

**THIS MEASURE NO. 1 WAS ADOPTED BY THE CITY COUNCIL AS PART OF
RESOLUTION 25343, BROUGHT FORWARD TO THE VOTERS OF SONOMA
COUNTY AS MEASURE L AND PASSED ON NOVEMBER 5, 2002**

MEASURE NO. 1

CITY OF SANTA ROSA

Shall Sections 4 through 58 of the Charter of the City of Santa Rosa be revised as set forth below?

Section 1. Section 4 of the Charter of the City of Santa Rosa is revised to read as follows:

"Section 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. A Council member may not serve consecutive terms as Mayor.

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."

Section 2. Section 8 of the Charter of the City of Santa Rosa is revised to read as follows:

"Section 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."

Section 3. Sections 10 and 11 of the Charter of the City of Santa Rosa are revised to read as follows:

"Section 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 established 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.

Section 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."

Section 4. Section 16 of the Charter of the City of Santa Rosa is revised to read as follows:

"Section 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."

Section 5. Sections 20, 21, and 22 of the Charter of the City of Santa Rosa are revised to read as follows:

"Section 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.

Section 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.

Section 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."

Section 6. Section 23 of the existing Charter of the City of Santa Rosa which provides for the appointment of a health officer is hereby repealed and deleted and shall be without further effect.

Section 7. Section 24 of the existing Charter of the City of Santa Rosa is renumbered as Section 23 and is revised to read as follows:

"Section 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."

Section 8. Section 25 of the existing Charter of the City of Santa Rosa is renumbered as Section 24.

Section 9. Sections 26 and 27 of the existing Charter of the City of Santa Rosa are renumbered as Sections 25 and 26, respectively, and are revised to read as follows:

"Section 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.

Section 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."

Section 10. Section 28 of the existing Charter of the City of Santa Rosa is renumbered as Section 27.

Section 11. Section 29 of the existing Charter of the City of Santa Rosa is renumbered as Section 28 and is revised to read as follows:

"Section 28. Budget. (a) Not later than January 1st of each year, the Council shall publish a notice of the times and places 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 each year prior to any annual goal setting meeting held by the Council. 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.”

Section 12. Sections 30 through 36 of the existing Charter of the City of Santa Rosa are renumbered as Sections 29 through 35, respectively.

Section 13. Sections 37 and 38 of the existing Charter of the City of Santa Rosa are renumbered as Sections 36 and 37, respectively, and are revised to read as follows:

“Section 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.

Section 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.”

Section 14. Sections 39 through 44 of the existing Charter of the City of Santa Rosa are renumbered as Sections 38 through 43, respectively.

Section 15. Section 45 of the existing Charter of the City of Santa Rosa is renumbered as Section 44 and is revised to read as follows:

“Section 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.”

Section 16. Sections 46 through 56 of the existing Charter of the City of Santa Rosa are renumbered as Sections 45 through 55, respectively.

Section 17. Section 57 of the existing Charter of the City of Santa Rosa which provides for the 1996 expansion of the Council to seven members is hereby deleted.

Section 18. Section 58 of the existing Charter of the City of Santa Rosa is renumbered as Section 56.

Section 19. Should both this measure and measure 2 be adopted, Council compensation shall be as set forth in measure 2 and the third paragraph of Charter section 4 as set forth in section 1 of this measure shall be deleted and without effect.