

# PROPOSED CHARTER AMENDMENTS

City Council  
June 21, 2022

Sue Gallagher, City Attorney

# Introduction

- ❑ Last August, the Council directed the establishment of a Charter Review Committee to initiate the City's decennial review of the provisions of its Charter.
- ❑ Highly engaged, the Committee worked over seven months, reviewing and making key recommendations on possible Charter amendments.
- ❑ Committee's Final Report and Recommendations were presented to the Council at a study session on May 24<sup>th</sup>.

# Recommendations

- ❑ Committee recommended three measures for presentation to the voters on the November 2022 ballot:
  - Ballot measure to increase Council compensation, tying Mayor and Council member compensation to a percentage of Area Median Income (AMI)
  - Ballot measure to align the Charter with the City's district-based election of Council members.
  - Ballot measure to update and modernize the City Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality.

# Additional Issues Considered

- ❑ Expansion of voting rights to noncitizens.
  - ❑ The Committee, on unanimous vote, urges the Council to move forward with consideration of expansion of voting rights to noncitizens in City elections as soon as practicable.
- ❑ Directly Elected Mayor
  - ❑ The Committee recommended, on a 10 - 7 vote, against moving forward with a proposed transition to a directly elected Mayor at this time.
- ❑ Ranked Choice Voting
  - ❑ The Committee recommended, on a 17 – 3 vote, against moving forward with a proposed transition to ranked choice voting at this time.

# Proposed Charter Amendments

I.

# Ballot Measure to Increase Council Compensation



# Council Compensation

- Council members currently receive \$800 per month salary, the Mayor \$1200 per month
- There has been no increase since 2005
- Charter Review Committee heard of the workload of the Mayor and Council members and recognized the difficulties of balancing private employment, childcare, family and the responsibilities of Council membership
- Committee also received information on Council compensation in other Northern California cities.

# Council Compensation

- Committee unanimously agreed that Council compensation should be increased
- Increase in compensation would:
  - Enable a greater diversity of Council membership
  - Ensure continued strong commitment and professionalism
  - Reflect fairness and respect for the extensive work performed by members of the Council



# Council Compensation

## ■ **Recommendation:**

- Set Mayor's salary at Area Median Income for a three-person household
- Set Council members' salary at 2/3 of Area Median Income for a three-person household
- Permanently tie Mayor's and Council members' salaries to Area Median Income for a three-person household
- Consider establishing a penalty or reduction in salary for unexcused absences, to parallel a city-wide salary reduction or as otherwise determined by Council

# Council Compensation

## ■ Alternatives:

- A strong minority recommended a higher level of compensation at 140% of AMI for Mayor, 100% AMI for Council members
- At least two Committee members recommended Council utilize existing authority under Charter and state law to increase Council compensation
- Other options included tying Council salaries to (a) salary of County Supervisors, (b) average or lowest paid City employee, or (c) average of Council compensation in Santa Rosa's comparable cities

# Council Compensation

## ■ Existing authority:

- Charter Section 4 ties Council compensation to state law
- State law provides a schedule of compensation based on population of city
- For city the size of Santa Rosa, compensation is set at \$800 per month. Voters may approve higher rate.
- Council, by ordinance, may increase by 5% per year (not compounded), and increases may accumulate
- No change since 2005, so for 17 yr accumulation. 5% (\$40 per month) x 17 yrs = \$680 allowable monthly increase

# Council Compensation

- **Dollar figures for options** (highest to lowest):
  - Tie to Supervisors: Approximately \$161,000
  - Tie to Average City Salary: Approximately \$95,000,
  - 140% AMI: Mayor \$130,130, Council member \$92,950
  - **100% AMI: Mayor \$92,950, Council member \$61,347**
  - Average of Comparable Cities: approximately \$31,000 for Mayor, \$20,150 for Council member
  - Existing Authority: Mayor \$26,640, Council member \$17,760
  - Tie to Lowest City Wage: \$15.85 per hour

## 2.

# Ballot Measure to Align with District-Based Election of Council Members

# District-based Elections

- California Voting Rights Act prohibits at-large election of Council members, if a city experiences racially polarized voting
- In 2018, an independent analysis of multiple prior City elections revealed racially polarized voting
- In 2018, under threat of litigation, the Council adopted an ordinance to begin the transition to district-based elections



# District-based Elections

- Recommendation: Revise Section 4 to provide:
  - District-based election of Councilmembers
  - District boundaries set by ordinance
  - Decennial review of District boundaries following federal census in accordance with federal and state law
  - Additional review of District boundaries as required by law
- Revision will ensure compliance with state law

3.

# Ballot Measure to Provide for Charter Update and Modernization

# Frequency of Charter Amendments

## ■ 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”

# Responsibility for Emergency Management

- City Code currently designates the City Manager as the Director of Emergency Services
- Charter creates some ambiguity
- Recommendation: To avoid ambiguity, confirm responsibility of City Manager and Public Safety for leadership in times of emergency
- Amendments to four sections: Section 15 (Mayor), 18 (City Manager), 21 (Police Chief), 22 (Fire Chief)

# Flexibility for City Operations

- **Section 25: Board of Public Utilities**
  - Clarify that BPU's responsibility may, at Council's discretion, include stormwater and "dry" utilities, including electricity, broadband and others
- **Section 28: Budget**
  - Clarify that City Manager may propose a single year or multi-year budget, retaining all procedural provisions

# Clarification of Ambiguities

- Section 19: **City Attorney**
  - Clarify that required three years of California practice need not be immediately preceding appointment
- Section 32: **Council Member Recall**
  - Clarify that a vacancy created by recall will be filled as any other vacancy, in accordance with Section 31
- Section 37: **Deputy Officials**
  - Clarify that officers appointed by Council have the power to appoint their own deputies without need for confirmation by Council



# Gender and Citizenship Neutrality

- Recommendation by unanimous vote to revise Charter to ensure gender neutral language throughout
- Recommendation by unanimous vote to revise Charter to substitute “resident” for “citizen” throughout

# Questions?