

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: SUE GALLAGHER, CITY ATTORNEY  
CITY ATTORNEY'S OFFICE  
SUBJECT: WAIVER OF CERTAIN PROVISIONS OF COUNCIL POLICY  
NO. 000-06 (APPOINTMENTS TO BOARDS/COMMISSIONS/  
COMMITTEES) FOR APPOINTMENTS TO THE 2022 CHARTER  
REVIEW COMMITTEE

AGENDA ACTION: TWO RESOLUTIONS

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RECOMMENDATION

It is recommended by the City Attorney's Office that the Council, by two separate resolutions: (1) amend Council Policy No. 000-06 to allow for waiver of requirements as deemed appropriate to enhance the diversity, inclusivity or expertise of a Charter Review Committee; and (2) provide for waiver of three provisions of Council Policy No. 000-06 with respect to the appointment of the 2022 Charter Review Committee.

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EXECUTIVE SUMMARY

On August 17, 2021, the Council, by resolution, established a Charter Review Committee comprised of twenty-one City residents, with each Council member to appoint three members to the Committee. The Council expressed its strong interest in a Committee membership that includes a variety of ages, races, ethnicity, gender, geography, interests and backgrounds.

The Council expressed its intent that all Committee members be residents of the City, but that Committee membership not otherwise be limited by age or citizenship. The Council also expressed a desire for flexibility to appoint individuals who may be members of other City boards, commissions or committees, or members of the boards, commissions or committees of other public agencies.

Current Council Policy No. 000-06 contains provisions contrary to the Council's preferences for the Charter Review Committee. Those provisions include: (1) a requirement that all persons appointed to City boards, commissions and committees be registered voters; (2) a prohibition against appointment of current City employees or individuals currently appointed to another City board or commission; and (3) a provision that, except as otherwise provided by the Charter or state law, all City boards,

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commissions and committees shall be comprised of one appointee selected by each Council member.

Consistent with Council's direction, the City Attorney recommends that Council, by two separate resolutions, (a) amend Council Policy No. 000-06 to allow for waiver of requirements as deemed appropriate to enhance the diversity, inclusivity or expertise of a Charter Review Committee, and (b) provide for waiver of the three provisions of Council Policy No. 000-06 noted above with respect to the appointment of the 2022 Charter Review Committee.

### BACKGROUND

Section 12 of the City Charter states that the Charter shall be reviewed not less than every ten years. It states that the review is to be undertaken by a committee appointed by the Council in accordance with Section 11(a) of the Charter ("Participation and Diversity in Boards and Commissions") and existing Council Policies related to the appointment of boards, commissions and committees.

The last Charter review began in the fall of 2011 and culminated in several ballot measures placed before the voters in the November 2012 election. Ten years have now passed and on August 17, 2021, the Council formally initiated the new 2022 Charter review process.

To lead the review, the Council, by resolution, established a Charter Review Committee comprised of twenty-one residents of the City, with each Council member to appoint three Committee members. To facilitate diversity and community participation on that Committee, the Council expressed its desire to allow for waiver of certain requirements contained in Council Policy No. 000-06 ("Appointments to Boards/Commissions/Committees").

### PRIOR CITY COUNCIL REVIEW

On June 8, 2021, Council held a study session on City Charter Review.

On August 3, 2021, Council held a second study session on City Charter Review.

On August 17, 2021, Council adopted Resolution RES-2021-147, establishing a Charter Review Committee and giving directions for the 2022 Charter review.

### ANALYSIS

Section 12 of the City Charter provides that appointments to a Charter Review Committee are to be made in accordance with City Charter Section 11(a) and with existing Council Policies on the appointment of boards, commissions and committees.

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City Charter Section 11(a), entitled "Participation & Diversity in Boards and Commissions," provides, in relevant part:

"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."

Existing Council Policy No. 000-06, entitled "Appointments to Boards/Commissions/Committees," sets forth specific principles, procedures and requirements for appointments, as well as certain standards of conduct for board, commission and committee members. Three specific requirements of that Policy are at issue here.

Two of the requirements at issue are contained in Section B of Policy No. 000-06. Section B sets forth specific standards for appointment to a City board, commission or committee including: (a) residency within City of Santa Rosa, (b) voter registration within City of Santa Rosa, (c) completion of an application, and (d) except as provided by state or local statute, the appointee may not be a current City employee or currently appointed to another City Board or commission. Two of those four requirements are inconsistent with the Council's desires with respect to membership on the 2022 Charter Review Committee — the requirement for voter registration and the prohibition against appointment of an individual currently serving on another City board or commission. In both instances, the Council wishes to be more expansive, opening the doors of the Committee to a greater variety of City residents. In the case of voter registration, the Council has expressed its intent that non-citizen City residents and youth under age 18 be eligible for membership on the Charter Review Committee. In the case of individuals who are currently members of other boards or commissions, Council members have recognized the significant experience and expertise such individuals may bring to the table.

The third requirement at issue is contained in Section G.1 of the Policy. Section G.1 of Policy No. 000-06, provides that City boards, commissions and committees shall be comprised of one appointee selected by each Council member. The Council has directed that this year's Charter Review Committee be larger, comprised of twenty-one City residents, three appointees selected by each Council member. The last two Charter reviews, in 2002 and 2012, were each undertaken by Committees comprised of twenty-one individuals.

To give the Council flexibility both now and in the future, the first proposed resolution will amend Council Policy No. 000-06 to expressly authorize the Council to waive provisions of that Policy as Council deems appropriate to enhance the diversity, inclusivity or expertise of a Charter Review Committee. Charter review currently takes place only once every ten years, reviewing the fundamental structures of the City

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government. The Council has emphasized that broad community participation and diversity of Committee membership is essential.

With that amendment to Policy No. 000-06 in place, the second proposed resolution will make appropriate findings and waive, for purposes of the 2022 Charter Review Committee appointments only, (a) the Policy's requirement for voter registration, (b) the Policy's prohibition against appointment of current City employees and individuals currently serving on another City board or commission, and (c) the Policy's provision for seven-member boards, commissions and committees.

In all other respects, the standards and procedures set forth in Council Policy No. 000-06 will remain in place.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The Council finds that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under 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 – Council Policy No. 000-06 “Appointments to Boards/Commissions/Committees”
- Attachment 2 – Redlined Council Policy No. 000-06 “Appointments to Boards/Commissions/Committees”
- Resolution 1/Exhibit A - Amending Council Policy No. 000-06
- Resolution 2 - Waiving Certain Provisions of Council Policy No. 000-06

CONTACT

Sue Gallagher, City Attorney