

CHARTER REVIEW COMMITTEE

FINAL REPORT AND RECOMMENDATIONS

City Council
May 24, 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.
- ❑ The Committee, appointed by the Council, is comprised of twenty-one individuals, diverse in age, race, gender, geography, interests and backgrounds.
- ❑ Highly engaged, the Committee has worked over the past seven months, reviewing and making key recommendations on possible Charter amendments.

Introduction

- Committee has now completed its Final Report and Recommendations.
- Staff will present a summary of the Report and Recommendations and will seek direction from the Council for next steps.

Issues Considered

- A. Council Compensation
- B. Directly Elected Mayor
- C. Ranked Choice Voting
- D. Voting Rights for Noncitizens
- E. District-Based Election of Council Members
- F. Charter Update and Modernization

Committee Recommendations

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. Motion failed on an 8-11-2 vote
- 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 salaries of:
(a) 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

Directly Elected Mayor

- Section 15 of the Charter provides for selection of the Mayor and the Vice Mayor by the Council
- The Council asked the Committee to consider whether to amend the Charter to provide for a directly elected Mayor (Mayor elected by city wide vote)
- After presentations and full discussion, the Committee voted to recommend *against* placing a measure on the ballot for transition to a directed elected Mayor. Vote was 10 – 7, with four members absent,

Directly Elected Mayor

- Those opposed to the proposal voiced multiple concerns:
 - Equity concerns were paramount
 - High costs of city-wide election precludes those less wealthy
 - Traditionally higher voter turnout in NE Santa Rosa would refocus election efforts to historically powerful areas
 - District-based elections have brought positive change for diversity, equity, inclusion and belonging; moving to at-large election of Mayor would be a step backward
 - A “solution in search of a problem” – Mayors have properly balanced their dual role.
 - Problematic timing – recency of districting / redistricting

Directly Elected Mayor

- Those supporting the proposal voiced advantages:
 - Directly elected Mayor is a powerful symbol and focal point
 - Directly elected Mayor speaks for the entirety of the community
 - Directly elected Mayor would encourage greater voter engagement
 - Directly elected Mayor would be better regarded by state and federal officials and at conferences of mayors
 - Would allow voters to vote for two representatives on the Council

Directly Elected Mayor

- Many of those supporting a directly elected Mayor voiced concerns about the potential impacts on diversity, equity and inclusion
- Urged that any ballot measure be linked to measures to mitigate those impacts
- Possible mitigations:
 - Term limits
 - Two year Mayor term
 - Allowance for noncitizens to vote

Ranked Choice Voting

- In current City system, voters vote for single candidate
- In Ranked Choice Voting, voters rank candidates in order of preference
- To begin, only first choice votes are counted
- If no candidate wins a majority, candidate with fewest votes is eliminated
- Ballots of the eliminated candidate are re-examined, the first choice votes discarded and the second-choice votes are now counted

Ranked Choice Voting

- The rounds continue until one candidate wins a majority of the votes cast in that round
- The Committee heard from the Registrar of Voters as to logistics and costs of a Ranked Choice Voting system
- The Committee heard from the City Attorney as to results of Ranked Choice Voting in four Bay Area cities

Ranked Choice Voting

- Estimated costs include a one-time investment in software of approximately \$350,000
- Plus annual processing costs of approximately \$70,000 per year
- Four Bay Area cities currently use Ranked Choice Voting
- Out of 32 elections in those cities in 2018 and/or 2020, Ranked Choice Voting changed the outcome in one election

Ranked Choice Voting

- Due to the costs, complexity and limited impact, the Committee voted 17 to 3 against pursuit of a ballot measure for Ranked Choice Voting
- Those that still favored Ranked Choice Voting suggested that it would ensure broadly-accepted winning candidates, would encourage voters to look closely at the full slate of candidates, and could prove important in the future

Voting Rights for Noncitizens

- Suggested by Committee members and broadly supported by the Committee as a whole
- Those that live, work and pay taxes in Santa Rosa should have a voice in how the City is governed
- Nothing in federal or state law precludes a local government from expanding the right to vote in their own elections
- Would require a Charter amendment

Voting Rights for Noncitizens

- Strengthens communities and promotes engagement, investment and belonging
- Absent voting rights, taxation without representation
- When a segment of the community is excluded from voting, heightened risk of discriminatory policies
- Given high costs and long waiting periods for naturalization, prohibiting noncitizen voting is unjust and unnecessary

Voting Rights for Noncitizens

- Logistical and cost considerations
- Would require entirely separate City voter database, ballot and procedures
 - Separate voting registration system for noncitizens
 - Separate development, publication and distribution of ballot containing only City elections
 - Separate voting procedures and mechanics
 - County cannot assist
 - Costs unknown at this time

Voting Rights for Noncitizens

- Risks of potential legal challenge
- Possible immigration risks to individuals who participate
- Numbers of participants in recent SF elections have been relatively small

Voting Rights for Noncitizens

- **Recommendation** (unanimous vote):
 - Move forward with consideration of expanding voting rights to noncitizens, including:
 - Study Session
 - Robust community outreach and engagement
 - Note: Half of those present would have preferred to set a deadline of 2026 for the ballot measure

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 state law
 - Additional review of District boundaries if structure of Council is revised
- Revision will ensure compliance with state law

Charter Update and Modernization

Council Vacancy Procedures

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

Council Vacancy Procedures

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

Council Vacancy Procedures

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

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
- **Section 44: Contract Procurement**
 - Revise to allow for flexibility and innovation in contracting for public works, equipment and supplies

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

Other Issues Considered

- Committee prioritized those items that would require a Charter amendment to move forward
- Set aside for the moment those that could be accomplished by ordinance, resolution or City initiative
- Due to constraints of time and resources, did not pursue discussion of:
 - Community Advisory Board (CAB)
 - Strong Mayor
 - Lower Threshold for Ballot Initiatives

Questions?