

PROPOSED CHARTER AMENDMENTS

City Council
June 21, 2022

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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 24th.

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?