

**SENNEFF
FREEMAN &
BLUESTONE, LLP**

MICHAEL D. SENNEFF
BONNIE A. FREEMAN
MARSHALL E. BLUESTONE

50 OLD COURTHOUSE SQUARE • SUITE 401 • P.O. BOX 3729 • SANTA ROSA CA 95402 • (707) 526-4250 • FAX (707) 526-0347 • www.sennefflaw.com

May 16, 2012

Mayor Ernesto Olivares
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Vice Mayor John Sawyer
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Council Member Scott Bartley
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Council Member Jake Ours
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Council Member Susan Gorin
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Council Member Marsha Vas Dupre
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Council Member Gary Wysocky
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Re: Report and Recommendations of Charter Review Committee of 2011/2012

Dear Mayor Olivares and Members of the Council:

In August, 2011, the Council established a Charter Review Committee of 21 members. The Council requested that the Committee direct its attention to the issues of District Elections, directly elected Mayor, Public Works competitive bidding process to allow design-bid projects, Binding Arbitration for public safety, Pensions, clarification on the role of the Community Advisory Board and the issue of potential consecutive two-year terms for a Mayor under limited circumstances. The Council indicated to the Committee that it should provide such additional recommendations to the Council for proposed changes to the Charter as the Committee deemed appropriate.

The Committee met on a bi-weekly basis from September 29, 2011 to May 10, 2012. All meetings were from 5:00 p.m. to 7:00 p.m. at the Utility Field Operations building and provided the public the opportunity to make public comment at the start of each meeting. The Committee held a well-attended community forum on March 10, 2012. The Committee reached out where possible, to consultants, other public officials and interested groups. The Board of Community Services made a presentation on the Community Advisory Board on January 5, 2012.

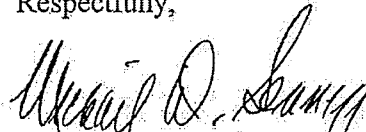
Mayor Olivares and
Members of the Council
May 16, 2012
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We experienced good participation by the Committee Members. As expected, the Members brought different perspectives and experiences to the process and readily expressed their views. It was a strong Committee composed of people actively interested in the issues and our Community. The Committee attempted to be sensitive to the fine line between suggesting changes to the Charter versus establishing policy for the City. The enclosed report reflects the Committee's Recommendations on the issues with which it was charged, as well as a couple that it identified as needing to be addressed. The Report reflects the voting. Each Committee Member was given the opportunity to submit a one-page letter to the Council to accompany this Report.

Special thanks has been extended by the Committee to the City Attorney Caroline Fowler and her colleagues at the City staff. The constrained budget times that we are experiencing placed a much greater burden on Ms. Fowler and the City staff to gather and make available to the Committee information to assist it in its analysis. Ms. Fowler "stayed right on it" and did not "skip a beat" in providing necessary information to the Committee. It has been a pleasure working with Ms. Fowler and the City staff. They made this year's review much more productive than it might otherwise have been.

From a personal standpoint, I have appreciated the privilege and opportunity to assist the City with this important public task and thank you for such. Because of a family commitment out-of-state, I will not be able to be present as this report is initially presented to the Council. I will happily answer any questions about the process or the Report. I wish the Council and the Community well in your deliberations and decisions.

Respectfully,


Michael D. Senneff
Chair

MDS/nlp

Enclosure

cc: Caroline Fowler
Members of Charter Review
Committee (*via email only*)

**RECOMMENDATIONS OF THE
CHARTER REVIEW COMMITTEE**

MAY 2012

CITY OF SANTA ROSA, CALIFORNIA

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Attachment

A	Summary of Votes
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I. SUMMARY OF RECOMMENDATIONS¹

The Charter Review Committee submits the following recommendations to the City Council for amendments or additions to the City Charter. A detailed discussion of the recommendations is set forth below. Members were provided an opportunity to submit additional comments for the Council's consideration either for or against the recommendations of the Committee. These comments are attached as Attachment E. The recommendations are summarized as follows:

- A. The Committee recommends that the City Council submit the issue of District Elections to the voters to determine whether the citizens desire to change the manner in which Council members are elected from at large elections to district elections. The Committee did not make a recommendation whether to change the manner in which Council members are elected.
- B. The Committee recommends that the current Binding Arbitration language of Section 56 be amended as set forth in Attachment B. The recommended language was developed by a Subcommittee which met with representatives of the Public Safety bargaining units, the Human Resources Director and the City Attorney.
- C. The Committee recommends keeping the current system for election of the Mayor.
- D. The Committee recommends that Section 49 be amended to authorize the City to use other IRS approved retirement systems in addition to PERS.
- E. The Committee recommends reordering and changes to Sections 6, 15, 30 and 31 to clarify and to be consistent with State law. The proposed amendments would extend the time for appointment of a Council member by the Council to fill a vacancy from 30 days to 60 days. The proposed amendments also add language regarding the application of the term limits when a Mayor fails to complete his/her term.
- F. The Committee recommended leaving the issues relating to the Community Advisory Board (CAB) to be resolved by the City Council and CAB.
- G. The Committee recommended that the language in Section 28 "Budget" be amended as requested by the Chief Financial Officer to allow for the public hearing on the budget to be conducted no later than March 31 of each year and prior to Council goal setting.
- H. The Committee voted to add language to Section 33 of the Charter relating to Public Library to indicate that such services could be provided through a Joint Powers Authority with other Public Agencies.
- I. The Committee recommended a section be added to the City Charter to authorize the use of Design Build Procurement.

¹ A summary of the substantive votes of the Committee is attached as Attachment A.

- J. The Committee recommended that Section 12 "Charter Review Committee" be revised to clarify the timing of the Charter Review and to provide that the Committee shall be appointed in accordance with the participation and diversity requirements of Section 11 of the Charter and other Council policies on the appointment of boards, commissions and committees.

II. BACKGROUND

In accordance with Section 12 of the Santa Rosa City Charter, the City Council appointed a Charter Review Committee (Committee). The purpose of the Charter Review Committee (Committee) is to review and examine the Charter and recommend to the Council whether any amendments should be made to the Charter.

The Council established the Committee on August 2, 2011 by Resolution No. 27956. (http://ci.santa-rosa.ca.us/doclib/agendas_packets_minutes/city_council/Resolutions/20110808_CC_Resolution27956.pdf.) The Committee is comprised of three appointees by each Councilmember, for a total of 21 members. The Council appointed the following members to the Charter Review Committee:

- Chair, Mike Senneff (Appointed by Olivares)
- Tony Alvernaz (Appointed by Ours)
- Bob Andrews (Appointed by Wysocky)
- Bill Arnone (Appointed by Olivares)
- Doug Bosco (Appointed by Sawyer)
- Ann Gray Byrd (Appointed by Vas Dupre)
- Bill Carle (Appointed by Wysocky)
- Pamela Chanter (Appointed by Bartley)
- Patti Cisco (Appointed by Bartley)
- Janet Condrón (Appointed by Ours)
- Pat Fruiht (Appointed by Sawyer)
- Wayne Goldberg (Appointed by Gorin)
- Curt Groninga (Appointed by Bartley)
- Denise Hill (Appointed by Wysocky)
- Donna Jeye (Appointed by Olivares)

- Ida Johnson (Appointed by Vas Dupre)
- Terry Price (Appointed by Gorin)
- Sonia Taylor (Appointed by Vas Dupre)
- William Steck (Appointed by Gorin)
- Herb Williams (Appointed by Ours)
- Sharon Wright (Appointed by Sawyer)

Committee Task and Meetings:

The Council requested as part of the resolution that the Committee specifically review a number of subjects including, but not limited to: District Elections (discussed during last two Charter Reviews, Directly Elected Mayor (discussed during last two Charter Reviews), Public Works Competitive Bidding Process to allow Design-Build projects (briefly discussed during last Charter Review), Changes to competitive Bidding process and allow for opportunities allowed under State law, Binding Arbitration for Public Safety, Pensions, Clarification of prohibition on consecutive two year terms for successor Mayor if a Mayor does not complete the two year term, and clarification of the Role of the Community Advisory Board (CAB).

The Council further directed that the Committee should make such additional recommendations as it determines appropriate to the Council regarding any proposed changes to the Charter.

The Committee met from September 29, 2012 through May 10, 2012. Attachment F reflects the attendance of the Committee members at the meetings. The Committee received information from the City Attorney, City Staff and outside speakers on the various topics under discussion as detailed below. The written information provided to the Committee is available at <http://ci.santa-rosa.ca.us/government/Pages/CharterReview.aspx>.

The Committee voted on issues as they were presented. At the conclusion of the Committee's review of topics, the Committee voted 14-1 to allow the votes to stand as the final votes of the Committee. Members of the Committee were provided an opportunity to provide additional written comments of up to one page as an attachment to this report if they wished to state a minority position or provide other information for the Council's consideration. The Committee Members' comments are attached as Attachment E.

Chair and Staffing:

The Council designated Mike Senneff as the Chairperson for the Committee to preside over the meetings. The Committee elected Bill Carle as First Vice Chair and Bill Arnone as Second Vice Chair to serve in the absence of the Chair.

The City Attorney, Caroline Fowler, and her office provided legal advice, agenda preparation, information gathering, and arrangement for guest speakers. The City Attorney's Office and the

City Clerk's Office provided staff support for meeting notification, meeting minutes, and other clerical support.

Public Outreach:

All meetings of the Committee were held at 5 p.m. at the Utility Field Operations Building and noticed in accordance with the Brown Act. There was an opportunity at the beginning of each meeting for members of the public to make public comment to the Committee.

The Committee held a Community Forum on March 10, 2012 to seek additional community input. A half page ad for the community forum was donated by the Press Democrat and notice was distributed to community groups of the meeting in addition to regular announcements at the City Council Meeting. Approximately 45 members of the community addressed the Committee and approximately 100-150 people were in attendance.

A webpage was created for the Charter Review Committee. Information that was provided to the Committee, agendas and minutes were posted on the webpage <http://ci.santa-rosa.ca.us/government/Pages/CharterReview.aspx>. An email account was established for the committee to provide another method for community input. Approximately 160 emails were received of which 145 were email petitions that were circulated to support district elections. All emails received were provided to the Committee.

III. COMMITTEE RECOMMENDATIONS

A. DISTRICT ELECTIONS

The Committee heard a presentation from National Demographics regarding district elections which summarized the demographics of Santa Rosa, the pros and cons of district elections, other jurisdictions with district elections and a brief overview of the Federal and California Voters Rights Act. The issue of district elections was also the main issue commented on by members of the public at the community forum. Forty six (46) people spoke on the issue of district elections at the community meeting. Forty four (44) of the speakers either supported district elections or advocated to let the voters decide the issue. One person spoke against district elections. One person spoke against district elections but was not opposed to letting the voters decide the issue. The Committee also received approximately 145 email petitions urging the Committee to support district elections.

The Committee also received information from Janice Atkinson, the County Registrar of Voters as to the reduced costs for the City and for candidates of moving from at large elections to district elections.

The Committee discussed the issue of district elections at some length. Although a number of Committee members expressed their opposition to district elections and therefore did not wish to recommend proposed language to amend the Charter to provide for district elections, they voted in favor of submitting the issue to the voters. Other members of the Committee felt it was not the role of the Committee to make recommendations to the Council other than proposed

amendments to the Charter. Some members who spoke in favor of district elections wanted the committee to make specific recommendations on charter language and therefore voted against the motion to place the issue on the ballot.

The Committee voted 10-9 to recommend that the City Council place the issue of District Elections² on the ballot and let the voters decide whether to change the manner in which Council members are elected.

B. BINDING ARBITRATION

The Committee was provided with information as to which cities currently have binding arbitration and which cities had rescinded or modified binding arbitration provisions. The Committee was also provided with information regarding AB 646 which would control labor negotiations with the Public Safety Bargaining Units if binding arbitration were to be repealed. Representatives from the Public Safety Bargaining units indicated a willingness to discuss changes in the binding arbitration section. The Committee voted to appoint a subcommittee to meet with the public safety bargaining units to discuss what changes they would agree to. The Chair appointed members Sonia Taylor, Curt Groninga and Tony Alvernaz to the subcommittee. Public Safety representatives who participated in the discussions were Tim Aboudara and Alan Schellerup. The City Attorney and Fran Elm, the Human Resources Director, also participated in the meetings. The subcommittee met approximately 6 times and presented a draft revision of the Charter Language (Attachment B) to the Committee for its consideration. The Public Safety representatives submitted a letter (Attachment C) indicating that they would support the proposed amendment to the Charter.

One member of the Committee felt strongly that binding arbitration should be repealed and urged the Committee to recommend its repeal.

The Committee voted 11-3 to accept the language of the Subcommittee.

The Committee voted 3-11 to repeal binding arbitration.

The Committee voted 11-3 to recommend that the City Council amend the City Charter provision on binding arbitration to the language proposed by the Subcommittee.

C. DIRECTLY ELECTED MAYOR

The Committee had the opportunity to hear from former and current members of the Petaluma City Council (Supervisor David Rabbitt, Former Mayor Pam Torliatt and Mayor David Glass) who have a directly elected Mayor.

The Committee did not feel there was any advantage at this time to having a directly elected mayor.

² The motion as phrased was "to reconsider at large elections".

The Committee voted 19-0 not to recommend changes to the manner in which the Mayor is elected.

D. PENSIONS

The Committee was provided a copy of the Pension Task Force Report including the recommendation that the Charter language in Section 49 be amended to authorize the use of pension systems other than Public Employment Retirement System (PERS). The Committee was advised that the City would be required by law to meet and confer with its employee bargaining units to negotiate any changes to the retirement benefits for its employees and that the City could not change the PERS regulations by Charter Amendment. The proposed amendment does not alter retirement benefits for employees but only provides flexibility for the City to explore and negotiate other possible retirement options in the future.

The Committee voted 19-0 to amend Section 49 of the Charter to read as follows:

“Sec. 49. Pensions. If and when any such coverage is possible under the laws of the State of California and the laws of the United States, the Council may provide for inclusion of City employees, officials or members of the police or fire department in the benefits of the Federal Social Security Act as now or hereafter amended or superseded, and the Council may for and on behalf of the City, enter into such contracts or agreements with the State of California or the federal government of the United States or any agency, department or officer of the state or federal government, make such payments, incur such obligations and take such other action as necessary to accomplish coverage of City employees, officials or members of the police or fire department under the Federal Social Security Act.

The Council may enter into a contract with the Board of Administration of the state's Public Employees' Retirement System or other Retirement Systems or fiduciary providing for IRS qualified retirement and death and disability benefits plans for persons in the employ of the City. ~~, to the full extent authorized by the state Employees' Retirement Act or by said Act as now or hereafter amended or superseded, and a tax sufficient for such participation may be levied by the Council in addition to taxes authorized elsewhere in this charter and irrespective of any other provisions of this charter.~~

~~No pensions of any kind or character other than as provided in this section provided shall be awarded or paid to any active or retired City official or employee unless provided for by an initiative ordinance adopted by the electors of the City or required by state or federal law applicable to charter cities.”~~

E. ADDITIONAL RECOMMENDATIONS TO CLARIFY CHARTER LANGUAGE RELATING TO THE CITY COUNCIL AND MAYOR

The Committee also reviewed a number of changes recommended by the City Attorney and City Clerk to reorganize sections of the Charter with respect to the City Council as shown in the redline changes attached as Attachment D. For example, the language regarding the seating of the new Council after an election was placed under the section on “Elections” rather than its

current location under "Meetings of the Council". Similarly the process for election of the Mayor was moved from "Meetings of the Council" to the section on "Mayor". Additionally, the language regarding the timing of the seating of the new city Council after an election was clarified to be consistent with the provisions under the Government Code and Election Code³.

The time for appointment by the Council to a vacant Council seat under Section 31 was also recommended to be extended from thirty (30) days to sixty (60) days to be consistent with revised state law⁴. The language for petitioning for a special election after Council appointment was deleted as outdated. Citizens may follow procedures set forth in Section 32 to seek referendum on such decision in accordance with State law.

Lastly, the Committee recommended that language be added to Section 15 regarding the term limits for the position of Mayor to clarify that if a Mayor fails to complete a full term, the Council member elected to fill out the remainder of the unexpired term shall not be barred from serving a consecutive term as Mayor thereafter if the remaining term filled was one year or less.

F. COMMUNITY ADVISORY BOARD

The history of the creation of the Community Advisory Board was reviewed. Members of the Community Advisory Board provided a presentation on the activities of the Community Advisory Board. The City Manager and the Chair of the Community Advisory Board also advised the committee that the Council and the Community Advisory Board had a joint study session and were working on clarifying the roles and responsibilities of the Community Advisory Board.

The Committee voted 18-1 to leave the issue of the Community Advisory Board to the Council and the CAB to resolve.

G. BUDGET ISSUES

The Chief Financial Officer made a presentation to the Committee regarding the budget process and answered questions relating to auditing of the City's financial records. The Chief Financial Officer recommended that the language in Section 28 regarding the timing of the Public Hearing on the budget be changed from January to not later than March 31 and prior to Council goal setting. Changing the date of the public hearing would provide greater flexibility and allow for more information to be developed prior to seeking public input. The Committee was advised that there has not been significant public participation at the January hearing. The proposed changes to Section 28 are included in Attachment D.

H. PUBLIC LIBRARY

The Committee recommended adding language to Section 33 of the Charter to provide that Public Library Services could be provided through a Joint Powers Authority with other public

³ Elections Code Section 10260 and Government Code Section 36801.

⁴ Government Code Section 36512

agencies. The current library services are being provided through a Joint Powers Authority. The proposed changes to Section 33 are shown in Attachment D.

I. DESIGN BUILD PROCUREMENT

A presentation was made to the Committee by the Public Works Department, Recreation, Parks and Community Services and Utilities which recommended the addition of language to the Charter which would allow for the use of Design Build as an alternative procurement method for city projects. The proposed amendment based on the City of Riverside Charter Language would provide for the Council to establish by ordinance the criteria to determine when the use of design build method would be appropriate.

Some Committee members expressed the desire for further information on the design build process before voting to add the proposed amendment. Additional information was provided at the next meeting although the Committee moved forward with the recommendation.

The Committee voted 12-6 to add Section 58 to the City Charter as follows:

Sec. 58 Use of design-build procurement for public works projects.

Notwithstanding any provision to the contrary in the California Public Contract Code, in Charter Section 44, or any other law or regulation of the City of Santa Rosa, the use of design-build procurement by competitive negotiation is authorized. The City Council shall establish by ordinance regulations for the award, use and evaluation of such design-build contracts, in which the design and construction of a public works project are procured from a single entity.

J. CHARTER REVIEW COMMITTEE

The Committee discussed Section 12 of the Charter regarding the frequency of the Charter Review and the lack of direction regarding appointments to the Committee. The Committee felt that it was important that the Charter Review Committee should be diverse but recognized the challenges of being too specific about how the Committee should be appointed. The Committee also recognized the challenges presented by the Brown Act which preclude Council members from talking amongst themselves regarding their appointments. The Committee therefore recommends that the language be amended to require that appointments be made consistent with Council policy on appointments to boards, commissions and committees and consistent with Section 11 of the Charter regarding participation and diversity in appointments to boards and commissions.

There was also a difference of opinion regarding the interpretation of the language in the Charter regarding frequency of the Charter review and the Committee felt the language should be clear that the Charter should be reviewed every 10 years.

The Committee voted 15-0 to amend Section 12 of the Charter. The proposed revision is set forth in Attachment D.

K. SCHOOL BOARD

At the request of the Committee, City Attorney Fowler requested input from the School Board as to whether it felt there was any need to amend Section 29 of the Charter with respect to Santa Rosa School Districts. The School Board did not recommend any changes to the current language. The Charter Committee therefore did not recommend any amendments to this section.

Respectfully submitted,

SANTA ROSA CHARTER REVIEW
COMMITTEE 2012

By: _____


Mike Senneff, Chair

Attachment A

2012 Charter Review Committee – Motions

<u>Date</u>	<u>Motion</u>	<u>Pass</u>
11/3/11	Revise Language to Sec. 49 Pensions to provide greater flexibility for the City. Absent: Wright, Chanter Ayes: Senneff, Jeye, Arnone, Fruiht, Bosco, Goldberg, Price, Steck, Alvernaz, Condrón, Williams, Cisco, Groninga, Taylor, Byrd, Johnson, Andrews, Hill, Carle Nays: none	Pass 19-0
3/15/12	Recommend to City Council that they put a vote to the people to reconsider at large elections. Absent: Wright, Groninga Ayes: Jeye, Goldberg, Steck, Williams Chanter, Taylor, Byrd, Johnson, Hill Carle. Nays: Senneff, Arnone, Fruiht, Bosco Price, Alvernaz, Condrón, Cisco, Andrews.	Pass 10-9
3/15/12	No change to Charter to language regarding the election of the mayor. Absent: Wright, Groninga Ayes: Senneff, Jeye, Arnone, Fruiht, Bosco, Goldberg, Price, Steck, Alvernaz, Condrón, Williams, Chanter, Cisco, Taylor, Byrd, Johnson, Andrews, Hill, Carle Nays: none	Pass 19-0
3/29/12	Recommend leaving the issue of the Community Advisory Board (CAB) to the council and CAB to resolve. Absent: Bosco, Goldberg Ayes: Senneff, Jeye, Arnone, Wright, Price, Steck, Alvernaz, Condrón, Williams, Chanter, Cisco, Groninga, Taylor, Byrd, Johnson, Andrews, Hill, Carle Nays: Fruiht	Pass 18 - 1
3/29/12	Amend charter to allow use of design build procurement process. Absent: Bosco, Goldberg, Fruiht Ayes: Senneff, Jeye, Arnone, Wright, Alvernaz, Condrón, Williams, Chanter, Cisco, Groninga,	Pass 12- 6

Andrews, Carle
Nays: Price, Steck, Taylor, Byrd, Johnson, Hill

- | | | |
|---------|---|-----------|
| 4/12/12 | Recommend to change date of public hearing to be no later than March 31 and prior to any council goal setting.
Absent: Jeye, Fruiht, Chanter, Cisco Groninga, Carle, Arnone
Ayes: Senneff, Wright, Bosco, Goldberg, Price, Steck, Alvernaz, Condron, Williams, Taylor, Byrd, Johnson, Andrews, Hill
Nays: none | Pass 14-0 |
| 4/12/12 | Motion to accept language of subcommittee on binding arbitration.
Absent: Jeye, Fruiht, Chanter, Cisco, Groninga, Carle, Arnone
Ayes: Senneff, Wright, Bosco, Goldberg, Price, Steck, Alvernaz, Condron, Williams, Taylor, Hill
Nays: Byrd, Johnson, Andrews | Pass 11-3 |
| 4/12/12 | Repeal binding arbitration.
Absent: Jeye, Fruiht, Chanter, Cisco, Groninga, Carle, Arnone
Ayes: Byrd, Johnson, Andrews
Nays: Senneff, Wright, Bosco, Goldberg, Price, Steck, Alvernaz, Condron, Williams, Taylor, Hill. | Fail 11-3 |
| 4/12/12 | Amend binding arbitration language in charter with language proposed by subcommittee.
Absent: Jeye, Fruiht, Chanter, Cisco Groninga, Carle, Arnone
Ayes: Senneff, Wright, Bosco, Goldberg, Price, Steck, Alvernaz, Condron, Williams, Taylor, Hill
Nays: Byrd, Johnson, Andrews | Pass 11-3 |
| 4/19/12 | Adopt language clarifying council vacancies and elections.
Absent: Wright, Bosco, Groninga | Pass 18-0 |

Ayes: Senneff, Jeye, Arnone, Fruiht,
Goldberg, Price, Steck, Alvernaz, Condron,
Williams, Chanter, Cisco, Taylor, Byrd,
Johnson, Andrews, Hill, Carle.
Nays: None

4/19/12	Accept modification language to Section 33 – Library. Absent: Wright, Bosco, Groninga Ayes: Senneff, Jeye, Arnone, Fruiht, Goldberg, Price, Steck, Alvernaz, Condron, Williams, Chanter, Cisco, Taylor, Byrd, Johnson, Andrews, Hill, Carle. Nays: None	Pass 18-0
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4/19/12	Accept revision to Section 12- Charter Review. Charter shall be reviewed every 10 years, beginning in 2002 and reference Section 11 and Council Policy on appointments. Absent: Wright, Bosco, Groninga Ayes: Senneff, Jeye, Arnone, Fruiht, Goldberg, Price, Steck, Alvernaz, Condron, Williams, Chanter, Cisco, Taylor, Byrd, Johnson, Andrews, Hill, Carle. Nays: None	Pass 18-0
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Attachment B

Sec. 56. Impartial and Binding Arbitration for Police and Fire Department Employee Disputes.

(a) It is hereby declared to be the policy of the City of Santa Rosa that strikes by firefighters and police officers are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes. It is further acknowledge that strikes by firefighters and police officer are unlawful in the State of California.

(b) Prohibition Against Strikes. No City of Santa Rosa police department employee or fire department employee shall willfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) In the event that the City and any employee organization that is recognized by the City as the exclusive representation unit or representation units composed solely of employees of the police department and/or fire department, as such units are currently constituted or as they may be amended through negotiation or arbitration as provided in this section, fail to reach agreement on a memorandum of understanding after negotiating in good faith as required by the Meyers Milas Brown Act, Government Code §3500 et seq., then either party may request that the issues be submitted to binding arbitration. Except as otherwise provided in this section to the contrary, all provisions of the Meyers Milas Brown Act shall apply to the negotiations and impasse procedures between the City and said employee organizations.

(d) In the event that the City and any employee organization that is recognized by the City as the exclusive representative of a representation unit or representation units composed solely of employees of the police departments and/or fire department, as such units are currently constituted or as they may be amended through negotiation or arbitration as provide in this section, fail to resolve any grievance over the application or interpretation of any provision in the memorandum of understanding between the City and said employee organization, except for any issue relating to discipline of an individual employee or employee(s), either party may request submission of the grievance to binding arbitration for final resolution.

(e) The City and the representatives of the employee organization may stipulate to have the issues resolved by a single arbitrator agreed upon by the parties. If the parties are unable to agree to a single arbitrator, then within fourteen days after either party has notified the other in writing that it desires to proceed to arbitration; each party shall select and appoint one arbitrator to the Arbitration Board. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the employee organization cannot agree upon the selection of the neutral within ten days after the appointment

of the arbitrators referenced above, then either party may request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and the Chairperson of the Board.

(f) The Arbitrator(s) in arriving at a decision shall consider the factors set forth in Government Code Section 3505.4 (d) in the following order of priority and importance:

- (1) State and federal laws that are applicable to the City;
- (2) Local rules, regulations, or ordinances;
- (3) Stipulations of the parties;
- (4) The interests and welfare of the public and the financial ability of the City as these terms are defined in paragraph (g) below;
- (5) Comparison of the wages, hours, and conditions of employment of the employees involved in the arbitration with the wages, hours, and conditions of employment of other employees performing similar services in comparable cities.
- (6) The consumer price index for goods and services, commonly known as the cost of living.
- (7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

(g) The interests and welfare of the public and the financial ability of the City to pay shall be determined based on an evaluation of evidence submitted by both parties based on all of the following criteria:

1. The documented cost of the respective proposals submitted by both parties to the general fund and other dedicated public safety funding sources.
2. A genuine general fund budget deficit of the City;
3. Inability of the City to pay its debts to third parties;
3. Legislative Action by the City declaring a financial emergency;
4. Long term cash flow problems in the general fund or other dedicated public safety funding sources;

5. The City's bond rating and inability to sell bonds and other obligations at a reasonable interest rate;
6. Decline in general fund or other dedicated public safety tax revenues over a period of years;
7. Documented increases or decreases in benefit costs or other City mandatory expenditures in the general fund or other dedicated public safety funding sources;
8. Projected costs to the general fund of pending litigation against the City;
9. Condition of the City's physical infrastructure, especially safety and liability issues arising from poorly maintained facilities;
10. Reduction in the number of positions by attrition and layoffs of employees in the two fiscal years prior to the fiscal year under negotiation;
11. Layoffs proposed for the fiscal year under negotiation
12. Consideration of salary and benefit increases or decreases to other City general fund employees in the fiscal year prior to the year (s) under negotiation and the current fiscal year(s) at issue;
13. The relative wealth of the City when comparing general fund revenue per capita with the comparable agencies;
14. If the proposed contract is a multiyear contract, the arbitrator must consider ability to pay over the life of the contract being arbitrated.

(h) The decision of the Arbitrator(s) shall provide a written explanation as to the application of the factors set forth above in the decision. Compliance with the provisions of the Charter shall be mandatory and enforceable by either party pursuant to Section 1085 of the Code of Civil Procedure; failure to comply with these provisions shall also constitute an act in excess of jurisdiction.

(i) After reaching a decision, the Arbitrator(s) shall mail or otherwise deliver a true copy of its decision to the parties. The decision shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitrator(s). At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitrator(s), as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to conform or approve the decision of the Arbitrator(s) shall be permitted or required.

(j) The expenses of any arbitration proceeding convened pursuant to this Section, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

(k) The terms and language of this Section have been conceived in good faith and based on best known practices and applicable law at the time of its creation; however if after adoption any portion of this Section should be enjoined or declared invalid or otherwise vacated, other than by a vote of the electorate, the court shall determine whether the disputed portion of this Section is severable from the remaining portions of this Section and whether the remaining portions of this Section without the disputed portion maintains the intent of the votes in adopting this Section. The court shall set forth the basis for its determination on this issue as part of any judgment which invalidates any portion of this section.

Attachment C

SRPMA
Santa Rosa Police
Management Association

SRPOA
Santa Rosa Police
Officers Association

SRFF
Santa Rosa Fire
Fighters Association

April 12, 2012

Chairman Senneff and Members of the Charter Review Committee,

Tonight you are being presented with proposed language changes to the Impartial Binding Arbitration section of our City's Charter. This document is the result of thorough and extensive work by members of the Charter Review Committee, City Staff and Public Safety Labor Leaders.

It is our feeling that all of the Binding Arbitration Sub-Committee members clearly heard the Charter Review Committee's concerns with the current language and the Sub-committee attacked each of the items head on. There was long discussion and debate about many of the things contained, and not contained, in the current charter's language, which included;


- Research and review of Binding Arbitration
- Related language from other jurisdictions
- Focused discussion on revising the language in a manner which all parties could support.

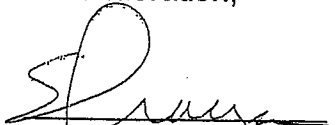
It is our feeling that the charter language revisions being brought forward tonight represent a fair and responsible change that addresses the concerns of the Charter Review Committee and still accomplishes the goal of providing a fair and timely resolution to disputes between Public Safety Labor and the City.

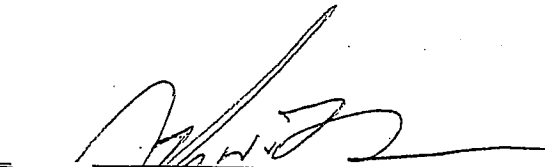
Santa Rosa Fire Fighters, Santa Rosa Police Officers, Santa Rosa Public Safety Managers and Santa Rosa Police Technicians stand in support of the revisions being presented by the Binding Arbitration Sub-Committee.

While we stand in support of the language changes as they are currently revised, any other changes would need to be review by the sub-committee prior to our support in the final approval process.

Thank you for you time and consideration,


Alan Schellerup
President, SRPOA


Steve Fraga
President, SRPMA


Jack Thomas
President, SRFF local 14

Attachment D

**CHARTER
of the
CITY OF SANTA ROSA
CALIFORNIA**

Ratified by the voters of Santa Rosa and the Santa Rosa High School District on November 8, 1994. Accepted and filed by the Secretary of State on December 30, 1994. Effective December 30, 1994.

Amended by the addition of Section 58, which was ratified by the voters of Santa Rosa on March 26, 1996, and accepted and filed by the Secretary of State on May 15, 1996. Effective May 15, 1996.

Multiple amendments, including renumbering of certain sections, were ratified by the voters of Santa Rosa on November 5, 2002, and accepted and filed by the Secretary of State on January 21, 2003. Effective January 21, 2003.

CHARTER OF THE CITY OF SANTA ROSA

- Sec. 1.** **Name.** The municipal corporation now existing and known as the City of Santa Rosa remains and continues to be a body politic and corporate as at present, in name, in fact, and in law.
- Sec. 2.** **Boundaries.** The boundaries of the City of Santa Rosa are those established on the effective date of this section and as the same may thereafter be altered from time to time in accordance with the provisions of state law.
- Sec. 3.** **Powers of the City.** The City, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution and which it would be competent for this charter to set forth particularly or specifically, and the specifications herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.
- Sec. 4.** **The Council.** The legislative body of the City shall consist of seven persons elected at large to be known as the Council. 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 of the electorate, 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.
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.
- 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.
- Sec. 5.** **Council Members Ineligible for Other City Positions During Term of Office and for One Year Thereafter.** No member of the Council shall be eligible for any office in, or employment by the City, for

compensation, other than the elective office of Council member, during his or her term of office and for one year after the termination of his or her office.

Sec. 6.

Meetings of the Council. ~~The Council shall meet on the Tuesday next succeeding each general municipal election and the day the returns thereof are certified to the City by the Registrar of Voters, or other authorized election official, and shall approve and certify the results of the election and declare elected those Council candidates receiving the highest number of votes for the available offices. The new Council members shall then be inducted into office, whereupon the Council as thus newly constituted shall choose one of their number Mayor who shall be the executive head of the City. The Mayor shall serve for a term of two years or until a successor is chosen, unless earlier removed by the Council. The Council, at the time they select a Mayor and during each November in odd numbered years, shall choose one of their number Vice Mayor, who shall serve as Mayor in the absence, sickness or other disability of the Mayor. The Vice Mayor shall serve for a term of one year or until a successor is chosen, unless earlier removed by the Council. The Mayor and Vice Mayor shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held on Tuesdays and shall be held not less than twice each month. The Council shall adopt rules for conducting its meetings.~~

Sec. 7.

Quorum. A majority of the Council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of the total membership of the Council shall be necessary to adopt any ordinance or resolution and for the Council to approve or settle a claim against the City, which vote shall be taken by ayes and nays and entered upon the record.

Sec. 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.

Notwithstanding the above, 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.

Sec. 9.

Staff for City Council. The Council may authorize the retention of independent staff to assist the Council and to serve at the will of the Council.

Sec. 10.

Task Force: Citizen and Neighborhood Participation.

(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 seven to fourteen districts, whose boundaries shall be estab-

lished by the Council. The representatives of each district shall advise the Council regarding city matters, including 1) public safety issues; 2) participation in neighborhood planning meetings within the district; and 3) CIP budget priorities for their district. 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 Council shall establish each year an allocation for public improvements within each district which the district representatives, after a noticed public hearing, shall determine how to expend, subject to Council approval.

2. The Council shall adopt a resolution within one year of the adoption by the electorate of this provision that sets forth the boundaries of districts and the responsibilities, length of term, manner of appointment, and number of the district representatives.

Sec. 11. Participation and Diversity in Boards and Commissions.

(a) The City shall undertake all reasonable efforts to encourage participation by all citizens. Further, the Council shall undertake all reasonable methods to ensure that its 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 its 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) Individual council members shall appoint one member of boards and commissions, except as provided below. 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. Any board or commission with less than seven members shall be increased to seven. This process shall be phased in by the council within two years of adoption by the electorate of this provision. Boards and commissions dealing with issues of interest to the general public shall commence public hearings, whenever practicable, no earlier than 5:00 p.m. The provisions of this subsection shall not apply to the District Commission, Redevelopment Agency, and Personnel, Building Regulation Appeals, and Housing Authority boards.

Sec. 12. Charter Review. This charter shall be reviewed in the year 2002 and ~~not less than~~ every ten years thereafter by a committee to be appointed by Council in accordance with Section 11 (a) and existing Council Policies on the appointment of Board, Commission and Committees.

Sec. 13. Independent Auditor. The Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified accounting firm selected by the Council which has no financial interest, direct or indirect, in the fiscal matters of the City's government or any of its officers. The audit shall be conducted in accordance with generally accepted auditing standards.

Sec. 14. Official Bonds. The Council shall determine which officers and employees shall be bonded for the faithful performance of their official duties and fix the amounts of such bonds.

Sec. 15. Mayor. At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor.

The Mayor shall serve for a term of two years or until a successor is chosen, unless earlier removed by the Council. The Council, at the time they select a Mayor and during each November in odd numbered years, shall choose one of their number Vice-Mayor, who shall serve as Mayor in the absence, sickness or other disability of the Mayor. The Vice-Mayor shall serve for a term of one year or until a successor is chosen, unless earlier removed by the Council. The Mayor and Vice-Mayor shall hold their respective offices subject to the pleasure of the Council. A Council member may not serve consecutive terms as Mayor. If a Mayor fails to complete a full term, the council member elected to fill out the remainder of the unexpired term shall not be barred from serving a consecutive term as Mayor thereafter if the remaining term filled was one year or less.

The Mayor shall be the executive head of the City. In case of riot, insurrection or extraordinary emergencies the Mayor shall assume general control of the City's government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions. The Mayor shall sign all ordinances and resolutions and, as authorized and directed by the Council, other legal instruments on behalf of the City.

The Mayor shall have the power and authority:

- (a) To preside over meetings of the Council and to vote as a member of the Council.
- (b) To establish the agendas for Council meetings with the assistance of the City Manager.
- (c) To appoint committees of the Council and Council committee chairpersons.
- (d) To appoint chairpersons of the City's boards and commissions with the approval of the majority of the Council.
- (e) To deliver annually a state of the City address in which he or she articulates policy and vision for the City.
- (f) To act as the ceremonial representative of the City and spokesperson of the City.
- (g) To make appointments to all county, regional and state bodies on which the City is represented with the approval of the majority of the Council.
- (h) To act as chief negotiator on behalf of the City with county, regional, state and federal bodies and agencies.

Sec. 16. Officers. The elective officers of the City shall be the members of the Council. The appointive officers shall be a Mayor and Vice-Mayor, a City Manager, a City Clerk, City Engineers, a chief financial officer, a City Attorney, a Chief of Police, a Chief of the Fire Department, and such others as the Council may designate.

Sec. 17. Oath of Office. Every officer shall take and subscribe to the Constitutional oath of office before entering upon the performance of his or her official duties.

Sec. 18. City Manager. There shall be a City Manager appointed by the Council who shall be the administrative head of the City government. It shall not be necessary that the City Manager be a resident of the City at the time of his or her appointment. The powers and duties of the City Manager shall be as follows:

- (a) To see that all ordinances are enforced.

(b) To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same except as otherwise herein provided, and have general supervision and control over the same.

(c) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

(d) To see that the provisions of all franchises, permits and privileges granted by the City are fully observed and report to the Council any violations thereof.

(e) To act as purchasing agent for the City, except for the Board of Public Utilities, unless requested by such board.

(f) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

(g) To examine or cause to be examined, without notice, the conduct of any appointed officer or employee of the City.

(h) To keep the Council advised as to the needs of the City.

(i) To devote his or her entire time to the interests of the City.

(j) To have general supervision of all the public parks and playgrounds of the City.

(k) To appoint such advisory boards as he or she may deem desirable to advise and assist the work of the City Manager, provided such boards shall not receive any compensation.

Sec. 19.

City Attorney. There shall be a City Attorney appointed by the Council. The City Attorney shall be an attorney-at-law admitted by the bar of the Supreme Court of this state, and one who has been in actual practice in the state for at least three years preceding. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The City Attorney shall be legal advisor of the Council and all other City officials. The City Attorney shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the Council or other officials, except as may be otherwise provided. The City Attorney shall prosecute all violators of City ordinances and represent the City in all legal proceedings. The City Attorney shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

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.

Sec. 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.

Sec. 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.

Sec. 23.

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.

Sec. 24.

Chief Financial Officer. The chief financial officer (CFO) of the City shall be a position appropriately titled by the Council and appointed by the City Manager. The CFO shall be responsible for the accounting functions of the City including the establishment of appropriate internal controls. The CFO shall be responsible for retaining and preserving all accounts, books and documents relating to the acts and contracts of the City, its debts, collection of its revenues and other financial matters.

The accounting system shall be maintained in accordance with generally accepted accounting principles for municipalities. The CFO shall issue an annual financial report. The accounting records, internal controls and annual financial report shall be subject to annual audit in accordance with section 13 of this charter.

Sec. 25.

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 as an ex officio non-voting member.

(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, and, as the Council may by resolution or ordinance direct, such other utility operations managed by the City and utilities 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 over which the Board of Public Utilities has authority, the Board 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 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.

Sec. 26.

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 under its authority.

(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.

Sec. 27.

Fiscal Year. The fiscal year shall begin with the first day of July and end with the last day of June of each year.

Sec. 28.

Budget.

(a) Not later than January 1st of each year, the Council shall publish a notice of the times and places summary of the current year's adopted budget, along with places where copies of the current year's adopted budget are available for public review, 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 Not later than March 31st of each year and each year and prior to any annual goal setting meeting held by the Council, the Council shall hold a public hearing seeking oral and written comment from the public on budget priorities for the upcoming fiscal year. 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.

(b) 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.

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:

(c) Prior to adopting the budget, the Council shall 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 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.

(d) 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.

Sec. 29.

The Santa Rosa City School Districts. (a) The Santa Rosa City School Districts shall include kindergartens, primary, grammar and high schools, and such evening schools, parental schools, junior high schools, intermediate schools, and other schools and programs as are established or may hereafter be established by the Board of Education of the School Districts under the Constitution and general school laws of the state.

(b) The boundaries of the Santa Rosa City School Districts shall be the boundaries now established for those School Districts, or that may be hereafter established for those School Districts, provided, that nothing herein contained shall be construed as prohibiting, or in any way affecting the annexation, for school purposes, of additional outside territory to the Santa Rosa City School Districts, in accordance with the general school laws of the state.

(c) The government of the Santa Rosa City School Districts shall be vested in a Board of Education composed of those persons, who shall be elected pursuant to the general school laws of the state.

(d) The powers and duties of the Board of Education shall be such as are now, or may hereafter be, conferred upon and enjoined on Boards of Education in city school districts by the laws of the State of California.

Sec. 30.

Elections. (a) General municipal elections of the City shall be held on the first Tuesday after the first Monday in November of each even-numbered year. ~~All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. Elections shall be conducted pursuant to the election laws of the state as the same relate to municipal elections.~~

(b) Elections for the Board of Education of the Santa Rosa City School Districts shall be held on the first Tuesday after the first Monday in November of each even-numbered year. The elections shall be conducted pursuant to the election laws of the state as the same relate to city school district elections.

Sec. 31.

Council Vacancy. (a) A Council vacancy may be filled by appointment by the Council or the Council may call a special election to fill the vacancy. If the Council fails to fill a Council vacancy within ~~thirty~~ sixty days after it occurs, the Council shall then call a special election to be held as soon as practicable.

If for any reason the seats of a majority of the Council shall become vacant, the City Clerk shall then call a special election to fill the vacancies for the unexpired terms, such election to be conducted substantially in the manner provided for by the general laws of the state.

(b) ~~The Council shall call a special election to choose a successor to such Council appointee whenever a sufficient petition is filed within seventy-five days after their appointment if there are 50,000 or less registered electors or within ninety days if there are more than 50,000 registered electors. To be sufficient, the petition must be signed by registered electors representing seven and one-half percent of the first 50,000 registered electors plus five percent of the next 50,000 registered electors. If there are more than 100,000 registered electors, a petition signed by five percent shall be sufficient signatures. Whenever a petition has been verified and the Council determines it is sufficient, there shall be a special election held as soon as practicable.~~

(c) An appointee shall hold office until a successor is elected for the unexpired term at the next municipal election or until a successor is elected at a special election held in accordance with this section. Any person elected to the Council pursuant to this section shall serve the balance of the unexpired term.

(d) If any officer of the City shall remove himself or herself from the City or absent himself or herself therefrom for more than thirty days consecutively without the prior permission of the Council or shall fail to qualify or shall resign or be convicted of a felony or adjudged incompetent, his or her office shall thereupon become vacant.

(e) The Council may, by ordinance, provide the detailed procedure for carrying out the provisions of this section.

Sec. 32. Initiative, Referendum and Recall. Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council under and in accordance with the Constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the Constitution and general laws. In case an officer be recalled the office held by him or her shall be deemed vacant and shall be filled by appointment by the Council as in the case of any other vacancy. The Council shall, by ordinance, provide the detailed procedure for carrying out the provisions of this section.

Sec. 33. Public Library. The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries. The City may provide such services through a joint powers agreement with other public entities if approved by the City Council.

Sec. 34. Public Records. The records of the City shall be available for inspection in accordance with the California Public Records Act and other applicable state laws.

Sec. 35. Records to Successor. All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

Sec. 36. 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.

Sec. 37. 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.

Sec. 38. Additional Duties of Officers. Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by the Council or the general laws.

Sec. 39. Participation in Council Elections. Neither the City Manager, nor any person in the employ of the City, shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office except as permissible under the Constitution of the United States of America, the Constitution of California, and the laws of California.

Sec. 40. Interference With Manager. Neither the Council nor any of its members shall in any manner control the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

The Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Notwithstanding the above, the Council acting as a body may make investigations into the affairs of the City and the conduct of any department, office or agency.

Sec. 41. No Gratuities to Officials. No officer or employee shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly from any subordinate or employee, or from anyone under his or her charge, or from any candidate or applicant for any position as employee or subordinate in any department of the City.

Sec. 42. Prohibited Acts and Interests in Contracts. In accordance with the requirements of the Government Code, City officers and employees and members of boards and commissions of the City shall not be financially interested in any contract, purchase or sale made by them in their official capacity, or by any body or board of which they are members. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than proposed by any other bidder, or favor one bidder over another, giving or withholding information, or willfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received. Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be automatically expelled from his or her office or employment.

If at any time it shall be found that the person, firm, or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the City so elects, be null and void and the contractor and his or her bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

Sec. 43. Approving Illegal Claims. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his or her official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

Sec. 44. 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 equal or exceed the sum provided by the state Contract Act for the letting of bids by the state Department of Transportation or shall exceed such lower amount as the Council may provide, 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.

Sec. 45. 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 benefited.

Sec. 46. Franchises. Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the City, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; provided, no franchise or the renewal of an existing franchise shall be granted except on condition that at least two percent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the City.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the Constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

Sec. 47. Newspaper of General Circulation. The Council shall select one or more newspapers of general circulation in the City for the publication of ordinances and other legal notices required to be published.

Sec. 48. Bond Money. All money derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purpose for which the bonds were voted; provided, that after such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund, and provided further, that whenever the Council shall by resolution deem the expenditure of money raised by the sale of bonds for the purpose for which said bonds were voted to be impracticable or unwise, said Council may call a special election to obtain the consent of the people of said City to use said money for some other specified municipal purpose, in which case the resolution calling such special election shall recite the new object or purpose for which the said money is proposed to be expended, and shall fix the date on which such special election will be held, the manner of holding such election and the voting for or against the expenditure of said money for said purpose, and in all particulars not recited in said resolution such election shall be held as provided by law for holding of such municipal elections:

Such resolution shall be published once a day for at least seven days in some newspaper published at least six days a week in the City; or once a week for two weeks in some newspaper published therein less than six days a week, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. No other notice of such election need be given. It shall require the votes of two-thirds ($\frac{2}{3}$) of the voters at such special election to authorize the expenditure of the moneys for the purpose mentioned in the resolution calling such special election. If by such vote the voters authorize the expenditure of such money for the purposes mentioned in said resolution calling such

election, then the Council may expend such moneys for the purposes so specified and after such purposes have been fully completed and paid, then any remaining surplus shall be transferred to the bond interest and redemption fund.

Sec. 49. Pensions. If and when any such coverage is possible under the laws of the State of California and the laws of the United States, the Council may provide for inclusion of City employees, officials or members of the police or fire department in the benefits of the Federal Social Security Act as now or hereafter amended or superseded, and the Council may for and on behalf of the City, enter into such contracts or agreements with the State of California or the federal government of the United States or any agency, department or officer of the state or federal government, make such payments, incur such obligations and take such other action as necessary to accomplish coverage of City employees, officials or members of the police or fire department under the Federal Social Security Act.

~~The Council may enter into a contract with the Board of Administration of the state's Public Employees' Retirement System or other Retirement Systems or fiduciary providing for IRS Qualified retirement and death and disability benefits plans for persons in the employ of the City to the full extent authorized by the state Employees' Retirement Act or by said Act as now or hereafter amended or superseded, and a tax sufficient for such participation may be levied by the Council in addition to taxes authorized elsewhere in this charter and irrespective of any other provisions of this charter.~~

~~No pensions of any kind or character other than as provided in this section provided shall be awarded or paid to any active or retired City official or employee unless provided for by an initiative ordinance adopted by the electors of the City or required by state or federal law applicable to charter cities.~~

Sec. 50. Personnel Rules and Regulations. The Council shall by ordinance adopt rules and regulations for personnel relations, employment and administration.

Sec. 51. General Laws Applicable. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the City; provided, the Council shall have the power to pass ordinances which in relation to municipal affairs shall control as against the general laws of the state.

The Council may contract with the County of Sonoma for performance by appropriate county officers and employees of City functions or may transfer City functions, including assessment and collection of taxes to the County of Sonoma in accordance with and in the manner provided by any general law of the State of California in effect on the date such action is taken, notwithstanding anything either directly or by implication to the contrary contained in any other section or provision of this charter and dates set out in this charter for completion of things to be done and action to be taken may be varied from to accomplish the purpose of this section.

Sec. 52. Continuing Officers and Employees. Until the election or appointment and induction into office of the officers and employees in this charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding charter or existing ordinances, resolutions, regulations, or laws.

Sec. 53. Continuing Ordinances in Force. All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

Sec. 54. Continuing Contracts in Force. All vested rights of the City shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either

in behalf of or against the City, be affected by the adoption of this charter. All contracts entered into by the City prior to the taking effect of this charter shall continue in full force and effect.

Sec. 55.

When Charter Effective. This charter will go into effect, following its adoption by the people, when filed with the Secretary of State. All elected officers in office at the time this charter becomes effective shall hold office until the expiration of the terms for which they shall have been elected, and perform the duties of their respective offices in accordance with the provisions of this charter.

Sec. 56.

Impartial and Binding Arbitration For Police and Fire Department Employee Disputes. (a) Declaration of Policy. It is hereby declared to be the policy of the City of Santa Rosa that strikes by firefighters and police officers are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

(b) Prohibition Against Strikes. No City of Santa Rosa police department employee or fire department employee shall wilfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with any employee organization that is recognized by the City as the exclusive representative of a representation unit or representation units comprised solely of employees of the police department and/or fire department, as such units are currently constituted or as they may be amended through negotiation or arbitration as provided in this section, on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement that includes a provision for binding arbitration of those grievances. Unless and until agreement is reached through negotiations between authorized representatives of the City and said employee organization or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for the fire department and/or police department employees represented by said employee organization shall be altered, eliminated or changed.

(d) Impasse Resolution Procedures.

(1) All disputes or controversies pertaining to wages, hours or terms and conditions of employment which remain unresolved after good faith negotiations between the City and said employee organization shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by said employee organization.

(2) Representatives designated by the City and representatives of said employee organization shall each select and appoint one arbitrator to the Board of Arbitrators within three days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the employee organization cannot agree upon the selection of the neutral arbitrator within 10 days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

(3) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate the issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

(4) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including, but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services in comparable cities of similar population; and the financial condition of the City of Santa Rosa and its ability to meet the costs of the decision of the Arbitration Board.

(5) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until 10 days after it is delivered to the parties. During that 10 day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the 10 day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to conform or approve the decision of the Arbitration Board shall be permitted or required.

(6) The expenses of any arbitration proceeding convened pursuant to this Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

Sec. 57.

Campaign Finance Reform. 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 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.
3. Provisions that provide for public financing of Council election campaigns.

Attachment E

May 18, 2012

Thank you for the opportunity to serve on the 2012 Charter Review Committee -- thanks in particular to Councilmember Marsha Vas Dupre for my appointment, and the Chair, Mike Senneff, for my appointment to the Binding Arbitration Subcommittee. As it was 10 years ago, this was a valuable and illuminating experience.

I'd like to briefly address several issues:

1. Composition of the Charter Review Committee. As we all know, this year's Charter Review Committee (hereinafter "CRC") was largely composed of old, white, well connected NE Santa Rosa residents (myself included). There is no question that the very membership of the CRC affected the issues discussed, the actual discussions themselves, and the recommendations for changes to the Charter. This is a repeat of 10 years ago. I would urge this City Council to take affirmative actions to ensure that this doesn't happen when the Charter is next reviewed in 2022. Specifically, I would request that the Council direct that an application form specific to the CRC be developed, that a completed and substantive application be required for all appointments, and that the then Council make their appointments over a series of three meetings so that all Council members can adjust their appointments to ensure that the next CRC fully represents the makeup of Santa Rosa's population at that time, in every possible way.

2. District Elections. It is long past time for the voters to decide the question of whether Santa Rosa should continue with the current system of At-Large Elections or switch to District Elections, and I would urge the City Council to put this question to the voters in the most direct and unambiguous manner possible. If the Council has any doubts about the importance of this issue, and about community sentiment, I would urge that they watch the recording of our Saturday, March 10th Community Forum, and that they read the important demographic information presented to the CRC by Douglas Johnson, National Demographics Corporation. Further, 10 years ago the potential cost of redistricting was onerous; we are fortunate that this is no longer the case. Janice Atkinson, the Recorder-Assessor-Registrar, spoke to the CRC and made it clear that the cost for any actual districting is now quite modest, and certainly not in any way an impediment to said redistricting.

Again, I would urge the Council to fully support sending this question to the voters in a clear and unambiguous way. It is time to let the voters decide.

3. Community Advisory Board. There is no question, and was no significant dissent on the CRC, that the Community Advisory Board (hereinafter "CAB") is potentially a powerful force for bringing our community together to empower our citizens, and that the CAB is just coming into its own. The CAB should not only continue, but should be granted all powers possible so that they can serve as a group to encourage full neighborhood and citizen participation toward the goal of an inclusive future Santa Rosa.

4. Design-Build. I voted against this recommendation because I have deep concerns about how this process could be used in the future. Our discussion of this issue was severely truncated, and a vote was taken before I and others felt we had had an opportunity to receive and evaluate complete information. While the City Council will be responsible for drafting a guiding ordinance, it is clear from the lengthy discussion at the Board of Public Utilities on this subject that this is not a "simple" issue. I would request that the Council consult closely with not only the Board of Public Utilities, but with all city departments who will be affected by this procurement procedure, prior to adopting any ordinance. There is no question that the "devil will be in the details," and I will be following this process closely.

5. Binding Arbitration. I want to thank the public safety labor organizations for coming to the table during the Binding Arbitration Subcommittee meetings, and for being willing to work toward compromise language that made no one entirely happy.

Finally, I would like to thank City Attorney Fowler and her staff for assisting the CRC.

Sonia E. Taylor

My comments will be directed to the most important issue considered by the Charter Review Committee: The need for the City of Santa Rosa to move from At-Large elections to District Elections.

I had hoped for a stronger and more detailed recommendation from the CRC. Unfortunately that did not occur. However, my 'no' vote should not be interpreted as being against the Committee's recommendation. Instead, I strongly support the recommendation and would vote 'yes' if I were given another opportunity. In addition, I believe others who were not in attendance at the CRC meeting when the vote was taken would have voted for placing a measure on the ballot. The vote was not as close as it appears.

This section of the Charter received more public supportive comments advocating change than any of the other issues before the Committee. The overflow turnout at the March 10th public hearing was most impressive, with more than 40 residents of all ages, walks of life and ethnic backgrounds speaking in favor of District Elections.

In addition, we had presentations and materials presented to Committee from professionals and the public that strongly support the placement of a measure for single represented districts on the November ballot. The most persuasive arguments include:

Fiscal prudence: It is not a matter 'if' district elections will be mandated; it is a matter of 'when'. The only way to determine if the city is in violation is to commission an independent study (an action I strongly recommend the Council take). In the meantime, it is incumbent on the city leaders to place a measure before the voters to change the City's Charter. Not to do so places the city at risk --- legally and financially. Rather than wait for a lawsuit the prudent move is to take the initiative and avoid the millions of dollars that would be spent on attorney fees (including the fees of the prevailing party).

Geography Representation: The Committee was presented a map showing the location of councilmember residence for the past 12 years. The Westside of Santa Rosa has been historically unrepresented on the City Council. It is no wonder why the CRC heard so many residents say they felt they did not have a voice on the current city council.

Campaign Costs: One Charter Committee member made the revealing statement that council members must be a person of means. They observed that it is not a job suited to those of limited income or whose demands from family or work limit their participation. District elections would go far to solve the existing elitism by reducing the number of voters in their district to 1/7th the current size. Cost for conducting a campaign will drop dramatically and contacting every voter in the district will become possible for those of limited means and not just for those who are retired or wealthy.

Unfounded objections include the notion that district representation is naturally divisive. If this were truly the case, we should be advocating that the Board of Supervisors and Santa Rosa Junior College switch from districts to an at-large election. And, there are many more reports of the positive effects of moving to at-large elections, including one detailed in the excellent letter to the Committee from Steve Woodside, recently retired Sonoma County Counsel and former Santa Clara County Counsel, about the positive transformation that took place in San Jose in the 70's when they adopted district elections, including the rejuvenation of their downtown. Terry Price

Curt Groninga

DISTRICT ELECTIONS:

While I ultimately supported placing the issue of district elections on the ballot, the Committee's recommendation is much too vague. We all need a better explanation as to the number of districts, Purposes, location and boundaries and population/Demographic basis.

I do not favor District Elections for the following reasons:

1). Neither the City's population size nor geography warrants district elections for a council/manager form of government. 2) It does not improve municipal governance. 3) As presented by proponents, it appears more exclusionary than inclusive given the characterizations of at least two of the projected quadrants. Do not surround our neighborhoods with impregnable artificial barriers. 4) For those who wish to increase their influence (which I support), it is a poor bargain. Under a four district/3 at large plan, all voters would lose the opportunity to influence and elect all seven council members in hopes of achieving at least a 50% + 1 chance to control or influence one district council person

BINDING ARBITRATION:

Though I do not like binding arbitration, this "middle-ground" approach is fair and appropriate. The combination of Binding Arbitration and the state legislature's mandated enabling legislation have cost cities and special districts dearly. However, with the advent of AB 626 fact finding criteria along with the recent positive ballot measures (San Jose) and League opinions, the committee's recommendation addresses long standing concerns related to role and responsibilities of the arbitrator and improved definition of the City's Ability to pay thus leveling the arbitration playing field.

DIRECT ELECTION OF THE MAYOR:

There is no good reason to directly elect a "weak mayor" in our current council/Manager form of government.

PUBLIC EMPLOYEE PENSIONS:

Before any significant reform of Public Employee Benefit Programs can occur, the City needs the State Legislatures' assistance in adopting the Governor's reform package.

COMMUNITY ADVISORY BOARD:

The Council needs to clarify CAB's purposes and role. This is an advisory not a power sharing board.

DESIGN BUILD PROCUREMENT:

I recommend strict city (owner) controls over process from concept to completion.

CHARTER REVIEW COMMITTEE:

Two suggestions: 1) Schedule Charter Review in non-election years (odd number calendar years) and; 2) disallow the appointment of political consultants as the process became politicized within and outside the Charter Committee Meetings.

My thanks for the opportunity to participate in this important and enlightening process, to the many residents of Santa Rosa who shared their hopes, ideas and concerns with us, to my Charter Review Committee colleagues for their thoughtful participation, and to the City staff assigned to support our work.

From the outset this Charter Review Committee was limited in the breadth of its perspective. It is not surprising, then, that the constant chorus from the public who were able to address us was, “my voice is not being heard, I’m not being represented.”

The most important issue before the Charter Review Committee was framed by our own weakness: how can the geographically, economically, ethnically, culturally, generationally diverse population of Santa Rosa come together to address the significant problems the City will face in the next decade?

Representation in City governance energized significant public participation in the charter review process. The opportunity to choose between District and At-large elections for City Council representatives, our Committee’s one recommendation that addresses the passionate voices of our residents and neighborhoods, deserves the current Council’s support and action.

We learned as a Committee that Santa Rosa faces significant demographic changes in the next ten years. Our city is already stratified ethnically and economically. Our large minority youth population lacks opportunity. City financial resources will continue to be severely strained.

Santa Rosa can be a dynamic, integrated community that feeds off the strength of its residents to build an enduring economy and vibrant neighborhoods, or become increasingly divided and isolated from each other. What we do in the next ten years matters greatly.

The politics of our past are no longer adequate: without the investment of all our neighborhoods and communities, without broader understanding and stronger partnerships, without shared authority and responsibility, without our best thinking and deepest commitment, we will fail. It is time for the Council to let voters decide if District elections will increase meaningful participation in our City’s governance.

But District elections alone are not enough. Santa Rosa must also create new opportunities for residents to be heard and participate. Our Committee’s work suffered from the lack of opportunity for engagement – a single public meeting and a brief Public Comment item on our meeting agenda.

A commitment and openness to engaging the public in our City and its future can be pursued through such strategies as more neighborhood-based opportunities for participation, expanded use of social media and other technologies, a stronger Community Advisory Board, and a Charter Review Committee that better reflects our City’s diversity.

William Steck

Charter Review Committee: An Opposing View on the issue of Binding Arbitration for Police/Fire Fighters

The Charter Review Committee (CRC) made a huge mistake by rejecting the repeal of binding arbitration for police and fire fighters, in favor of minor language changes to the binding arbitration provision. In doing so, the CRC ignored the City's fiscal crisis caused by the City's pension funding crisis caused by excessive pay and pension benefits for police and fire fighters.

Here is the history: In 1996 police and fire unions put binding arbitration on the ballot. Clearly, the unions thought that this would provide an advantage in subsequent wage and benefit negotiations, especially with a provision buried in the language of the Charter amendment stating that arbitrators must consider pay and benefits in comparison cities. The police chief and the fire chief vehemently opposed binding arbitration, saying that it would cost the City millions of dollars at a time when police and fire fighters were already among the highest-paid in the County.

In the 13 years after binding arbitration was approved, the population of the City grew by about 30%. But total police department wages (on which pensions are based) went up 119%. Total fire department wages (on which pensions are based) went up 187%. The pension formula itself was increased 50%, allowing full retirement at age 50 with up to 90% of highest wages. The dollar amount of City pension contributions for police went up 500%. The dollar amount of City pension contributions for fire fighters went up 800%. It did not take actual arbitration for these massive increases to occur, just the threat of arbitration, because arbitration is both expensive and often union-friendly.

There are over 440 cities in California, of which 120 are "charter" cities like Santa Rosa. Only about 20 cities have binding arbitration for police and fire fighters, and the trend is for cities to repeal binding arbitration. Vallejo, Palo Alto and San Luis Obispo are the latest cities to repeal arbitration, because of the same fiscal disasters that Santa Rosa has experienced. All three of those cities specifically rejected Charter modifications to the language of arbitration, in favor of outright appeal. I spoke to the City Attorneys for Palo Alto and San Luis Obispo, who both said that repeal of binding arbitration was much preferable to language modification.

Why, then, did this Charter Review Committee decide to negotiate with police and fire unions as to what they would accept in terms of modifications to binding arbitration? No one would reasonably expect the unions to accept modifications that would actually shift the balance of power in future negotiations. Before binding arbitration police and fire costs were 40% of the general fund budget. Now police and fire are 60% of the budget. This failure of effective action by the CRC will result in ever-higher costs for public safety. ----

Bob Andrews

Rev. Ann Gray Byrd

Mr. Mayor and Council members,

A rather lengthy discussion took place around the lack of diversity of the Charter Review Committee. Committee members, the public and the media characterized the makeup of the committee as not being diverse based on age, residency and ethnicity. Diversity is not solely defined based on these criteria. One's life experiences and beliefs also define their diversity. I found comments about the so called lack of diversity by some committee members and the public to be offensive and extremely biased. I felt this bias on many occasions during our deliberations. I know first hand the city takes diversity very seriously as do I.

I would like to thank the Chair, Mr. Senneff for his leadership as well as City Attorney Fowler and city staff for the excellent work they performed for us.

Tony Alvernaz

Charter Review Member 2012

Attachment F

CHARTER REVIEW COMMITTEE - ATTENDANCE

Name	9/29	10/13	10/27	11/3	11/17	12/1	12/15	1/5	1/19	2/2	2/16	3/1	3/10	3/15	3/29	4/12	4/19	TOTAL
M. Senneff	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X	1
Donna Jeye	X	X	X	X	A	A	X	X	A	X	X	X	X	X	X	A	X	4
Bill Arnone	X	X	X	A	X	X	X	X	X	A	X	X	X	X	X	A	X	3
Pat Fruht	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	A	X	2
Sharon Wright	X	X	A	A	X	X	X	X	A	X	X	X	X	A	X	X	A	5
Doug Bosco	X	X	A	X	X	X	X	A	A	X	X	X	A	X	A	X	A	6
W. Goldberg	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	1
Terry Price	X	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1
William Steck	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X	1
Tony Alvernaz	X	X	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1
Janet Condron	X	X	X	X	X	A	X	X	A	X	A	A	X	X	X	X	X	4
Herb Williams	A	X	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	2
P. Chanter	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X	A	X	2
Patti Cisco	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	2
C. Groninga	X	A	X	X	X	X	X	X	A	X	X	X	X	A	X	A	A	5
Sonia Taylor	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	1
Ann Gray Byrd	X	X	X	X	X	A	X	X	X	X	X	A	X	X	X	X	X	2
Ida Johnson	X	X	X	X	X	A	X	X	X	X	A	A	X	X	X	X	X	3
Bob Andrews	A	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X	2
Denise Hill	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Bill Carle	X	X	X	X	A	A	X	X	X	X	X	X	X	X	X	A	X	3

X = Present

A = Absent