

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: CHARTER REVIEW COMMITTEE FINAL REPORT AND
RECOMMENDATIONS

AGENDA ACTION: NO ACTION. FOR INFORMATION.

RECOMMENDATION

The Charter Review Committee has now completed its Final Report and Recommendations. The Report outlines the Committee's deliberations and states its recommendations on more than ten possible areas for Charter amendment, including Council compensation, directly elected Mayor, ranked choice voting, voting rights for noncitizens, district elections, Charter update and modernization, and others. Staff will present the Report and Recommendations and seek direction from the Council for next steps.

EXECUTIVE SUMMARY

This Study Session is to provide Council with an overview of the Charter Review Committee's Final Report and Recommendations following the Committee's six month review of the City Charter. The Report outlines the Committee's deliberations and states its recommendations on more than ten possible areas for Charter amendment, including Council compensation, directly elected Mayor, ranked choice voting, voting rights for noncitizens, district elections, Charter update and modernization, and others. Staff will present the Report and Recommendations and seek direction from the Council for next steps.

BACKGROUND

On August 17, 2021, by Resolution No. RES-2021-147, the Council directed the establishment of the Charter Review Committee and the initiation of the decennial review of the Charter in accordance with City Charter Section 12. The Council recommended that the Committee's review include the following specific issues for possible Charter Amendment:

- Directly elected at-large Mayor

CHARTER REVIEW COMMITTEE FINAL REPORT AND RECOMMENDATIONS

PAGE 2 OF 6

- Ranked choice voting
- Police auditor / Police citizen oversight commission
- Council compensation
- Climate change
- Diversity, equity and inclusion
- Excise taxes
- Regulation of rental properties
- Procurement policy reforms
- Board and Commission quorums
- Removal of Mayor or Council members for misconduct
- Two year budget process

The Council also encouraged proposals from the community, from City employees and from the Committee itself.

In accordance with Resolution No. RES-2021-147, the City Council appointed a Charter Review Committee composed of twenty-one individuals. Each Council member appointed three Committee members and the result was a diverse group of Santa Rosa residents, including diversity in age, race, gender, geography, interests and backgrounds.

The Committee convened its first meeting on November 17, 2021, and met every other week (with some adjustments for holidays) through to May 11, 2022. With limited time and resources, the Committee was not able to address all of the issues recommended by the Council, but prioritized those that (a) were possible only with a Charter amendment, and (b) had the greatest potential for positive impact. The Committee has now completed its work and has prepared a comprehensive report on its recommendations.

This study session will provide the opportunity for staff to present the Committee's report and recommendations.

PRIOR CITY COUNCIL REVIEW

On June 8, 2021, the Council held a study session on the charter review process and to receive information, ask questions and provide direction to staff.

On August 3, 2021, the Council held a study session to receive public input and discuss the procedures and options for review and potential update of the City Charter.

On August 17, 2021, the Council adopted Resolution RES-2021-147 establishing a Charter Review Committee and giving direction for the 2022 Charter Review.

On August 31, 2021, the Council adopted Resolution RES-2021-152 Amending Council Policy No. 000-06 to allow Council to waive certain provisions of that policy for

CHARTER REVIEW COMMITTEE FINAL REPORT AND RECOMMENDATIONS

PAGE 3 OF 6

appointments to a Charter Review Committee.

On August 31, 2021, the Council adopted Resolution RES-2021-153 waiving certain provisions of Council Policy No. 000-06 for appointments to the 2022 Charter Review Committee.

On October 12, 2021, the Council confirmed the Mayor's appointment of Patti Cisco as Chairperson of the City Charter Review Committee.

ANALYSIS

The Charter Review Committee has prepared recommendations on more than ten proposals for possible Charter amendments, summarized below. The Committee's Final Report outlines each proposal considered by the Committee and for each such proposal, sets forth a summary of the Committee's deliberations, including key pros and cons, and states the Committee's final recommendation and accompanying vote. The Final Report contains very helpful information and provides links to additional research and documents important for the analysis of the proposed Charter revisions.

The City Council has discretion to evaluate the Committee's recommendations and to determine which, if any, recommended Charter amendments it wishes to place on the November 6, 2022, ballot. Proposed amendments to the City Charter will become effective only if approved by a majority vote of the electors of the City of Santa Rosa and filed with the Secretary of State.

Depending on the nature of the proposed amendments, more than one ballot measure may be required. The final date for submission of ballot initiatives to the Registrar of Voters is August 12, 2022. Staff will seek direction from the Council at the end of the study session as to next steps.

As set forth in more detail in the Charter Review Committee's Final Report, the Committee's recommendations are as follows:

- A. Council Compensation: The Committee recommends that the City Council submit to the voters a ballot measure to increase compensation of Mayor and Council members. The Committee found that increased compensation would open the door for a greater diversity of Council member candidates and more fairly reflect the work and responsibilities of membership on the Council. The Committee recommends that: (1) Mayor's compensation shall be set at Area Median Income (AMI) for a three-person household; (2) Council members' compensation shall be set at two-thirds of AMI for a three-person household; (3) Mayor and Council member compensation shall be permanently tied to AMI for a three-person household, with annual adjustments; and (4) Council should consider providing for reduction in compensation for specified circumstances (for example, unexcused absences, city-wide salary reductions, etc.).

- B. Directly Elected Mayor: The Committee recommends against a proposed ballot measure to move from a Council-appointed Mayor to a directly elected Mayor. The Committee was divided, but a majority of those present recommend that the City hold off on any changes to the structure of the Council at this time, given the recency of the City's transition to District-based election of Council members and this year's redistricting of the existing Council districts. Concerns about potential impacts on equity were paramount. A minority of Committee members recommended moving forward with a ballot measure at this time, finding that the benefits of a Mayor elected by City-wide vote and answerable to the full community outweighed any possible disruption. Several of those voting to move forward conditioned their votes on the adoption of measures to mitigate potential impacts on equity.
- C. Ranked Choice Voting: The Committee considered, but ultimately rejected, a proposal to implement a system of ranked choice voting for the election of Council members. The Committee found that the high expense of instituting and operating the new system was not warranted, given the limited impact shown in recent elections in four Bay Area cities with ranked choice voting systems.
- D. Voting Rights for Noncitizens: The Committee recommends that the Council move forward to consider expanding local voting rights to noncitizens. The Committee urges the Council (a) to hold a study session to examine potential eligibility criteria, costs of the new system, options for implementation, the experience of other cities, and other key issues, and (b) to launch a robust community outreach and engagement to gauge the community's preferences and support.
- E. District Elections: The Committee unanimously recommends that Council place a measure on the ballot to ratify the City's district-based Council elections. The ratification would bring the City into compliance with the California Voting Rights Act.
- F. Charter Update and Modernization: The Committee considered a number of proposed revisions to update and modernize the City Charter, including the following:
 - 1. Council Vacancy Procedures: Although the Committee recognized the need to update procedures for the filling of Council vacancies, the Committee determined that those updates are best pursued through Council policy or ordinance. The Committee recommends no revisions to the Charter.

2. Frequency of Charter Amendments: The Committee strongly recommends that the Charter update include an amendment to Section 12 of the Charter to clarify that the Charter shall be reviewed every ten years, but that nothing in that section precludes additional amendments placed on the ballot by voter initiative or by Council ordinance at such other times as deemed necessary.
3. Responsibilities for Emergency Management: The Committee recommends that the Charter update include amendments to clarify the City Manager's and Public Safety's responsibility for leadership during emergencies and to remove possible ambiguities. The amendments will include revisions to Sections 15 (Mayor), 18 (City Manager), 21 (Police Chief) and 22 (Fire Chief).
4. Option for Two Year Budget: The Committee recommends that the Charter update include a revision to Section 28 (Budget) to clarify that the City Manager may propose a multi-year budget. All other provisions of Section 28 would remain unchanged.
5. Confirm Scope of Board of Public Utilities: The Committee recommends that the Charter update include a revision to Section 25 (Board of Public Utilities) to clarify that the Board's responsibilities may, at the Council's discretion, include stormwater and "dry" utilities, including electricity, broadband and others.
6. Clarification of Ambiguities: The Committee recommends minor revisions to Sections 19 (City Attorney), 32 (Council Member Recall) and 37 (Deputy Officials) to clarify City procedures.
7. Gender Neutrality: The Committee recommends that the Charter be revised as necessary to ensure all language in the Charter is gender-neutral.
8. Citizenship Neutrality: To strengthen inclusivity, the Committee recommends that the Charter be amended to replace the word "citizen" with the word "resident" throughout.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The Council finds that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under section 15061(b)(3) and 15378 in

CHARTER REVIEW COMMITTEE FINAL REPORT AND RECOMMENDATIONS
PAGE 6 OF 6

that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The Charter Review Committee was appointed and met at the Council's direction to review the Charter, study issues as recommended by Council, propose their own topics for discussion and make recommendations to Council for items to bring forward to the voters of the City of Santa Rosa in November 2022.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Charter Review Final Report to Council
- Attachment 2 – Attachments A – E to the Charter Review Final Report to Council
- Attachment 2 – Links to Documents Presented to the Charter Review Committee

CONTACT

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