

CITY OF SANTA ROSA
CITY COUNCIL

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

AGENDA ACTION: STUDY SESSION

RECOMMENDATION

It is recommended that Council hold a study session to receive public input and discuss the procedures and options for review and potential update of the City Charter. The Council may receive information, ask questions, and provide direction to staff. No formal action will be taken.

EXECUTIVE SUMMARY

The City of Santa Rosa is a Charter City formed pursuant to the provisions of the California Constitution. The City's Charter provides the fundamental framework for the City's governance. It is, in essence, the City's "constitution." The City Charter is subject to periodic review for possible revision or refinement. Any proposed amendments to the City Charter are subject to approval by the City's voters.

Section 12 of the City Charter requires review of the Charter not less than every 10 years, with the review to be conducted by a committee to be appointed by the City Council. The last Charter review began in 2011 and resulted in proposed revisions placed on the November 2012 ballot. In accordance with Section 12, the City Council has directed that a new Charter review begin this fall. That review may result in proposed revisions, additions or deletions to the existing Charter. Any proposed changes to the Charter will be placed on the November 2022 ballot for voter consideration.

On June 8, 2021, the Council held an initial study session and gave direction to staff concerning the proposed Charter review process. Council was particularly interested in having additional opportunities to hear from the community as to issues of concern that might be addressed through Charter revision. This study session will begin the process of community engagement and education, and staff invites the public to join. The Council will take no formal action but may give further direction to staff regarding (a) the

composition of the Charter review committee, (b) the general scope of the committee's assignment, and (c) any specific topics the Council wishes the committee to consider.

BACKGROUND

At its study session on June 8th, the City Council directed that the Charter review begin this fall. Council directed the establishment of a Charter Review Committee comprised of 21 residents of the City, with each Council member making three appointments. The Council expressed its strong interest in a Committee membership that includes a variety of ages, races, ethnicity, genders, geography, interests and backgrounds.

The Charter Review Committee will ultimately determine the issues to be considered for Charter amendment. The Council suggested several topics for the Committee's consideration, including:

- A restructuring of the Council to provide for six district-based Council members and an at-large Mayor elected by the city as a whole
- Adoption of ranked choice voting
- Charter provision for an independent police auditor and/or a citizen oversight commission
- New Charter provisions to address:
 - Climate change
 - Diversity, equity and inclusion
 - Taxation
 - Regulation of rental properties.

The Council also suggested this additional study session to receive additional input from the community, as to the process and potential topics for Charter revision. This study session also provides an opportunity to familiarize the community with the nature and significance of the City Charter and the importance of the decennial review.

This staff report will thus provide background information regarding (a) the legal significance of a city charter, (b) the current contents of the Santa Rosa City Charter, (c) the issues addressed in the two most recent past Charter reviews (2002 and 2012), and (d) the outline of procedures proposed for the current Charter review.

It is anticipated that the Charter Review Committee will begin its work in September.

A. Background: What is a City Charter?

There are two classes of cities under California law – charter cities and general law cities. The City of Santa Rosa is a charter city.

Charter cities derive their powers directly from the California Constitution and enjoy significant autonomy on matters of municipal affairs. The Constitution, Article XI, section 3(a) allows any city to adopt a charter by majority vote of its electors. Once approved by the voters, the charter becomes the local “constitution” that governs the city. Under the “home rule” provisions of the Constitution (Article XI, section 5(a)), the establishment of the charter gives the city supreme authority to regulate municipal affairs within its jurisdiction. With a charter in place, the city is free, with respect to such municipal affairs, to regulate its own governance and operations.

The voter-approved city charter sets the general framework for the city’s governance. The details, the rules and regulations of daily operations, are generally set forth in the ordinances and resolutions adopted by the City Council. Because any revisions to the charter require voter approval, keeping the city charter at the higher level allows the city to more easily respond to changing conditions.

Even in a charter city, however, the local authority is not without limits. On matters of statewide or federal concern, the provisions of the local charter, ordinances and resolutions may be required to give way to state or federal law.

Cities that do not have a voter-approved charter are “general law” cities, governed by the provisions of state law. California’s general law cities derive their powers from the general laws enacted by the State legislature and must operate within the parameters of those general laws even with respect to municipal affairs.

As of 2017, California had 481 incorporated cities and towns, 121 of which were charter cities.

B. Background: Key Elements of the Santa Rosa City Charter

The City of Santa Rosa was incorporated in 1867 and adopted its first City Charter soon thereafter. The Charter has been updated periodically over the years, most recently in 2002 and 2012. As we head into Charter review, a brief review of the scope of the existing City Charter may help set the stage. The following is a brief summary of the key elements of the City Charter, grouped by topic. The full City Charter is attached as Attachment 1.

- **Establishment of the City:** The Charter sets forth the name, boundaries, powers of the City (Sections 1-3).
- **City Council:** The Charter: (a) establishes a seven member City Council, (b) provides four year terms, (c) authorizes compensation consistent with general

law cities, (d) requires regular Council meetings to be held on Tuesdays and at least twice a month, and (e) requires the affirmative vote of four Council members for passage of any ordinance or resolution (Sections 4-7). The Charter also sets forth procedures for filling a Council vacancy (Section 31).

- **Mayor:** The Charter provides that the Mayor and Vice Mayor are selected by vote of the Council, that the Mayor will serve a two year term and the Vice Mayor a one-year term, and it sets forth the roles and responsibilities of both positions (Section 15).
- **Ordinances:** The Charter sets forth the basic procedures for adoption of ordinances, including emergency ordinances (Section 8).
- **Boards and Commissions and Community Engagement:** The Charter contains provisions to bolster city and neighborhood participation in City government and to increase resident participation and diversity in the City's boards and commissions (Sections 10 and 11).
- **City Officers and Employees:** The Charter defines the roles and responsibilities of various City officers, including City Manager, City Attorney, City Clerk, Chief of Police, Chief of the Fire Department, City Engineers, and Chief Financial Officer (Sections 14 -24, and 36-39). The Charter also provides for a strong City Manager model, precluding Council interference with City Manager operations. Council shall address employees appointed by the City Manager only through the City Manager (Section 40).
- **Budget and Finance:** The Charter establishes the fiscal year as July 1 – June 30, provides an outline of the City budget process, limits the use of bond monies, and requires an annual independent financial audit. (Sections 13, 27-28 and 48)
- **Utilities:** The Charter establishes the roles and responsibilities of the Board of Public Utilities and authorizes the setting of water and sewer rates and fees (Sections 25-26).
- **Elections:** The Charter sets the timing and procedures for municipal elections, and authorizes initiatives, referendums and recalls in accordance with state law (Sections 30 and 32).
- **Public Records:** The Charter confirms that the City public records are subject to California Public Records Act (Section 34).
- **Procurement and Contracting:** The Charter sets forth basic standards for public works contracting, including emergency contracting, provides basic standards for franchises and authorizes the use of design build procurement by competitive negotiation (Sections 44-46 and 58).

- **Labor and Employees:** The Charter authorizes the Council to adopt personnel rules and regulations, authorizes the Council to include City employees in the Social Security Act and CalPERS or similar retirement system, and provides for binding arbitration for Police and Fire Department employee disputes (Sections 49-50 and 56).
- **Employee Ethics:** The Charter sets forth basic ethical standards for employees, including no gratuities, no conflicts of interest and personal liability for payment of any illegal claims (Sections 41-43).
- **Campaign Finance Reform:** The Charter provides for campaign finance reform measures to reduce the cost of Council election campaigns and increase the accessibility of Council candidates to the electorate (Section 57).

Finally, in a key provision that seeks to retain the City's authority over its municipal affairs, Section 51 of the Charter provides that general laws of the state will govern, but only to the extent that those general laws are not in conflict with the Charter or ordinances and resolutions adopted by the Council. Section 51 expressly authorizes the Council to adopt ordinances in relation to municipal affairs and provides that such ordinances will control over the general laws of the state. These provisions allow state law to fill in the gaps, while retaining maximum City control.

C. Background: Recent Charter Amendments:

To further set the stage for this year's Charter review, it is also helpful to briefly note the revisions proposed in the two most recent past Charter reviews, those undertaken in 2002 and 2012. In each of these recent reviews, the review was administered and overseen by a Charter Review Committee appointed by the City Council. Each review resulted in ballot measures as follows:

2012: Four ballot measures – Three passed

- Measure Q: District Council Member Elections. Failed
- Measure R: Binding Arbitration for Police and Fire Department employee disputes. Passed – Added as a new Charter Section 56
- Measure S: Design Build Procurement. Passed. – Added as a new Charter Section 58
- Measure T: Reorganization, update and clarification of certain Charter provisions, including amendments to Charter review provisions to encourage diversity in Charter Review Committee, amendments to refine provisions for Council vacancies, revision to the date of the budget public

hearing and others. Passed -- Incorporated by amendments to various Charter Sections

2002: Three ballot measures – Two passed

- Measure L: Combined Charter Amendments, including establishment of a District Commission, additional provisions for community participation, revised provisions for Charter review, deletion of provision for City health officer, revisions to budget process, and other miscellaneous amendments. Passed – Incorporated by amendments to various Charter Sections
- Measure M: Council Compensation. Failed
- Measure O: Campaign Finance Reform. Passed – Added as a new Charter Section 57

D. Next Steps: 2021-2022 Charter Review

The City Charter sets forth a simple standard for 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) [regarding participation and diversity in Boards and Commissions] and existing Council Policies on the appointment of Boards, Commissions and Committees.”

At its study session on June 8th, the City Council directed that the review begin this fall. At Council direction, the Charter review will be undertaken by a Charter Review Committee comprised of 21 residents of the City. Each Council member will appoint three Committee members. The Council seeks a membership that includes a variety of ages, races, ethnicity, genders, geography, interests and backgrounds. Applications for membership of the Committee may be filed on-line or in the Office of the City Clerk.

The Charter Review Committee will ultimately determine the issues to be considered for Charter amendment. The Council seeks input from the broad community as to topics to be considered. The Council also wants to ensure that Charter Review Committee hears recommendations from those who work most closely with the current Charter, including City employees, unions and department heads. The Council members themselves have identified a several areas for possible consideration, including:

- Directly elected at-large Mayor
- Ranked choice voting
- Police auditor / Police citizen oversight commission
- Council compensation
- Climate change
- Diversity, equity and inclusion

CHARTER REVIEW
PAGE 7 OF 7

- Taxation
- Regulation of rental properties

The Charter Review Committee will begin its work in September, researching, drafting and evaluating potential Charter amendments. The Committee's work may result in proposals for revisions, additions or deletions to the existing City Charter. Any proposed Charter amendments will be brought to the Council for approval and, if approved by the Council, will be placed on the November 2022 ballot for voter consideration.

ANALYSIS

This study session begins the process of community engagement and education on Charter review, and staff invites the public to join. The Council will take no formal action but may give further direction to staff regarding (a) the composition of the Charter review committee, (b) the general scope of the committee's assignment, and (c) any additional topics the Council wishes the committee to consider.

FISCAL IMPACT

The study session itself will have no fiscal impacts.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – City Charter

CONTACT

Sue Gallagher, City Attorney, sgallagher@srcity.org