

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 hear and discuss the procedures, timing 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 and governed by the City Charter as ratified by the City's voters. Section 12 of the Charter allows for review and revision of the Charter not less than every 10 years. The last Charter revision began in 2011 and resulted in proposed revisions placed on the November 2012 ballot. Under the terms of Section 12, the City is now eligible, though it is not required, to begin a new Charter review. Charter review may result in proposed revisions, additions or deletions to existing Charter provisions. Any proposed changes to the Charter are subject to voter approval.

BACKGROUND

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

City charters are authorized by the California Constitution. A City charter must be approved by the voters, and once approved, it becomes, in essence, the local constitution that governs the City. The charter may address a wide range of municipal matters, and generally gives the City greater autonomy in governing. On matters of statewide concern, however, local charter provisions may be preempted by State law.

Cities that do not have a voter-approved charter are “general law” cities, governed by the provisions of state law.

The City of Santa Rosa adopted its original City Charter in 1872. In recent decades, the Charter was reviewed and amended in 1994, 2002 and again in 2012. In each instance, the review was administered and overseen by a Charter Review Committee appointed by the City Council.

California Government Code sections 34450 et seq. set forth basic required procedures for adoption and amendment of city charters. In addition, the Santa Rosa City Charter itself sets forth a simple standard for Charter review. In its only provision directly on point, Section 12 of the City Charter provides only that, "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."

Under these provisions, the County may, but is not required to, begin a new Charter review this year. Such Charter review may result in proposed revisions, additions or deletions to existing Charter provisions. Any proposed changes to the Charter would be subject to voter approval.

If Council determines to move forward with a Charter review this year, the City Council is free to craft its own review process, within the parameters of state law and City Charter Section 12. It may be very helpful, however, to consider the successful procedures utilized in the recent past.

ANALYSIS

In this study session, staff will outline (a) the statutory requirements for Charter review, (b) practices and procedures used by the City successfully in the past, and (c) options for consideration by the Council. Staff will also seek Council direction on potential issues or areas of concern that may be appropriate for discussion in the process of Charter review.

The Council may receive information, ask questions, discuss and provide direction to staff. No formal action will be taken.

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

None.

CONTACT

Sue Gallagher, City Attorney, sgallagher@srcity.org