or such higher sum as may subsequently be provided by the state Contract Act for the letting of bids by the state Department of Transportation, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

Provided that the Council may reject any and all bids presented and may re-advertise in their discretion; and

Provided further, that after rejecting bids the Council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of five-sevenths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon may proceed to expend or enter into a contract involving the expenditure of any sum required for such emergency.

In the employment of labor by contract or day work, preference shall be given so far as practicable to local people as against non-residents, insofar as the same is not in conflict with the Constitution or general laws.

Existing Charter:

Sec. 45. Contract Work. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for the protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of Five Thousand Dollars, or such higher sum as may subsequently be provided by the state Contract Act for the letting of bids by the state Department of Transportation, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

Provided that the Council may reject any and all bids presented and may re-advertise in their discretion; and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon may proceed to expend or enter into a contract involving the expenditure of any sum required for such emergency.

In the employment of labor by contract or day work, preference shall be given so far as practicable to local people as against non-residents, insofar as the same is not in conflict with the Constitution or general laws.

Sec. 46. Public Improvements and Street Work.

Committee Recommendation:

No change.

Existing Charter:

Sec. 46. Public Improvements and Street Work. All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the City treasury or assessed on the property benefitted.

Comment:

The only recommended to section 45 is to change the Council vote from four-fifths to five sevenths due to the addition of two Council members.

The Committee's review of sections 45 and 46 was in the context of whether provisions should be added to the Charter that would clearly permit the use of design-build contracts. In the existing public works contract process, the City issues plans and specifications for a particular project and invite qualified contractors to submit bids for its contracts, the contract being awarded to the lowest responsible bidder. In a "design-build contract" the design elements of a project (plans and specifications) and the construction elements of a project are continued and are performed by a single entity. Agreement on who will perform the work is reached through a negotiation process initiated by requests for proposals issued by the City.

The Committee reviewed adopted charter amendments which expressly authorized design-build contracts, several statutes, current and pending before the State Legislature, comments on the pending statutes, as well as testimony from staff. The Committee felt that there were sufficient unknowns about the design-build process and possible unintended consequences that a charter amendment expressly authorizing the use of such contracts should not be recommended at this time. It was expressly stated throughout the Committee's review of this matter, that the City Attorney's Office had not taken a position that a design-build contract could not be utilized under the current Charter provisions.

The Committee's vote on this issue was 21 to 1.

Section 57. Election to Two Additional Council Members.

Committee Recommendation:

Delete section.

Existing Charter:

Section 57. Election to Two Additional Council Members. The Council shall continue to consist of five members until the election to be held in November 1996, at which time four members of the Council shall be elected to four-year terms, increasing the total membership of the Council to seven persons as provided in section 4 of this charter.

Comment:

This section is no longer necessary because the Council has already been increased from five members to seven.

The Committee's vote on this issue was unanimous.

New Section AA.

The Council shall consider and by ordinance enact new election campaign finance reform measures, the purpose of which, in part, shall be to reduce the cost of Council election campaigns and increase the accessibility of Council candidates to the electorate. The ordinance shall include at least the following provisions:

1. New limits on campaign contributions that are lower than the current \$1,000 limitation.
2. A provision that limits independent expenditures to the cap set on campaign contributions.
3. A new schedule for reporting campaign contributions for all Council candidates, including all independent expenditures, that shall allow the greatest public knowledge of all campaign contributions.
4. Provisions that provide for public financing of Council election campaigns.

The Committee's vote on this issue was 15 to 6.

STATEMENTS AND COMMENTS
OF INDIVIDUAL CHARTER REVIEW
COMMITTEE MEMBERS

Mayor Martini and Members of the Council,

Thank you very much for allowing me to serve on the Charter Review Committee, an experience I found immensely rewarding and illuminating. While many recommendations of the Review Committee merit discussion, my remarks will be limited, (for reasons of space), to the recommendation that the city adopt cumulative voting for selection of the City Council.

The need for more diverse representation on the Council is almost universally acknowledged. Whether couched in terms of race, economics, or geography, there is no denying that many members of the community perceive themselves to be excluded from the political process. Among the panoply of proven tools for redressing our current, winner-take-all method of choosing the City Council, the Review Committee chose to recommend cumulative voting.

Cumulative voting is nothing more or less than a well-established tool for increasing the diversity of elected bodies in multiple seat elections. Fears that it is "untested," or that it would be too confusing for Santa Rosa voters should be allayed by the fact that it is currently used in dozens of communities throughout the country, and was used for 110 years in Illinois to elect the State legislature.

Although cumulative voting has been used elsewhere in the United States, it has not been used in California. Implementation of cumulative voting in Santa Rosa would therefore require certification of a voting process by the Secretary of State's Office. I strongly suspect that cumulative voting can be accomplished through simple modification of our current ballot, (requiring no modification or replacement of our current vote counting machinery). I also suspect that such a voting process could be readily certified by the State. Before making any decision regarding cumulative voting, the Council has a responsibility to ascertain from the voting equipment vendor (DFM Associates), and the Elections Division of the Secretary of State's Office, definitive answers to the following questions.

- (f) Could a simple ballot modification allow cumulative voting with the DFM Mark-A-Vote equipment?
- (g) If such a change were made to ballots, could the current DFM Mark-A-Vote equipment then be certified for cumulative voting?

The County Registrar's office has stated that cumulative voting would require replacement of voting machinery throughout the City or County, (at great cost), or that Santa Rosa elections could not then be held on the same day as those of the rest of the County. The logic behind these claims is unclear, and I suggest that the Council examine them closely. In particular, the Council should ask the State Elections Division whether there is any legal prohibition against conducting a municipal cumulative voting election that is consolidated with a statewide election.

Although I believe cumulative voting to be an effective and easily implemented tool for increasing the representation of minority perspectives on the City Council, I recognize that there are legitimate unanswered questions about when and how such an election could be certified in California. For that reason, I suggest that the Council add the phrase, "as soon as feasible," or "as soon as determined by the City Clerk to be feasible" to the Charter recommendation calling for cumulative voting.

Some have argued that by opening this door of diversity on the Council, cumulative voting might admit objectionable political perspectives, or that a more diverse Council might be incapable of working constructively together. I urge the Council to rise above such fears. Cumulative voting is not a panacea. Nevertheless, it is a proven tool, and I urge the Council to give the voters of Santa Rosa the opportunity to endorse or reject it.

Thank you very much,
Peter Ashcroft

Law Offices of Holland & Knight, LLP
50 California Street, Suite 2800
San Francisco, California 94111-4624
Tel. (415) 743-6900 Fax (415) 743-6910
www.hklaw.com

June 7, 2002

DOUGLAS H. BOSCO
707/525-8999

Dear Mr. Mayor and Members of the Council:

Thank you for the opportunity to serve on the Charter Review Committee. It was an honor to serve with an exemplary group of citizens whose dedication, intelligence, eloquence and hard work were a credit to the people of our City.

The Committee recommendations will serve to improve city services, increase diversity and participation, reform election finance, and update the Charter. Unfortunately, there are two recommendations I cannot support.

First, the concept of cumulative voting. This emanated as a fallback position when the Committee narrowly rejected district election of council members. It seemed to be born out of disappointment and frustration on the part of members who were heavily invested in proposals for a dramatic change of some sort. Whereas district elections would have at least accomplished geographical representation, cumulative voting will simply hand the city government over to organized factions who will manipulate it for their own limited purposes. Real estate interests, land developers, environmental groups, labor unions and other prominent factions will carefully select candidates, exhort their members to cast multiple votes for the anointed few, and then hold pervasive power over the chosen ones once elected. Moreover, candidates who receive the votes of many more citizens will be defeated by others who receive multiple votes from fewer people. There is a good reason this scheme hasn't been tried anywhere else in the state cumulative voting is simply a euphemism for factionalism and minority rule.

Secondly, the proposal for fourteen District Commissions and forty two would be aldermen is well-intended, but bureaucratic and unwieldy. These groups will replace issue-oriented, spontaneous neighborhood uprisings with institutionalized structures that exist whether or not they are needed. They will devour untold staff time and financial resources. They would become rump city councils, holding sway over land use decisions and dispersing funds for projects without any city-wide plan or accountability to the electorate.

Sincerely,

Doug Bosco

CARLE, MACKIE, POWER & ROSS LLP
100 B STREET, SUITE 400, SANTA ROSA, CALIFORNIA 95401
400 TEL: (707) 526-4200 FAX: (707) 526-4707

Dear Mayor Martini and Council Members:

Thank you for the opportunity to serve on the 2001-2002 Charter Review Committee. It was a rich experience and personally satisfying. It reaffirmed my ongoing faith in our system of governance. Truly, a diverse group of citizens well researched and debated fundamental questions regarding our city and its operation. In a world with daily news of people lacking even the most basic of freedoms, the ability to shape ideas for improving an already wonderful city was humbling.

Not without controversy, we are presenting a series of significant changes. I suppose they would not be significant without spirited debate and split votes. The committee, directed by Mike Senneff, took considerable time to bring all of us to a similar understanding of the issues and possible solutions. As you have seen by the minutes, we sought much input. The often-advised process of defining the problem, then finding a solution for that problem, guided our task. I am confident none of the changes were adopted for change sake.

Nevertheless, I implore you to seriously consider all of the recommendations and place a package on the ballot you think reflects the solutions for problems you can identify. I fear that if the package is placed on the ballot, exactly as recommended, it will fail, and all the time and effort will be lost. Many changes need to be made to the charter, and there are opportunities to make our governance more effective.

When reviewing each part, understand that this was a long process with votes taken over four-months. As a result, not every matter was visited and revisited despite additional information. In particular I urge you to review the council and mayor compensation and cumulative voting. While I personally believe the council compensation is low, in light of the expenses incurred by you and time spent on the job, I am concerned that citizens will not accept such a jump in these economic times. As for cumulative voting, I think serious logistical questions have been raised. I cannot well define the problem that cumulative voting will solve, especially when no other jurisdiction in our state uses this method and the cost of implementation and probable impact on when we conduct our elections, is so great. Jurisdictions that have resorted to cumulative voting recently, have done so in response to Voting Act violations or other much more serious issues than face our city.

Finally, there is no question in my mind that diversity in our council and boards and commissions is a goal worth our effort. There are many disenfranchised citizens. Whether their concerns are well defined or merely perceptions, it does not matter, for the belief is strong enough to require attention and action. Our changes to the appointment process and the adoption of District Commissions could go a long way towards addressing these matters. A broader group of citizens, involved in city governance will breed familiarity throughout the city and provide a wealth of potential council candidates and appointees. I urge you to embrace these changes and do everything possible to support their inclusion into our government, even though acceptance and success may be long in achievement.

Please recognize city staff members Bruce Leavitt and Karen Hansell for their phenomenal efforts.

-- Bill Carle

June 6, 2002

Dear Mayor Martini
Members of the City Council

I thank you for the opportunity to have served on the Charter Review Committee and gaining a better knowledge of how the City functions administratively. I believe the Charter Review Committee's report accurately reflects what transpired during the past six months. However, there is room for improvement in the committee process.

As I listened to the public appearances and read the materials submitted, I believe the time is right for the City of Santa Rosa to consider district elections. I am confident the voters are good hearted people who would choose wisely the best representative whom they believe would best serve the needs of the City while being the most knowledgeable about their district. This representative would know where the services are in that area, what is lacking and travel patterns to get from one part of the community to the next to work, shop, visit, play and obtain services like doctors and dentists. This knowledge will bring better decision-making tools to the council as the City continues to strive for more intelligent planning.

Santa Rosa's future is bright and it could be brighter if there is a greater diversity and broader representation on the City Council. District elections could create more opportunities for broader representation and a chance for more dialogue and public participation. My personal feeling is that district elections would bring a better balance to the council. We ask our police and firefighters to work in one district and become well acquainted with the area so they can better serve the people. District elections would better serve the voters as well.

As mentioned above, in order to improve the process for the next charter review, it would be helpful if the review was structured so there is time line agenda whereby items could be researched and materials handed out in a more timely manner to give members an opportunity to digest the contents. Materials received on Saturday or on Monday (the day of the meeting) made it difficult to review and analyze the contents.

It would have been informative for you to review the comments of the speakers at the public hearing, but the minutes of that meeting were never transcribed and given to the members for reference or posted on the City's web page. Only those of us who took notes have the names, addresses and content of the messages presented.

Finally, there needs to be an attendance policy instituted. For example, if more than two or three meetings in a row are missed the member should relinquish their seat. It is unfair to those who consistently dedicate their time and show up on a regular basis.

Again, I thank you as well as my fellow charter review members, staff and members of the public who spoke to participate in this process. An participants were crucial to the outcome and to the goal of making this a stronger and better community.

– Carol Dean

June 6, 2002

Members of The City Council, City of Santa Rosa

Dear Councilmembers:

I would like to address you on the topics of district elections and cumulative voting.

When we began the process of reviewing the city charter, I thought that citywide elections best served the City of Santa Rosa, because city council members could direct funds wherever the need was greatest, without different districts of the city competing for funds. One of the arguments against district elections is that creating districts will cause division within the city, and the city will suffer as different districts compete for funds.

As we compiled information over the past months, it became obvious to me that the citizens are already divided and competing for attention from the city. Everyone is quite clear on what part of town they live in. A problem in our city today is that a significant number of citizens, particularly those on the west side of town, do not feel that they are represented fairly by a city council whose members all live in the northeast quadrant. I concluded that district elections would not divide the city; the city is already divided. Rather, district elections, or some variation thereof, address the problem of citizens feeling disenfranchised in that they do provide for some geographic representation. The committee considered district elections, modified district elections, and a hybrid of district and citywide elections. I personally favored modified district elections, wherein candidates would live in a specified district, but be elected by and answerable to, the city as a whole.

The first motion put to the committee on the matter was to retain the current system of electing city councilmembers from the city at large. That motion narrowly passed, 15-13. The vote count does not convey the sense of hurt and disappointment, even disbelief in the room, and that is something I think the council should be aware of, as they consider the committee's final report. The hurt runs deep.

At the following meeting, on May 20, we discussed a proposal for cumulative voting, which it was suggested, provided a greater opportunity for lesser known and less well-funded candidates to be elected. I voted in favor of cumulative voting at that meeting, not to appease the members of the community who had spoken in favor of district elections, but to appease myself. Something was better than nothing, in my opinion, and if all I could do was widen the cracks for a few more people to squeeze through, then I wanted that. That motion passed, also by a narrow vote, 15-12.

The following day, I learned from my sister, Janice Atkinson, the Assistant Registrar of Voters for the County of Sonoma, that there is not a voting system certified for use in the State of California that can tabulate votes cast under cumulative voting. I confirmed that information with John Mott Smith, Chief of Elections at the Secretary of State's office and made the information immediately available to Chairman Senneff to share with the committee. Had this information been available the day before, I would not have voted in favor of cumulative voting, which cannot be implemented at this time. I know the city council members have been made aware of the ramifications of adopting cumulative voting: the city would have to conduct its own elections; the city would have to purchase its own voting system at roughly 1.5*million dollars, and after doing that, would have to be prepared to handcount ballots. I believe the slender advantage gained by the citizens of Santa Rosa in having cumulative voting, is far offset by the costs and logistics of its undertaking.

Thank you for your consideration of these comments. It has been my privilege to serve on the Charter Review Committee.

Very truly yours,
Jodi Formway

Kathy Hayes
1612 Clover Dr.
Santa Rosa, CA 95401

Dear Mayor Martini and members of the Santa Rosa City Council:

I would like to thank the City Council for the opportunity to serve on the Charter Review Committee. I have learned a great deal about the City's Charter, have become more aware of citizen's concerns regarding inclusiveness and diversity, and have learned to appreciate the difficult task of making appropriate public policy decisions that will meet the needs of our dynamic and changing community.

One issue increasingly resonated with me throughout the Charter Review public process -- disenfranchisement.

There is a significant and increasing sense of disenfranchisement by various segments of our community. I can't impart strongly enough that this issue must be taken very seriously and that the time to act is quickly diminishing. Business as usual at City Hall must change! Providing meaningful opportunities for participation in leadership from all sectors of our community is critical to our community's future. Failure to act will permanently institutionalize the disconnection of vital segments of our community and will only lead to a permanently dysfunctional community.

While there were different opinions on how these concerns should be addressed, I believe that many Charter Review members were deeply affected by the depth and breadth of disenfranchisement articulated by citizens. However, I am not a proponent of one of the solutions recommended, cumulative voting. Believed by many Charter Review members as a method that would provide more opportunity for diversity, cumulative voting will provide more opportunities for ideological diversity but will have limited impact on providing opportunities for other kinds of diversity. In other words, it doesn't tackle the real problem.

If aggressive, inclusive actions by City government are not taken to enact meaningful outreach efforts with measurable results and benchmarks, the only solution left will be district elections. Neighborhood Councils, direct Councilmember Board/Commission appointments, expansion to seven members on Boards and Commissions and stronger diversity language in the Charter are all Charter Review recommendations. These are tools that may hold the promise of maintaining an "at large process" while bridging the gap in our community.

Please avail yourself of these tools.

Sincerely,

Kathy Hayes

June 7, 2002

To: Mayor Mike Martini and the Santa Rosa City Council
From: Andy Merrifield, Charter Review Committee

First let me say that it was an interesting and informative experience to serve on the City Charter Review Committee (CRC) in 2001 and 2002. Many of the members of the CRC and both regular staff members, Karen Hansell and Bruce Leavitt, put a great deal of effort into this endeavor. Chair Mike Senneff performed judiciously.

Invited experts presented substantial factual information, and political science students from Sonoma State University put useful synopsis together. In addition several members of the public made thoughtful presentations and presented evidence about issues facing Santa Rosa. The CRC was well informed about the most pressing problems facing the city: the alienation of most of the westside and much of the southeast and their diverse population; distorted service delivery favoring the northeast; and the distortion that money causes in the election of the council- which also favors the financially prosperous, found disproportionately in the northeast.

Unfortunately much of this overwhelming evidence was either ignored or glossed over and the resulting recommendations from the CRC will most likely not seriously alleviate many of these problems. On the other hand, some moderate reforms were put forth to open up the city and at least begin to address some of the issues. The restructuring of the appointment process on boards and commission under the current council membership certainly does not guarantee geographic, ethnic or class diversity, but it might allow for a diversity of outlook more reflective of the councils' views. The establishment of a forty-two member advisory group, that has money attached to it, will guarantee input from the *de facto* geographically disenfranchised in the city. Campaign finance reform, if developed in a meaningful way, should open up the election system to people who cannot currently compete with the obscenely high cost of election. Finally, cumulative voting -- which can be put into place without the doom and gloom suggested by understandably self-interested bureaucrats and the mindless protector of the status quo, The Press Democrat -- likewise opens up possibilities.

Raising the salary of council members by such a small amount does not really accomplish very much, but may send a signal that the position is not just for an economic elite. Some of the other changes would also have value, but this memorandum needs to be brief.

All in all some good came out of the CRC. The council should put the entire group of proposal before the voters, dividing them into parts based on the mayor's letter to the CRC members in late 2001. This will demonstrate to the concerned, but under-represented residents of Santa Rosa, that the city is finally realizing that the "Progressive" notions that "good people" representing a narrow view of the world does not provide fair or adequate government and distribution of governmental services is a political process. Diversity of class, ethnicity and geography produces fairer and stronger government. As John Stuart Mill argued in his support for representative democracy; opening up the system does not just benefit those left out, it benefits the entire jurisdiction by tapping into the genius of the entire group.

June 6, 2002

To: Mayor Mike Martini and Members of the Santa Rosa City Council
From: Willard Richards
Re: Comments from a member of the 2002 Charter Review Committee

The weekly meetings of the Charter Review Committee (CRC) were stimulating and educational. The debates were thoughtful and typically conducted at a high level. Michael Senneff did an excellent job of creating an environment in which the CRC could do its work. Some CRC members who were relatively new to city politics approached the debates with an open mind, but most members with a long term interest in the governance of Santa Rosa held positions on some of the key issues that were not altered by the deliberations.

Data for the residence location for City Council members during recent decades show that large areas of the city have not had a City Council member elected from their neighborhood, and that the great majority of the City Council members have lived in a relatively small area in Northeast Santa Rosa. This geographical bias has led some City residents to believe they are not represented on the City Council. Some of these unrepresented parts of Santa Rosa have more distaste for, and distrust of, their City government than is typical in many cities. District elections would directly address, and would remedy, the geographic imbalance that has persisted on the Santa Rosa City Council. Using district elections for 10 to 20 years while the newer areas of the City are maturing would significantly accelerate the process of diversifying the geographical distribution of City Council members. I regret that the majority of the CRC was unwilling to accept district elections. Once the purpose of district elections has been achieved, I favor at large elections, so Council members would work for the City as a whole instead of working to bring special favors to their district.

The CRC decided that cumulative voting is the preferred method for obtaining more diverse representation on the City Council. I believe there is absolutely no question that cumulative voting can be conducted using the current voting equipment and that this voting method can be very easily explained to the voters. It is reasonable to believe that the necessary State approvals can be obtained. It is unfortunate that apparently authoritative contrary information is being circulated.

Increasing the compensation of the City Council is some of the best money the City can spend. The cost of the increase is approximately three one-hundredths of a percent of the City budget, and is less than one tenth of a percent of the discretionary spending decisions made by the City Council from time to time. The current \$600 per month compensation does not even cover the expenses of City Council members.

This CRC decided some important issues only minutes after the discussion of them began. Many people think more clearly if they have time to ponder. I hope that the next CRC can do a better job of finding a way to debate some of the more important issues in advance of the meeting in which they are decided. It would also be desirable to allow recommendations from CRC members to come before the Committee and be debated earlier in the process, and to set at least tentative agendas in advance. It is hard for citizens to participate when agenda information is only available a few days in advance of the meeting.

TO: Members of the Santa Rosa City Council
FROM: Carlos Rivas

The recommendations that you are receiving from the Charter Review Committee represent the collective efforts of very committed citizens that I believe have Santa Rosa's best interests at heart. We have different opinions and some of our votes have been close. Generally, I concur with the final result that continues along the same course as the previous Charter Review Committee. Specifically, leaving the election process at- large, and not by district.

However, I differ with the recommendation to institute a cumulative voting process. Aside from the cost of putting it into place, and difficult certification process, such a system, in my opinion, would be so confusing to the voter that the results would bring unintended consequences.

The concern voiced by many is that we lack geographic representation and ethnic diversity. I believe the solution lies in the appointment process to city boards and commissions. While I would not favor a quota system, the fact that our committee grew by six members in order to attain the needed balance, shows that until an issue is raised, not enough thought is given to geographic, gender and ethnicity in the selection process.

I believe, the Council, by policy, should institute a system that addresses appointments of qualified and diverse citizens to boards and commissions, thereby increasing the chance that those interested in elective office would more naturally come from serving on a board or commission. I do not see this as an issue for the City Charter because flexibility might be necessary to obtain the desired results and the Charter can only be reviewed every ten years.

Having served on this committee, I have a greater appreciation for the excellent city in which we are fortunate to live.

June 6, 2002

Mayor Martini
City Council

I just wanted to address five issues in the charter and why I voted the way I did.

First. I voted against district elections for a dozen different reasons. The main one was it would not properly address the main push for it, under-representation of the west side. Dividing the City into seven districts I feel would only create negative situations for the Council and for the citizens.

Second. Cumulative voting mainly came about since district elections failed by a vote of 15 to 13. Regardless if it is a good or bad system, cumulative voting passed by a vote of 15 to 12. It was stated that even if it cost 2 million dollars for the City to do the election on their own, the City could come up with the money. You need to read the letter of May 23 from Eave Lewis to Jeff Kolin. I voted against this mind set and system.

Third. A district commission of sorts is a good idea, possibly changing the CAT to accommodate the committee's desires. As designed, the three district reps from fourteen districts would meet quarterly to feed information to the Council. These forty-two persons would be your eyes and ears. Each district would meet on their own monthly.

Fourth. I feel that campaign finance reform should be dealt with by the City Council through ordinance. In the proposed language the "independent expenditures" was too vague. What does that involve? I also did not like the point that provisions be made for public financing of campaigns. An idea was floated for the entire bill to be picked up by the City.

Fifth. We recommended by a vote of 20 to 4 that Council pay go to \$1500 and \$2250 monthly for the Mayor. We feel that would be enough money to sway some who would lose income to run for the Council, but not enough to be a full time job. This would add \$27,000 to the Council budget, but I feel it is justified.

Good luck with the charter!
Mike Runyan

Mayor Martini, and members of the Santa Rosa City Council:

Thank you for allowing me this opportunity to serve on the Charter Review Committee. It has been much more than just interesting, it has been eye-opening.

It is clear to me, and I believe to many of my fellow CRC members, that previous attempts to increase diversity on Boards, Commissions and committees, while well-meaning, have fallen significantly short of effecting meaningful change. It is also clear to me that numerous Santa Rosa voters feel unrepresented by their elected officials.

After five plus months of meetings, in an attempt to increase diversity on Boards, Commissions and committees, as well as provide more inclusive representation on the City Council, we are sending a number of significant recommendations to you in the attached Report. As a recommending body, however, they can only be just that: the CRC majority's best recommendations. While we were a diverse group of 29, we cannot in any way presume to speak for the City at large.

The most important, and therefore most difficult, issue you asked us to look at is how we elect our City Council. On this issue, the CRC is once again deeply divided. Cumulative Elections is the recommendation sent to you, because they have been effectively used elsewhere to provide a broader and more representative government. It is clear to me, however, that had District Elections come to a vote (and make no mistake, the issue never came to a vote), District Elections might have prevailed instead, although again likely with a bare majority vote.

On the other hand, a number of more incremental recommendations that could result in improved diversity and broader representation were passed with either a unanimous vote, or a significant majority, such as stronger diversity language, direct appointments to Boards and Commissions, neighborhood councils, and campaign finance reform.

At our last meeting, there was discussion about how the attached Report's recommendations should be present to the voters. Some of the suggestions made by members of the CRC were: (1) that there should be two ballot measures -- one containing the recommendations receiving a unanimous vote of the CRC, and one with the divided votes; (2) that each of the recommendations be presented separately to the voters (with the exception of some of the less significant changes, which could be in one measure); or (3) that we tell you that should you decide to divide up the recommendations on the ballot, we would not object.

I personally strongly believe that the voters, at whose pleasure the Council serves, should have the opportunity to consider each of our significant recommendations as a separate ballot measure, since only the voters have the right and the responsibility to decide how they wish their government to operate. I would request that you divide the recommendations in the attached Report into as many measures as are necessary to allow the voters to clearly make their wishes known.

My only disappointment with this process was how time was allowed to get away from us, leaving the most significant decisions to the last few meetings. In fact, because of the extraordinarily short time frame at the end, this letter is being composed at 9:00 p.m. the night before it is due to be included in the Report.

It has been an extraordinary experience. Again, thank you for allowing me to serve.

Sonia Taylor

North Coast Builders Exchange, Inc.
987 Airway Court
P.O. Box 6025
Santa Rosa, CA 95406
Tel. 707/542-9502 Fax 707/542-2027

June 6th, 2002

TO: Members of the City Council
FROM: Keith Woods
CEO, North Coast Builders Exchange
SUBJECT: SOME COMMENTS TO SUPPLEMENT OUR COMMITTEE'S REPORT

My thanks to the City Council -- and particularly to Janet Condrón who appointed me -- for giving me an opportunity to serve once again as a member of this year's City Charter Review Committee. It's time-consuming, but rewarding, work that offers a chance not only to learn about city government in some depth, but to help shape its future structure as well.

I've got a couple of quick points I'd like to make as part of my Committee Members' Commentary:

- 1) Our committee's vote to maintain our At-Large system of electing Councilmembers was a close one (as it was eight years ago), but in my mind it is the right one for Santa Rosa. I felt in 1994 that District Elections are seductive on the surface, but that excessive "politicizing" of city government would inevitably occur. I felt strongly against District Elections last time; I feel even stronger now. All citizens should be able to vote for all Councilmembers.
- 2) Take the concept of Cumulative Voting and place it in a "Really Bad Ideas" filing cabinet. ...and then throw away the key. Limited space prevents me from listing all the reasons I believe it would be a dismal failure, but the exorbitant costs of even attempting such a system (as we have been warned by elections officials) should be reason enough. Interestingly, if you listen to tapes of our meetings you'll hear several people who voted for it say, in essence, that they don't actually like the idea, but if we weren't going to recommend District Elections, then we need to make some kind of major change. No we don't. By the way, the only inherent value in the concept is that a thoughtful, well-intentioned guy like Jim Pedgrift was the primary champion for the idea.
- 3) The increase in the compensation for Councilmembers and the Mayor that we are recommending will be politically difficult for you to offer to the voters, but it's the right thing to do. Forget about the fact that you are the current officeholders; the complexities of the job that future Councilmembers will face will warrant the additional pay. Swallow hard and agree to make the compensation increase component a part of any package you may place on the ballot.

Finally, I want to note that Chairman Mike Senneff did an incredible job of herding cats each week. I strongly suggest that the City tap him for a third time when the Charter is addressed again in 2012.