

## Charter of the City of Santa Rosa (Revised 2012)

**Sec. 1. Name.** The municipal corporation now existing and known as the City of Santa Rosa remains and continues to be a body politic and corporate as at present, in name, in fact, and in law.

**Sec. 2. Boundaries.** The boundaries of the City of Santa Rosa are those established on the effective date of this section and as the same may thereafter be altered from time to time in accordance with the provisions of state law.

**Sec. 3. Powers of the City.** The City, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution and which it would be competent for this charter to set forth particularly or specifically, and the specifications herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.

**Sec. 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.

**Sec. 5. Council Members Ineligible for Other City Positions During Term of Office and for One Year Thereafter.** No member of the Council shall be eligible for any office in, or employment by the City, for compensation, other than the elective office of Council member, during his or her term of office and for one year after the termination of his or her office.

**Sec. 6. Meetings of the Council.** The Council shall meet on the Tuesday next succeeding each general municipal election and the day the returns thereof are certified to the City by the Registrar of Voters, or other authorized election official, and shall approve and certify the results of the election and declare elected those Council candidates receiving the highest number of votes for the available offices. The new Council members shall then be inducted into office, whereupon the Council as thus newly constituted shall choose one of their number Mayor who shall be the executive head of the City.

The regular meetings of the Council shall be held on Tuesdays and shall be held not less than twice each month. The Council shall adopt rules for conducting its meetings.

**Sec. 7. Quorum.** A majority of the Council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of the total membership of the Council shall be necessary to adopt any ordinance or resolution and for the Council to approve or settle a claim against the City, which vote shall be taken by ayes and nays and entered upon the record.

**Sec. 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.

**Sec. 9. Staff for City Council.** The Council may authorize the retention of independent staff to assist the Council and to serve at the will of the Council.

**Sec. 10. Task Force: Citizen & 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.

### **Sec. 11. Participation & Diversity in Boards & 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 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.

**Sec. 12. 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) and existing Council Policies on the appointment of Boards, Commissions and Committees.

**Sec. 13. Independent Auditor.** The Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified accounting firm selected by the Council which has no financial interest, direct or indirect, in the fiscal matters of the City's government or any of its officers. The audit shall be conducted in accordance with generally accepted auditing standards.

**Sec. 14. Official Bonds.** The Council shall determine which officers and employees shall be bonded for the faithful performance of their official duties and fix the amounts of such bonds.

**Sec. 15. Mayor.** At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall serve for a term of two years or until a successor is chosen, unless earlier removed by the Council. The Council, at the time it selects a

Mayor and during each November in odd numbered years, shall choose one of its number as Vice-Mayor, who shall serve as Mayor Pro Tem in the absence, sickness or other disability of the Mayor. The Vice-Mayor shall serve for a term of one year or until a successor is chosen, unless earlier removed by the Council. The Mayor and Vice-Mayor shall hold their respective offices subject to the pleasure of the Council. A Council member may not serve consecutive terms as Mayor. If a Mayor fails to complete a full term, the Council member elected to fill out the remainder of the unexpired term shall not be barred from serving a consecutive term as Mayor thereafter if the remaining term filled was one year or less.

The Mayor shall be the executive head of the City. In case of riot, insurrection or extraordinary emergencies the Mayor shall assume general control of the City's government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions. The Mayor shall sign all ordinances and resolutions and, as authorized and directed by the Council, other legal instruments on behalf of the City. The Mayor shall have the power and authority:

- (a) To preside over meetings of the Council and to vote as a member of the Council.
- (b) To establish the agendas for Council meetings with the assistance of the City Manager.
- (c) To appoint committees of the Council and Council committee chairpersons.
- (d) To appoint chairpersons of the City's boards, commissions, and committees with the approval of the majority of the Council.
- (e) To deliver annually a state of the City address in which he or she articulates policy and vision for the City.
- (f) To act as the ceremonial representative of the City and spokesperson of the City.
- (g) To make appointments to all county, regional and state bodies on which the City is represented with the approval of the majority of the Council.
- (h) To act as chief negotiator on behalf of the City with county, regional, state and federal bodies and agencies.

**Sec. 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.

**Sec. 17. Oath of Office.** Every officer shall take and subscribe to the Constitutional oath of office before entering upon the performance of his or her official duties.

**Sec. 18. City Manager.** There shall be a City Manager appointed by the Council who shall be the administrative head of the City government. It shall not be necessary that the City

Manager be a resident of the City at the time of his or her appointment. The powers and duties of the City Manager shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same except as otherwise herein provided, and have general supervision and control over the same.
- (c) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.
- (d) To see that the provisions of all franchises, permits and privileges granted by the City are fully observed and report to the Council any violations thereof.
- (e) To act as purchasing agent for the City, except for the Board of Public Utilities, unless requested by such board.
- (f) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.
- (g) To examine or cause to be examined, without notice, the conduct of any appointed officer or employee of the City.
- (h) To keep the Council advised as to the needs of the City.
- (i) To devote his or her entire time to the interests of the City.
- (j) To have general supervision of all the public parks and playgrounds of the City.
- (k) To appoint such advisory boards as he or she may deem desirable to advise and assist the work of the City Manager, provided such boards shall not receive any compensation.

**Sec. 19. City Attorney.** There shall be a City Attorney appointed by the Council. The City Attorney shall be an attorney-at-law admitted by the bar of the Supreme Court of this state, and one who has been in actual practice in the state for at least three years preceding. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The City Attorney shall be legal advisor of the Council and all other City officials. The City Attorney shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the Council or other officials, except as may be otherwise provided. The City Attorney shall prosecute all violators of City ordinances and represent the City in all legal proceedings. The City Attorney shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 24. Chief Financial Officer.** The chief financial officer (CFO) of the City shall be a position appropriately titled by the Council and appointed by the City Manager. The CFO shall be responsible for the accounting functions of the City including the establishment of appropriate internal controls. The CFO shall be responsible for retaining and preserving all accounts, books and documents relating to the acts and contracts of the City, its debts, collection of its revenues and other financial matters.

The accounting system shall be maintained in accordance with generally accepted accounting principles for municipalities. The CFO shall issue an annual financial report. The accounting records, internal controls and annual financial report shall be subject to annual audit in accordance with section 13 of this charter.

### **Sec. 25. Board of Public Utilities.**

(a) There shall be a Board of Public Utilities composed of 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 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; 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.

## **Sec. 26. Water & Sewer Rates; Connection/Demand Fees; & Miscellaneous Fees & 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.

**Sec. 27. Fiscal Year.** The fiscal year shall begin with the first day of July and end with the last day of June of each year.

## **Sec. 28. Budget.**

(a) Not later than January 1st of each year, the Council shall publish a summary of the current year's adopted budget, along with places where copies of the current year's adopted budget are available for public review. Not later than March 31st of each year and prior to any annual goal setting meeting held by the Council, the Council shall hold a public hearing seeking oral and written comment from the public on budget priorities for the upcoming fiscal year. 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 7 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.

## Sec. 29. The Santa Rosa City School Districts.

(a) The Santa Rosa City School Districts shall include kindergartens, primary, grammar and high schools, and such evening schools, parental schools, junior high schools, intermediate schools, and other schools and programs as are established or may hereafter be established by the Board of Education of the School Districts under the Constitution and general school laws of the state.

(b) The boundaries of the Santa Rosa City School Districts shall be the boundaries now established for those School Districts, or that may be hereafter established for those School Districts, provided, that nothing herein contained shall be construed as prohibiting, or in any way affecting the annexation, for school purposes, of additional outside territory to the Santa Rosa City School Districts, in accordance with the general school laws of the state.



(c) The government of the Santa Rosa City School Districts shall be vested in a Board of Education composed of those persons, who shall be elected pursuant to the general school laws of the state.

(d) The powers and duties of the Board of Education shall be such as are now, or may hereafter be, conferred upon and enjoined on Boards of Education in city school districts by the laws of the State of California.

**Sec. 30. Elections.** General municipal elections of the City shall be held on the first Tuesday after the first Monday in November of each even-numbered year. All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. Elections shall be conducted pursuant to the election laws of the state as the same relate to municipal elections.

### **Sec. 31. Council Vacancy.**

(a) A Council vacancy may be filled by appointment by the Council or the Council may call a special election to fill the vacancy. If the Council fails to fill a Council vacancy within sixty days after it occurs, the Council shall then call a special election to be held as soon as practicable.

(b) If for any reason the seats of a majority of the Council shall become vacant, the City Clerk shall then call a special election to fill the vacancies for the unexpired terms, such election to be conducted substantially in the manner provided for by the general laws of the state.

(c) An appointee shall hold office until a successor is elected for the unexpired term at the next municipal election or until a successor is elected at a special election held in accordance with this section. Any person elected to the Council pursuant to this section shall serve the balance of the unexpired term.

(d) If any officer of the City shall remove himself or herself from the City or absent himself or herself therefrom for more than thirty days consecutively without the prior permission of the Council or shall fail to qualify or shall resign or be convicted of a felony or adjudged incompetent, his or her office shall thereupon become vacant.

(e) The Council may, by ordinance, provide the detailed procedure for carrying out the provisions of this Section.

**Sec. 32. Initiative, Referendum & Recall.** Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council under and in accordance with the Constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the Constitution and general laws. In case an officer be recalled the office held by him or her shall be deemed vacant and shall be filled by appointment by the Council as in the case of any other vacancy. The Council shall, by ordinance, provide the detailed procedure for carrying out the provisions of this section.

**Sec. 33. Public Library.** The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the State of California relating to free public libraries. The City may provide such services through a joint powers agreement with other public entities if approved by the City Council.

**Sec. 34. Public Records.** The records of the City shall be available for inspection in accordance with the California Public Records Act and other applicable state laws.

**Sec. 35. Records to Successor.** All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

**Sec. 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.

**Sec. 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.

**Sec. 38. Additional Duties of Officers.** Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by the Council or the general laws.

**Sec. 39. Participation in Council Elections.** Neither the City Manager, nor any person in the employ of the City, shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office except as permissible under the Constitution of the United States of America, the Constitution of California, and the laws of California.

**Sec. 40. Interference With Manager.** Neither the Council nor any of its members shall in any manner control the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

The Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Notwithstanding the above, the Council acting as a body may make investigations into the affairs of the City and the conduct of any department, office or agency.

**Sec. 41. No Gratuities to Officials.** No officer or employee shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly from any subordinate or employee, or from anyone under his or her charge, or from any candidate or applicant for any position as employee or subordinate in any department of the City.

**Sec. 42. Prohibited Acts & Interests in Contracts.** In accordance with the requirements of the Government Code, City officers and employees and members of boards and commissions of the City shall not be financially interested in any contract, purchase or sale made by them in their official capacity, or by any body or board of which they are members. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than proposed by any other bidder, or favor one bidder over another, giving or withholding information, or willfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received. Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be automatically expelled from his or her office or employment.

If at any time it shall be found that the person, firm, or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the City so elects, be null and void and the contractor and his or her bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

**Sec. 43. Approving Illegal Claims.** Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his or her official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

**Sec. 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.

**Sec. 45. Public Improvements & Street Work.** All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the City treasury or assessed on the property benefited.

**Sec. 46. Franchises.** Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the City, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; provided, no franchise or the renewal of an existing franchise shall be granted except on condition that at least 2% of the gross annual receipts derived from the use of such franchise shall be paid to the City.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the Constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

**Sec. 47. Newspaper of General Circulation.** The Council shall select one or more newspapers of general circulation in the City for the publication of ordinances and other legal notices required to be published.

**Sec. 48. Bond Money.** All money derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purpose for which the bonds were voted; provided, that after such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund, and provided further, that whenever the Council shall by resolution deem the expenditure of money raised by the sale of bonds for the purpose for which said bonds were voted to be impracticable or unwise, said Council may call a special election to obtain the consent of the people of said City to use said money for some other specified municipal purpose, in which case the resolution calling such special election shall recite the new object or purpose for which the said money is proposed to be expended, and shall fix the date on which such special election will be held, the manner of holding such election and the voting for or against the expenditure of said money for said purpose, and in all particulars not recited in said resolution such election shall be held as provided by law for holding of such municipal elections.

Such resolution shall be published once a day for at least seven days in some newspaper published at least six days a week in the City; or once a week for two weeks in some newspaper published therein less than six days a week, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. No other notice of such election need be given. It shall require the votes of two-thirds

(2/3) of the voters at such special election to authorize the expenditure of the moneys for the purpose mentioned in the resolution calling such special election. If by such vote the voters authorize the expenditure of such money for the purposes mentioned in said resolution calling such election, then the Council may expend such moneys for the purposes so specified and after such purposes have been fully completed and paid, then any remaining surplus shall be transferred to the bond interest and redemption fund.

**Sec. 49. Pensions.** If and when any such coverage is possible under the laws of the State of California and the laws of the United States, the Council may provide for inclusion of City employees, officials or members of the police or fire department in the benefits of the Federal Social Security Act as now or hereafter amended or superseded, and the Council may for and on behalf of the City, enter into such contracts or agreements with the State of California or the federal government of the United States or any agency, department or officer of the state or federal government, make such payments, incur such obligations and take such other action as necessary to accomplish coverage of City employees, officials or members of the police or fire department under the Federal Social Security Act.

The Council may enter into a contract with the Board of Administration of the State's Public Employees' Retirement System or other Retirement Systems or fiduciary providing for IRS Qualified retirement and death and disability benefits plans for persons in the employ of the City.

**Sec. 50. Personnel Rules & Regulations.** The Council shall by ordinance adopt rules and regulations for personnel relations, employment and administration.

**Sec. 51. General Laws Applicable.** All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the City; provided, the Council shall have the power to pass ordinances which in relation to municipal affairs shall control as against the general laws of the state.

The Council may contract with the County of Sonoma for performance by appropriate county officers and employees of City functions or may transfer City functions, including assessment and collection of taxes to the County of Sonoma in accordance with and in the manner provided by any general law of the State of California in effect on the date such action is taken, notwithstanding anything either directly or by implication to the contrary contained in any other section or provision of this charter and dates set out in this charter for completion of things to be done and action to be taken may be varied from to accomplish the purpose of this section.

**Sec. 52. Continuing Officers & Employees.** Until the election or appointment and induction into office of the officers and employees in this charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding charter or existing ordinances, resolutions, regulations, or laws.

**Sec. 53. Continuing Ordinances in Force.** All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

**Sec. 54. Continuing Contracts in Force.** All vested rights of the City shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this charter. All contracts entered into by the City prior to the taking effect of this charter shall continue in full force and effect.

**Sec. 55. When Charter Effective.** This charter will go into effect, following its adoption by the people, when filed with the Secretary of State. All elected officers in office at the time this charter becomes effective shall hold office until the expiration of the terms for which they shall have been elected, and perform the duties of their respective offices in accordance with the provisions of this charter.

**Sec. 56. Impartial & Binding Arbitration for Police & Fire Department Employee Disputes.**

(a) It is hereby declared to be the policy of the City of Santa Rosa that strikes by firefighters and police officers are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes. It is further acknowledged that strikes by firefighters and police officer are unlawful in the State of California.

(b) Prohibition against Strikes. No City of Santa Rosa police department employee or fire department employee covered by the provisions of this section shall willfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) In the event that the City and any employee organization that is recognized by the City as the exclusive representation unit or representation units composed solely of employees of the police department and/or fire department, as such units are currently constituted or as they may be amended through negotiation or arbitration as provided in this section, fail to reach agreement on a memorandum of understanding after negotiating in good faith as required by the Meyers-Milias-Brown Act, Government Code § 3500 et seq., then either party may request that the issues be submitted to binding arbitration. Except as otherwise provided in this section to the contrary, all provisions of the Meyers-Milias-Brown Act shall apply to the negotiations and impasse procedures between the City and said employee organizations.

(d) In the event that the City and any employee organization that is recognized by the City as the exclusive representative of a representation unit or representation units composed solely of employees of the police departments and/or fire department, as such units are currently constituted or as they may be amended through negotiation or arbitration as provided in this section, fail to resolve any grievance over the application or interpretation of any provision in the memorandum of understanding between the City and said employee organization, except for any issue relating to discipline of an individual employee or employee(s), either party may request submission of the grievance to binding arbitration for final resolution.

(e) The City and the representatives of the employee organization may stipulate to have the issues resolved by a single arbitrator agreed upon by the parties. If the parties are unable to agree to a single arbitrator, then within fourteen days after either party has notified the other in writing that it desires to proceed to arbitration, each party shall select and appoint one arbitrator to the Arbitration Board. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the employee organization cannot agree upon the selection of the neutral arbitrator within ten days after the appointment of the arbitrators referenced above, then either party may request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven persons to act as the neutral arbitrator, the parties shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and the Chairperson of the Board.

(f) The Arbitrator(s) in arriving at a decision shall consider the factors set forth in Government Code Section 3505.4 (d) in the following order of priority and importance:

(1) State and federal laws that are applicable to the City;

(2) Local rules, regulations, or ordinances;

(3) Stipulations of the parties;

(4) The interests and welfare of the public and the financial ability of the City as these terms are defined in paragraph (g) below;

(5) Comparison of the wages, hours, and conditions of employment of the employees involved in the arbitration with the wages, hours, and conditions of employment of other employees performing similar services in comparable cities;

(6) The consumer price index for goods and services, commonly known as the cost of living; and

(7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

(g) The interests and welfare of the public and the financial ability of the City to pay shall be determined based on an evaluation of evidence submitted by both parties based on all of the following criteria:

(1) The documented cost of the respective proposals submitted by both parties to the general fund and other dedicated public safety funding sources;

(2) A genuine general fund budget deficit of the City;

- (3) Inability of the City to pay its debts to third parties;
  - (4) Legislative action by the City declaring a financial emergency;
  - (5) Long term cash flow problems in the general fund or other dedicated public safety funding sources;
  - (6) The City's bond rating and inability to sell bonds and other obligations at a reasonable interest rate;
  - (7) Decline in general fund or other dedicated public safety tax revenues over a period of years;
  - (8) Documented increases or decreases in benefit costs or other City mandatory expenditures in the general fund or other dedicated public safety funding sources;
  - (9) Projected costs to the general fund of pending litigation against the City;
  - (10) Condition of the City's physical infrastructure, especially safety and liability issues arising from poorly maintained facilities;
  - (11) Reduction in the number of positions by attrition and layoffs of employees in the two fiscal years prior to the fiscal year under negotiation;
  - (12) Layoffs proposed for the fiscal year under negotiation;
  - (13) Consideration of salary and benefit increases or decreases to other City general fund employees in the fiscal year prior to the year(s) under negotiation and the current fiscal year(s) at issue;
  - (14) The relative wealth of the City when comparing general fund revenue per capita with the comparable agencies; and
  - (15) If the proposed contract is a multiyear contract, the arbitrator must consider ability to pay over the life of the contract being arbitrated.
- (h) The decision of the Arbitrator(s) shall provide a written explanation as to the application of the factors set forth above in the decision. Compliance with the provisions of the Charter shall be mandatory and enforceable by either party pursuant to Section 1085 of the Code of Civil Procedure; failure to comply with these provisions shall also constitute an act in excess of jurisdiction.
- (i) After reaching a decision, the Arbitrator(s) shall mail or otherwise deliver a true copy of its decision to the parties. The decision shall not be publicly disclosed and shall not be binding until 10 days after it is delivered to the parties. During that 10 day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitrator(s). At the conclusion of the 10 day period, which may be extended by



mutual agreement between the parties, the decision of the Arbitrator(s), as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to conform or approve the decision of the Arbitrator(s) shall be permitted or required.

(j) The expenses of any arbitration proceeding convened pursuant to this Section, including the fee for the services of the Chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

(k) The terms and language of this Section have been conceived in good faith and based on best known practices and applicable law at the time of its creation; however if after adoption any portion of this Section should be enjoined or declared invalid or otherwise vacated, other than by a vote of the electorate, the court shall determine whether the disputed portion of this Section is severable from the remaining portions of this Section and whether the remaining portions of this Section without the disputed portion maintains the intent of the voters in adopting this Section. The court shall set forth the basis for its determination on this issue as part of any judgment which invalidates any portion of this Section.

**Sec. 57. Campaign Finance Reform.** The Council shall consider and by ordinance enact new election campaign finance reform measures, the purpose of which, in part, shall be to reduce the cost of Council election campaigns and increase the accessibility of Council candidates to the electorate. The ordinance shall include at least the following provisions:

1. New limits on campaign contributions that are lower than the current \$1,000 limitation.
2. A new schedule for reporting campaign contributions for all Council candidates, including all independent expenditures, that shall allow the greatest public knowledge of all campaign contributions.
3. Provisions that provide for public financing of Council election campaigns.

**Sec. 58. Design Build Procurement.** Notwithstanding any provision to the contrary in the California Public Contracts Code, in Charter Section 44, or any other law or regulation of the City of Santa Rosa, the use of design-build procurement by competitive negotiation is authorized. The City Council shall establish by ordinance regulations for the award, use and evaluation of such design-build contracts, in which the design and construction of a public works project are procured from a single entity.