

CITY OF SANTA ROSA MEASURE NO. 3

CITY CHARTER UPDATE AND MODERNIZATION

The People of the City of Santa Rosa hereby amend various provisions of the Charter of the City of Santa Rosa to clarify ambiguities, provide greater flexibility in City operations, and to ensure gender and citizenship neutrality, the various provisions to read as follows:

Section 1. Section 12 of the Charter of the City of Santa Rosa shall be amended to clarify frequency of allowable Charter amendments and to read as follows:

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. Nothing in this section precludes additional amendments placed on the ballot by voter initiative or by Council ordinance at such other times as deemed necessary.

Section 2. Sections 15, 18, 21 and 22 of the Charter of the City of Santa Rosa shall be amended to clarify responsibilities for emergency management and to read as follows:

Section 15 of the Charter shall be amended to read as follows:

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~~ they 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.

Section 18 of the Charter shall be amended to read as follows:

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 serve as Director of Emergency Services, responsible for controlling and directing the effort of the emergency organization of the City in response to actual or threatened conditions of disaster or of extreme peril to the safety of persons and property within the City.
- ~~(d)~~ (d) 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)~~ (e) 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)~~(f) To act as purchasing agent for the City, except for the Board of Public Utilities, unless requested by such board.

~~(f)~~(g) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

~~(g)~~(h) To examine or cause to be examined, without notice, the conduct of any appointed officer or employee of the City.

~~(h)~~(i) To keep the Council advised as to the needs of the City.

~~(i)~~(j) To devote ~~his or her~~ their entire time to the interests of the City.

~~(j)~~(k) To have general supervision of all the public parks and playgrounds of the City.

~~(k)~~(l) To appoint such advisory boards as ~~he or she~~ they may deem desirable to advise and assist the work of the City Manager, provided such boards shall not receive any compensation.

Section 21 of the Charter shall be amended to read as follows:

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.

Section 22 of the Charter shall be amended to read as follows:

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 full ~~supreme~~ authority over the territory immediately involved in or threatened by the fire ~~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 3. Section 28 of the Charter of the City of Santa Rosa shall be amended to clarify that the City Manager may propose a multi-year budget and to read as follows:

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 may span a single or multiple years. Whether a single or multi-year budget, 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 4. Section 25 of the Charter of the City of Santa Rosa shall be amended to make clear that, at the Council's discretion, the responsibilities of the Board of Public Utilities may extend to stormwater and dry utilities, with that Section 25 to read as follows:

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 stormwater systems, and, as the Council may by resolution or ordinance direct, such other utility facilities or operations managed, ~~by the City and utilities~~ owned or operated by the City, including dry utilities, including electricity, broadband and others.

(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.

Section 5. Sections 19, 32, and 37 of the Charter of the City of Santa Rosa shall be amended to clarify certain City procedures and to read as follows:

Section 19 of the Charter shall be amended to read as follows:

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 had at least three years of ~~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.

Section 32 of the Charter shall be amended to read as follows:

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~~ them shall be deemed vacant and shall be filled in accordance with Section 31 ~~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.

Section 37 of the Charter shall be amended to read as follows:

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.~~

Section 6. Throughout the Charter, the terms “he,” “she,” or “he or she” shall be replaced with the word “they.” Throughout the Charter, the terms “his,” “her,” or “his or her” shall be replaced with the word “their.”

Section 7. Sections 10 and 11 of the Charter of the City of Santa Rosa shall be amended to replace the word “citizen,” with the word “resident,” to read as follows:

Section 10 of the Charter shall be amended to read as follows:

Sec. 10. Task Force: Resident ~~Citizen~~ & Neighborhood Participation.

(a) The Council shall appoint a task force to recommend to the Council approaches to greatly increase resident ~~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~~ their service as such, shall be, and remain a resident of the district ~~he or she is~~ they are 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 of the Charter shall be amended to read as follows:

Sec. 11. Participation & Diversity in Boards & Commissions.

(a) The City shall undertake all reasonable efforts to encourage participation by all ~~residents-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.