

# **CITY CHARTER UPDATE AND MODERNIZATION**

Charter Review Committee Meeting  
March 2, 2022

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# Purpose of Measure

- Ensure consistency with state law
- Clarify ambiguities
- Provide for modernization of City procedures

# Potential Elements for Measure

- List includes potential elements for inclusion in Charter Update and Modernization Measure
- Does not include issues currently being considered for separate measures
- Listed in general categories: (a) consistency with state law, (b) address ambiguities, and (c) modernization

# Consistency with State Law

- Section 4: **District elections**
  - Revise to reflect district elections in accordance with California Voting Rights Act

# Revisions for Clarification

- **Section 12: Timing of Charter Review**
  - Section currently provides that the Charter “shall be reviewed in the year 2002 and not less than every ten years thereafter . . .”
  - Clarify that comprehensive review shall be done at least every ten years
  - Clarify that, in addition, amendments may be placed on the ballot by voter initiative or by Council ordinance when deemed necessary

# Clarification of Emergency Response

## ■ Section 15: **Mayor**

- To avoid ambiguity as to leadership during emergency, delete sentence in second paragraph that grants Mayor authority and responsibility “to assume general control of the City’s government and all its branches” in the case of “riot, insurrection or extraordinary emergencies”
- City Code designates City Manager as Director of Emergency Services
- Professional Emergency Manager coordinates and oversees all emergency response, including coordination with first responders and all City departments

# Clarification of Emergency Response

- **Section 21: Chief of Police**
  - Language of suppression in third sentence does not reflect current Police policy or intent and should be deleted or substantially revised: “It shall be the duty of the Chief of Police to preserve the public peace and to suppress riots, tumults and disturbances.”
  - Recommended to keep general language in place that grants the Police Chief powers as provided by state law and as prescribed by Council

# Clarification of Emergency Response

## ■ Section 22: **Chief of the Fire Department**

- Clarification of fourth sentence (scope of emergency powers):

“During the time of a fire, the Fire Chief shall have supreme authority over the **territory immediately involved in or threatened by the fire [rather than “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.”

# Additional Revisions for Clarification

- Section 10: **Community Advisory Board**
  - Clarify that if CAB includes 14 members, Council members may each appoint two members - one member from district, one at-large member
  - Note: CAB district boundaries do not currently match Council district boundaries. Boundaries are set by Council resolution and may be revised by Council resolution.

# Additional Revisions for Clarification

- **Section 19: City Attorney**
  - Section requires that City Attorney must have been “in actual practice in the state for at least three years preceding.”
  - Question arose whether the required three years of practice in California must immediately precede hire? Or may there be a gap in time?

# Update and Modernization: Added Flexibility

- **Section 25: Board of Public Utilities**
  - Currently primarily addresses water and sewer utilities
  - Clarify scope of responsibility to include “dry” utilities, including electricity, broadband and potentially others

# Update and Modernization: Added Flexibility

- **Section 28: Budget**
  - Section currently sets forth detailed outline for annual budget
  - Proposal to add option for two-year budget

# Update and Modernization: Added Flexibility

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

# Update and Modernization: Procedures

- **Section 6: New Council Members**
  - Section currently provides for induction of new Council members upon certification of election results, which generally occurs in mid-December
  - Proposal for date-certain for induction of new Council members
  - Ease of planning and administration

# Update and Modernization: Procedures

- **Section 31: Council Vacancy**
  - In the event of a Council vacancy, section currently authorizes Council to either appoint replacement or call special election
  - Should both options be retained?
  - Should voting process, currently established by Council policy, instead be set forth in Charter?
  - Specify that appointee must be resident of district

# Update and Modernization: Procedures

- **Section 32: Council Member Recall**
  - Section states that vacancy shall be filled by appointment
  - Proposal to clarify that vacancy created by recall will be filled in accordance with Section 31, that is, by either appointment or special election

# Update and Modernization: Miscellaneous

- **Section 29: Santa Rosa School Districts**
  - Is there any reason to address school districts in Charter?
  
- **Section 33: Public Library**
  - Section authorizes Joint Powers Agreement
  - Is there any reason to authorize other contractual arrangements as well?

# Update and Modernization Miscellaneous

- **Section 37: Deputy Officials**
  - Section provides: “Officers appointed by Council shall have the power to appoint their own deputies . . . subject however to confirmation by Council.”
  - In current practice, deputy City Managers and deputy City Attorneys are not confirmed by Council

## Next Steps

- Committee may select recommended provisions
- Additional provisions may be proposed
- Measure will be drafted and returned to the Committee for review

# Summary of Elements

- State Law Compliance:
  - District Elections
- Clarify Ambiguities:
  - Timing of Charter Amendments
  - Emergency Services
    - Mayor
    - Police Chief
    - Fire Chief
  - CAB
  - City Attorney
- Added Flexibility:
  - Board of Public Utilities
  - Two-year Budget
  - Contract Procurement
- Procedures:
  - New Council Inductions
  - Council Vacancy
  - Council Recall Vacancy
  - School Districts
  - Library
  - Deputy Officials

# Questions?