



City of Roseville Draft Charter Review Report 2020

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Meetings held at Roseville City Council Chambers

March 18, 2019
April 15, 2019
May 20, 2019
June 17, 2019
July 15, 2019
August 19, 2019
September 16, 2019
November 18, 2019
December 16, 2019
January 27, 2020
February 20, 2020
March 5, 2020
March 16, 2020

Public Posting Period:

April 17, 2020 to May 8, 2020

Official minutes and videos of all Charter Review Commission meetings are available at www.roseville.ca.us.

Introduction & Background

The charter of the City of Roseville serves as the City's "constitution". The charter sets limits of authority for city officers and establishes procedures of government for the city to follow. Amendments to the charter are required by charter Section 1.05 which reads "[a]t least every ten (10) years, the City Council shall appoint a citizens commission of not less than nine (9) members whose charge shall be to review the charter and present, or cause to be presented, to the City Council a written report recommending those amendments, if any, which should be made to the charter".

The charter review process is also prescribed by Article 11, § 3(a) of the California Constitution which provides that a city charter may be amended, revised or repealed by a majority vote of the City's electors. Amendments to the city charter may be proposed to the voters by an appointed Charter Review Commission, or by the governing body. (California. Constitution Art. 11, §3(b); California Government Code §34451; California Government Code §34458.) Historically, the city has appointed a Charter Review Commission to review and analyze the various sections of the charter and present proposed modifications to the City Council for consideration and placement on the ballot.

The original charter of the City of Roseville was adopted by the voters on April 1, 1935 and certified by the California Secretary of State on May 2, 1935. Amendments to the original document have been approved by the voters on several occasions with the last major amendment occurring after measures were placed on November 2010 General Municipal Election ballot.

On February 20, 2019, the City Council approved a resolution establishing a nine member Charter Review Commission to review the Roseville charter in order to make recommendations to the City Council on proposed amendments for placement on the 2020 General Municipal Election ballot. The Charter Review Commission was directed to review the charter to determine whether or not the document will adequately serve the community in the future, and to report to the City Council as many amendments to the charter as the Commission deems advisable with the goal being to ensure that the charter is responsive to the changing needs of the community.

The Charter Review Commission considered a variety of issues, gathered information from various sources, and formulated recommendations which are set forth in this report.

Executive Summary

This report describes the process of the Charter Review Commission's deliberations, summarizes research, and provides a brief synopsis of the rationale for the recommendations.

The report outlines the Charter Review Commission's recommendations regarding several of the many issues identified for study. The Charter Review Commission believes these proposals should be placed before the voters of Roseville for their consideration. The proposals, if adopted, are being suggested in order to promote enhanced government for the residents of Roseville. Like all solutions to complex issues, the proposals are not immune from criticism. The recommendations are the product of careful study, debate, and most importantly, the balancing of many competing considerations.

Following the distribution of data in this report and the selection of items to be placed on the ballot by the City Council, the Assistant City Attorney will prepare an impartial analysis for each of the proposed charter amendments. Impartial analysis of each of the measures is due to the Placer County Office of Elections on August 7, 2020. Arguments for and against each proposed amendment may be submitted by qualified voters or associations (California Elections Code §§ 9280, 9281). The deadline for submittal of arguments for and against each of the proposed amendments is also August 7, 2020. The last day to file rebuttal arguments for and against each measure is August 17, 2020.

While the Charter Review Commission did not always reach a unanimous decision on each of the recommendations, a majority of the Charter Review Commission members did support the recommendation made for each of the topics presented. The Charter Review Commission was aware that the power of cities to enact local laws is subject to several limitations which likewise limit their authority to amend the charter. First, the constitutional grant of authority to cities for the adoption of local laws itself contains certain restrictions. A local law cannot be inconsistent with a general state law or the California Constitution.

Second, the scope of local law authority is restricted with respect to subjects which the courts have determined to be areas of statewide concern. A matter of statewide concern is a subject area which the courts have decided affects the residents of the entire state rather than only the "property, affairs or government" of a particular municipality. The courts have determined such areas as taxation, transportation and highways, incurring of indebtedness, education, social services, and banking practices to be areas of statewide concern and not subject to local regulation.

Public Input

The Charter Review Commission welcomed and received input from members of the community. These members included current and past councilmembers and local residents. The Charter Review Commission hosted thirteen (13) meetings at the Roseville City Council Chambers. These meetings were open to the public and the dates and times were set in order to invite public participation. While the Charter Review Commission did not obtain as much public participation and input as it hoped during some of these public meetings, the Charter Review Commission is appreciative of the public input received. The Charter Review Commission also received input in the form of written letters and email correspondence. Public input reaffirms the theme that citizens want to participate in the establishment of laws that govern their local municipality.

In addition to public input a survey of pertinent staff and department heads was undertaken in order to obtain a general review and analysis of the existing charter. Questions included the following:

- Is the charter outdated?
- Is the charter too detailed or too vague?
- Is the charter ambiguous concerning the powers and duties of various city officials and operating units?
- Is the charter internally consistent?

Opportunities for input from city officials are important as the information gathered can be extremely helpful in assessing receptivity to possible changes.

Issues for Study

The basic issues which call for decisions by a charter commission are much the same for all cities. Two issues related to the form of a city charter require decisions before the Charter Review Commission can proceed effectively. The first of these is whether to revise the charter by amending specific provisions while leaving others relatively intact, or to draft a new charter. The Roseville Charter Review Commission chose to revise the charter by amending specific provisions. Secondly, an additional principle guided the Charter Review Commission and was based upon a theme that was repeated throughout the information-gathering stage and during deliberations on the enumerated issues: change merely for the sake of change should be avoided. The members of the Charter Review Commission agreed that any recommended changes to pertinent parts of the charter should be based upon their conclusion that the needs of the City would be better served by the proposed change.

The Charter Review Commission attempted to obtain information from a wide variety of sources concerning the issues proposed. In addition to the facts and opinions provided by individuals who came before the Charter Review Commission, either in person or in writing, members of the Charter Review Commission brought considerable background and experience to the table.

With all the information at hand, the members of the Charter Review Commission sought to reach a consensus on each issue so that a recommendation on each item could be presented to the City Council. In order to properly discuss each proposal, the Charter Review Commission requested staff conduct research and create staff reports. The data in the staff reports was a product of facts based upon historical data or information gathered from other jurisdictions. The staff reports analyzed proposals and focused on recording as many factors as practical. All resource materials are available to the public via the Charter Review Commission minutes page on the City website.

Individual issues considered by the Charter Review Commission are summarized in order to support their recommendations, and are set forth with brief considerations and reasoning for reaching each recommendation.

A considerable amount of the proposals had to do with the City's transition from at-large elections to district-based elections. The city ratified district-based elections in December of 2019. Certain charter provisions were in direct conflict with the ordinance adopted by the City Council. The Charter Review Commission supported recommendations which bring the charter into concert with the ordinance and the process for conducting district-based elections.

Article I. Incorporation, Succession, and Powers

A. Section 1.05 of Article I – Charter review and amendments.

The proposed change to Section 1.05 of Article I of the charter replacing the word “commission” with the word “committee” is required to come into compliance with State law. A charter commission under State law is one where the members are elected whereas a charter committee is one where the members are appointed by the Council. Roseville uses an appointed charter review committee, not an elected charter review commission.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve changing the word commission to committee; and
2. Approve language changes for Section 1.05 of Article I of the charter as follows:

Section 1.05. Charter review and amendments.

Charter review and amendments

At least every (10) years, the City council shall appoint a citizen ~~commission~~ committee of not less than nine (9) members whose charge shall be to review the charter and present, or cause to be presented, to the City council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the City council.

Article II. Plan of Government

A. Section 2.02 of Article II – Elective officers.

The Roseville City Council formally adopted a by-district election format at their December 4, 2019 City Council meeting and the proposed language regarding how elections are conducted conforms to the necessary requirements needed with the City charter by replacing the reference to “at-large” elections with a reference to “by-district” elections. The first three sentences of Section 2.02 proposed to be amended are required to come into compliance with the City’s district elections ordinance and to prevent a conflict between the charter and the ordinance.

The Charter Review Commission contemplated term limits of the City Council. Two former Roseville elected officials recommended the Charter Review Commission consider amendments changing term limits from two (2) consecutive four (4) year terms of office to three (3) consecutive four (4) year terms of office. After much deliberation, the Charter Review Commission recommended that term limits remain at two (2) consecutive four (4) year terms of office.

The Charter Review Commission also addressed the number of councilmembers and whether the City Council composition should be increased. Based on the City adopting a five (5) district election map, the change could not be contemplated for the 2020 election. The Charter Review Commission came to the conclusion that there is no statistical relationship between the size of a population and the appropriate size of its representative body. Many cities with much larger populations than Roseville function well with a five (5) member governing body. The Charter Review Commission felt that at the present time there was no compelling reason to increase the size of the Council. Charter Review Commission members denoted if an increase in membership was warranted prior to the next charter review process in ten (10) years, the Council can request an increase to the membership be placed on the ballot, or a citizen’s initiative can be circulated in order to place the question on the ballot.

The Charter Review Commission also studied language which limits the term of a councilmember who is appointed or elected to serve more than two (2) years limiting that individual to one (1) additional four (4) year consecutive term. The Charter Review Commission also approved language that added sequencing of district elections outlining which districts would have elections and in which year, and approved language that clarified that partial terms under two (2) years served due to appointment and election would not count as a term for purposes of term limits.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve the replacement of the reference of “at-large” elections with a reference to “by-district” elections to come into compliance with the City’s district elections ordinance and to prevent a conflict between the charter and the district elections ordinance; and

2. Approve current charter language regarding terms to remain at two (2) consecutive four (4) year term limits; and
3. Approve the current Council size at five (5) members; and
4. Approve the limit of terms of a councilmember who is appointed or elected to serve more than two (2) years to one (1) additional four (4) year consecutive term; and
5. Approve inclusion of sequencing language outlining when specific districts will be on the ballot and when; and
6. Approve clarification that partial terms under two (2) years served due to appointment and election would not count as a term for purposes of term limits; and
7. Approve language changes for Section 2.02 of Article II of the charter as follows:

Section 2.02. Elective officers.

Elective officers

The electors of the City shall elect a council of five (5) members each of whom shall be elected, ~~at large,~~ by district by the voters in that district for a four (4) year term of office. Commencing with the General Municipal Election in November of 2020 and every four (4) years thereafter, the voters in the odd-numbered electoral districts shall elect a councilmember. Commencing with the General Municipal Election in November of 2022 and every four (4) years thereafter, the voters in the even-numbered electoral districts shall elect a councilmember. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. ~~Two (2) and three (3) councilmembers shall be elected alternately at the General Municipal Election each even-numbered year.~~ No councilmember shall serve more than two (2) consecutive four (4) year terms, commencing as of a date subsequent to April 9, 1974. A partial term of less than two (2) years served due to appointment or election to a vacant council seat does not count as a term for purposes of this section. However, a combination of an appointment to a vacant council seat followed by a subsequent election to fill the remainder of the unexpired term of that same vacant seat shall count as a term for purposes of this section.

B. Section 2.03 of Article II – Assumption of office by, meeting of council, and seating of mayor and vice-mayor.

The proposed amendment regarding the selection of mayor and vice mayor is required to come into compliance with the City's district elections ordinance and to prevent a conflict between the City's charter and the ordinance.

The Roseville City Council formally adopted a by-district election format via ordinance at their December 4, 2019 City Council meeting. The ordinance adopted requires the Council to self-select among its membership a mayor and vice mayor following every election.

Initially, the Charter Review Commission members favored amending the charter to mirror the ordinance to provide for self-selection. A proposed revision to Section 2.03 considered by the Charter Review Commission would have made the necessary changes to the charter by replacing language regarding the highest vote getter with self-selection language.

Following the decision to mirror the ordinance, members then recommended a policy specifying that self-selection shall be on a rotational basis, with each district serving as mayor at least every twelve years.

At a subsequent meeting, the Charter Review Commission opted to specify that the mayor and vice mayor be seated by rotation among the five electoral districts. The language was proposed to state following the certification of the 2020 General Municipal Election, the councilmember who received the highest number of votes in the 2018 election shall be mayor for a two (2) year term and the councilmember elected to electoral district number five (5) shall be seated as vice mayor for a two (2) year term. Following each General Election, a vice mayor shall be seated by rotation in sequential order of the five (5) districts. Upon termination of a councilmember's term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor and vice mayor shall each serve a two year term.

The Charter Review Commission changed course and then decided that the mayor and vice mayor would be seated by rotation among the five electoral districts, and changed the recommendation to state the initial vice mayor shall be determined by the City Clerk drawing lots among all of the electoral districts except the district where the mayor resides following the November 2020 General Municipal Election.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve amended language that following the certification of the 2020 General Municipal Election, the councilmember who received the highest number of votes in the 2018 election shall be seated as mayor for a two (2) year term; and
2. Approve language that the City clerk shall draw lots among all of the electoral districts except the district where the mayor resides to determine the selection of the initial vice mayor following the November 2020 General Municipal Election; and
3. Approve language that the selected councilmember shall be seated as vice mayor for a two (2) year term; and
4. Approve language that following each General Municipal Election thereafter, a vice mayor shall be seated by rotation in sequential order of the five (5) districts; and
5. Approve addition of language that upon termination of a councilmembers' term of office as vice mayor, the vice mayor shall be seated as mayor; and
6. Approve addition of language that the mayor and vice mayor shall each serve a two year term; and
7. Approve language changes for Section 2.03 of Article II of the charter as follows:

Section 2.03. Assumption of office by, meeting of council, and seating of mayor and vice mayor.

Assumption of office by, meeting of council, and seating of mayor and vice mayor

The council shall be sworn in and assume office, subject to the qualifying provisions of this charter, upon receipt of a certified statement of the results of the election pursuant to California Elections Code 15372, as it may be hereafter amended. The council shall hold its first meeting at that time. ~~The councilmember who received the highest number of votes in the latest election shall be seated as vice mayor. The vice mayor's term of office shall commence upon assumption of office and continue until the election, qualification and assumption of office of their successor following the next General Municipal Election. Upon termination of a councilmember's term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor's term of office shall commence upon assumption of office and continue until the assumption of their successor following the next General Municipal Election.~~ Following the certification of the 2020 General Municipal Election, the councilmember who received the highest number of votes in the 2018 election shall be seated as mayor for a two (2) year term and the City clerk shall draw lots among all of the electoral districts except the district where the mayor resides to determine the selection of the initial vice mayor. The selected councilmember shall be seated as vice mayor for a two (2) year term. Following each General Municipal Election thereafter, a vice mayor shall be seated by rotation in sequential order of the five (5) districts. Upon termination of a councilmembers' term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor and vice mayor shall each serve a two (2) year term.

C. Section 2.14 of Article II – Boards and commissions.

The amendment is proposed to create consistency. All other city commissions, committees, and boards are outlined in the municipal code. The proposed amendment would specifically delete references to the planning commission and the personnel board and propose language that specifies the City Council may by ordinance create or abolish boards and commissions with respect to specific municipal functions as it may deem necessary. Additional changes were necessary to add the board of appeals as a body whose final decision cannot be appealed to the City Council per State law and to add reference to Section 8.01 for the personnel board. The Charter Review Commission also recommended adding committees to the title of the section and text of the paragraph.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve the deletion of the references to the planning commission and the personnel board as they are outlined in the municipal code; and
2. Approve language outlining the Council may by ordinance create or abolish boards and commissions with respect to specific municipal functions as it may deem necessary; and
3. Approve the addition of a reference to Section 8.01 regarding the personnel board; and
4. Approve the addition of the board of appeals as they are a board whose decisions cannot be appealed to the City Council; and

5. Approve the addition of the reference to committees to the title of Section 2.14 and text of the paragraph; and
6. Approve language changes for Section 2.14 of Article II of the charter as follows:

Section 2.14. Boards and commissions.

Boards, ~~and~~ commissions, and committees

The council ~~shall~~ **may** by ordinance create ~~a planning commission and a personnel board, and may create~~ or **may** abolish ~~such other~~ boards, ~~and~~ commissions, **and committees** with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the number, manner of appointment, length of term, and duties of members of such boards, ~~and~~ commissions, **and committees** who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the personnel board **required by Section 8.01 and the board of appeals**, the council shall provide for an appeal by any interested or aggrieved person from the decision of any boards, ~~or~~ commission, **or committee** to the council. The council's decision shall be final. All members of such boards, ~~and~~ commissions, **or committees** shall be residents of the City at the time of their appointment and continuously during their term of office. Boards, ~~and~~ commissions, **and committees** existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter.

Article III. Provisions Regarding Officers and Employees

A. Section 3.01 of Article III – Eligibility for office.

The proposed amendments are required to come into compliance with the City's district elections ordinance and to prevent a conflict between the City's charter and the ordinance. Language generally outlines only United States citizens may be elected or appointed officers of the City. In order to be eligible for City office, any councilmember elected or appointed to represent an electoral district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in the district in which the candidate seeks election at the time termination papers are issued.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve language stating only United States citizens may be elected or appointed officers of the City; and
2. Approve language that in order to be eligible for City office, any councilmember elected or appointed to represent an electoral district must reside in that district and be a registered voter in that district; and
3. Approve language that any candidate for City Council must reside in and be a registered voter in the district in which the candidate seeks election at the time nomination papers are issued; and
4. Approve language changes for Section 3.01 of Article III of the charter as follows:

Section 3.01 Eligibility for office.

Eligibility for office

Only United States citizens may be elected or appointed officers of the City. Furthermore, in order to be eligible for City office, any councilmember elected or appointed to represent an electoral district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in, the district in which the candidate seeks election at the time nomination papers are issued. ~~Only registered qualified electors who have been residents of the City or any territory legally annexed thereto at the time nomination papers are issued to the candidate pursuant to the general election law, shall be eligible to an election City office.~~

B. Section 3.05 of Article III – Compensation of council members and mayor.

The topic of compensation for councilmembers and the mayor was addressed at six (6) of the Charter Review Commission's thirteen (13) meetings. In previous reviews of the charter in 2000 and 2010, compensation was also a topic of robust deliberation. During the 2000 General Municipal Election, Measure H was placed on the ballot requesting councilmember and mayor pay be increased from five hundred dollars (\$500) per month for each councilmember with the mayor receiving an additional fifty (\$50) per month, to six hundred dollars (\$600) per month for each councilmember with the mayor receiving an additional fifty dollars (\$50) per month. The previous amount paid and the increase

were both tied to population. Pay was five hundred dollars (\$500) based on the population range of 50,000 to 75,000 persons. The six hundred dollar (\$600) amount was based on the population range exceeding 75,000 persons. The ballot measure passed increasing the pay with 55.56 percent voting yes and 44.44 percent voting no. A compensation increase was not placed on the ballot in 2010. Both salaries above were established based on compensation enumerated in the California Government Code for pay for councilmembers in general law cities.

Specifically, general law cities follow Title 4 of the California Government Code, Division 3, Part 1 § 36501-36525. Population ranges are from under 35,000 persons up to cities with populations exceeding 250,000 persons. The salary for general law cities exceeding 250,000 persons is one thousand (\$1,000) per month.

Research was conducted by survey of local jurisdictions and comparable California jurisdictions with a similar population. Demographics of each respective jurisdiction included information on household median income, whether the city was a full service municipality, the city's 2018/2019 budget denoting revenue and expenditures, retirement benefits, medical insurance, dental insurance, and other benefits such as phone stipends, car allowances, internet stipends, and the amount of credit available to each member for community activities. The research displayed a wide range of salary and benefits with Roseville being one of the municipalities with the lowest compensation and no medical benefits.

Members considered language which would pay councilmembers a stipend in the amounts set forth in state law for general law cities, but a majority felt the pay was disproportionate with the duties of setting policy for a full service city. However, as the City is moving to districts, consideration was also made in order to set an appropriate salary.

The Charter Review Commission initially approved a proposal to pay councilmember stipends in the amount of fifteen (15) cents per Roseville resident per year. The population will initially be based on the latest U.S. Census Bureau estimate, and will be adjusted after every federal decennial census. The Charter Review Commission's proposal also recommended the City Council should establish a policy or administrative regulation that Council shall be reimbursed for reasonable and necessary expenses actually incurred in the service of the City. Currently, the charter states that such reimbursements "may" be but are not required to be provided.

The initial proposal was modified to include language that the mayor shall receive an additional two hundred and fifty dollars (\$250) per month for the mayoral duties described in Section 2.04 of the charter.

The final adjustment included language that the stipend shall be in the amount of either fifteen (15) cents per Roseville resident per year or the average per capita annual salary

with benefits of councilmembers in the neighboring cities of Rocklin, Lincoln, Citrus Heights, Folsom, and Elk Grove, whichever is lower.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve adjustment to pay commencing January 1, 2021, stating that each member of the council shall receive a stipend in the amount of either fifteen (15) cents per Roseville resident per year or the average per capita salary with benefits of councilmembers in the neighboring cities of Rocklin, Lincoln, Citrus Heights, Folsom and Elk Grove, whichever is lower; and
2. Approve language that the stipend shall be payable in monthly installments and the mayor shall receive an additional two hundred and fifty dollars (\$250) per month for the mayoral duties described in Section 2.04 of the charter; and
3. Approve language that the population shall be initially determined by the latest population estimate published by the United States Census Bureau with the population to be adjusted following each decennial census; and
4. Approve the recommendation that the City Council establish a policy or administrative regulation that councilmembers shall be reimbursed for reasonable and necessary expenses actually incurred in the service of the City and developing a definition on what expenses are reasonable and necessary; and
5. Approve language changes for Section 3.05 of Article III of the charter as follows:

Section 3.05. Compensation of council members and mayor.

Compensation of council members and mayor

a. ~~The council may enact an ordinance providing that~~ Commencing January 1, 2021, each member of the council shall receive a stipend in the amount of either fifteen (15) cents per Roseville resident per year or the average per capita annual salary with benefits of councilmembers in the neighboring cities of Rocklin, Lincoln, Citrus Heights, Folsom, and Elk Grove, whichever is lower. The stipend shall be payable in monthly installments and the mayor shall receive an additional two hundred and fifty dollars (\$250) per month for the mayoral duties described in Section 2.04. The population shall be initially determined by the latest population estimate published by the United States Census Bureau. Thereafter, the stipend shall be adjusted following each federal decennial census.

~~1. If the City's population is between 50,000 and 75,000 persons, inclusive, the salary shall be five hundred dollars (\$500) per month for each councilmember, and the mayor shall receive an additional amount of fifty dollars (\$50) per month.~~

~~2. If the City's population exceeds 75,000 persons, the salary shall be six hundred dollars (\$600) per month for each councilmember and the mayor shall receive an additional fifty dollars (\$50) per month.~~

b. Councilmembers ~~may~~ shall ~~upon order of the council,~~ be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.

C. Section 3.08 of Article III – Employee welfare benefits.

The Charter Review Commission discussed granting councilmembers medical/health insurance and other coverages including dental, vision and life insurance. Enrollment in the California Public Employees Retirement System (CalPERS) was also discussed as the current practice is councilmembers can pay directly to CalPERS for service credit while active on the City Council.

The decision of a majority of the Charter Review Commission members was to exclude councilmembers from receiving any group life, hospital, health or accident insurance. The language designates the City will only offer CalPERS benefits to councilmembers which are payable by the elected official.

The title of the Section shall be changed to read welfare benefits, not employee welfare benefits.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve language stating only employees will receive any group life, hospital, health or accident insurance; and
2. Approve language stating the City will only offer CalPERS benefits to councilmembers which are payable by the elected official; and
3. Approve language changes for Section 3.08 of Article III of the charter as follows:

Employee wW**elfare benefits**

The council may provide for the retirement of the City's ~~non~~ elective officers and employees and make available to ~~them~~ employees only any group life, hospital, health or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits in effect at the time of approval of this charter by the legislature or otherwise provided by law.

D. Section 3.09 of Article III – Councilmember vacancies.

Currently the charter provides that an office becomes vacant upon the grounds listed in Section 1770 of the California Government Code as it now exists or may hereafter be amended. Resignations and vacancies are outlined in that code section as follows:

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a). The death of the incumbent.
- (b). An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision

shall not apply to offices created by the California Constitution nor to federal or state legislators.

- (c). (1). His or her resignation, except as provided in paragraph (2).
- (2). In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.
- (d). His or her removal from office.
- (e). His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.
- (f). His or her absence from the state without the permission required by law beyond the period allowed by law.
- (g). His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- (h). His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (i). His or her refusal or neglect to file his or her required oath or bond within the time prescribed.
- (j). The decision of a competent tribunal declaring void his or her election or appointment.
- (k). The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
- (l). His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- (m). (1). The incumbent is listed in the Excluded Parties List System and all of the following subparagraphs apply:
 - (A). The office is one that the incumbent holds ex officio, by virtue of holding another office, or as an appointee.
 - (B). The appointed or ex officio office is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law.
 - (C). A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.
- (2.) For purposes of this subdivision, the following terms have the following meanings:
 - (A). "Excluded Parties List System" means the list maintained and disseminated by the federal General Services Administration containing names of, and other information about, persons who are debarred, suspended,

disqualified, or otherwise excluded from participating in a covered transaction, pursuant to federal law.

- (B). “Local agency” includes, but is not limited to, a county, whether general law or chartered, city, whether general law or chartered, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency of one of these entities.
- (C). “Federal law” includes, but is not limited to, federal regulations adopted pursuant to Section 2455 of Public Law 103-355 (108 Stat. 3327), Executive Order No. 11738, Executive Order No. 12549, and Executive Order No. 12689.

(3) This subdivision shall not apply to an elective office.

(Amended by Stats. 2014, Ch. 725, Sec. 1. (AB 1795) Effective January 1, 2015.)

The Charter Review Commission chose to repeal Section 3.09 its entirety due to the amount of revisions needed in order to comply with the new election format and filling of vacancies. The new Section 3.09 proposes to add as a grounds for vacancy the termination of a residency in an electoral district by a councilmember unless a substitute residence within the district is immediately established within thirty (30) calendar days after the termination of residency. This is consistent with the City’s new district-based elections ordinance. The new language also provides that when a vacancy is anticipated, the Council may initiate the replacement process while the councilmember vacating the seat remains in office. The councilmember who will be vacating the office may not participate in the replacement process, however.

New Section 3.09 will also add in provisions outlining the process for filling vacancies on the Council in the following order of priority. First, the provision requires any vacancy on the Council to be filled by the next highest vote getter, as long as such person received at least 20% of the votes in that district. A person seated to the Council in this manner shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term.

Second, if for any reason the vacancy cannot be filled by the next highest vote getter, the vacancy may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once.

Third, if the Council fails, for any reason, to fill such vacancy within the sixty (60) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.

Lastly, this new provision will provide that any vacancies in the office of the mayor and vice mayor are filled by advancing the normal rotation for such positions. However, this

shall not disrupt the normal mayoral and vice mayoral rotation and shall not result in reducing a mayor's or vice mayor's scheduled term.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve repeal of Section 3.09 its entirety due to the amount of revisions needed in order to comply with the new election format and filling of vacancies and replace it with the new language proposed; and
2. Approve language that states that the termination of a residency in an electoral district by a councilmember unless a substitute residence within the district is immediately established within thirty (30) calendar days after the termination of residency creates a vacancy; and
3. Approve language that provides that when a vacancy is anticipated, the Council may initiate the replacement process while the councilmember vacating the seat remains in office. The councilmember who will be vacating the office may not participate in the replacement process; and
4. Approve language which requires any vacancy on the Council to be filled by the next highest vote getter, as long as such person received at least 20% of the votes in that district. A person seated to the Council in this manner shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term; and
5. Approve language that if for any reason the vacancy cannot be filled by the next highest vote getter, the vacancy may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once; and
6. Approve language that if the council fails, for any reason, to fill such vacancy within the sixty (60) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term; and
7. Approve that the change means that a person filling a vacancy will not serve more than two years. It also means that the election sequencing will remain intact; and
8. Approve language specifying that vacancies for the mayor and vice mayor seats are filled by advancing the normal rotation for such positions; and
9. Approve language changes for Section 3.09 of Article III of the charter as follows:

Section 3.09. Councilmember vacancies.

Councilmember vacancies

~~The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the council shall be filled by a majority vote of the remaining councilmembers within thirty (30) days after the vacancy occurs. If the council fails, for any reason, to fill such vacancy within said thirty (30) day period, it shall forthwith call an election for the~~

~~earliest possible date to fill such vacancy. A person appointed by the council to fill a vacancy shall hold office until the General Municipal Election and until a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.~~

- a. An office becomes vacant on the happening of any of the following events before the expiration of the councilmember's term:
 1. Upon any of the grounds listed in Section 1770 of the California Government Code as it now exists or may hereafter be amended.
 2. Upon termination of residency in an electoral district by a councilmember elected or appointed to that district unless a substitute residence within the district is immediately declared and established within thirty (30) calendar days after the termination of residency.
- b. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the council shall initiate the appointment or election process in anticipation of the vacancy. The councilmember who will be vacating the seat may not participate in the process.
- c. Any vacancy on the council shall be filled by the candidate not elected for a contested district council seat who received the next highest number of votes, provided said candidate received votes from at least twenty percent (20%) of the total number of votes cast in that district. A person seated to the council in this manner to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term.
- d. If for any reason the vacancy cannot be filled in accordance with subsection c, the vacancy may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once.
- e. If the council fails, for any reason, to fill such vacancy within the sixty (60) day period set forth in subsection d, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.
- f. In the event of a vacancy in the office of mayor, the vice mayor shall be seated as mayor and shall hold office for the remainder of the unexpired term being assumed. In the event of a vacancy in the office of vice mayor, a vice mayor shall be seated from the electoral district next in rotation and shall hold office for the remainder of the unexpired term being assumed. The filing of vacancies pursuant to this subsection, however, shall not disrupt the normal mayoral and vice mayoral rotation and shall not result in reducing a mayor's or vice mayor's scheduled term.

Article IV. Procedure of City Council

A. Section 4.01 of Article IV – Regular meetings.

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings. The Brown Act defines "regular meetings" which are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.

The proposed amendment specifies that City Council meetings will be held on the first and third Wednesday of each month and outlines the time and place of a regular meeting if a meeting date falls on a legal holiday. The amendment also states that the meeting agenda will provide the time of day and place of a meeting.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve language that regular meetings will be held on the first and third Wednesday of each month; and
2. Approve language the if a regular meeting falls on a legal holiday, the meeting shall be held at the same hour, same day the following week or may be canceled; and
3. Approve language that an agenda will provide the time and day and place of a meeting; and
4. Approve language changes for Section 4.01 of Article IV of the charter as follows:

Section 4.01. Regular meetings.

Regular meetings

The council shall hold regular meetings on the first **and third** Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held **the following day at the same hour, same day the following week or may be canceled.** ~~It shall~~ **An agenda will provide by resolution for** the time and place of ~~its~~ **the** meetings.

B. Section 4.02 of Article IV – Special meetings.

"Special meetings" are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24-hour posting requirements. The Brown Act provides that a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

The Charter Review Commission requested staff define special meetings in order to avoid significant items of local concern being addressed in a special meeting with twenty-four (24) hours' notice rather than at a regular meeting with seventy-two (72) hours' notice. In

research, staff surveyed over twenty (20) city charters and found either the term special meetings was not used at all, or if used, was not defined. Therefore, the Charter Review Commission is not recommending special meetings be defined but is recommending that at least seventy-two (72) hours' notice be given for special meetings if feasible. If not feasible because a matter is time sensitive, twenty-four (24) hours' notice may be given as authorized by State law. Making the increased noticing requirements mandatory at seventy-two (72) hours would deprive the City of the legal right to hold special meetings, if need be, on twenty-four (24) hours' notice. Such flexibility is needed to conduct business. Currently, in all but rare circumstances, seventy-two (72) hours' notice is given for special meetings. The charter does not contain any specific provisions related to emergency and adjourned meetings and accordingly the City follows the Brown Act for these types of meetings and no changes are proposed for these meetings.

In addition, based on timing of posting special meetings and delivering the agenda to councilmembers, staff requested that written notice of the agenda be able to be served electronically, in addition to serving personally, or leaving notice at their usual place of residence. Currently special meetings can only be called by the City Clerk, on the written request of the mayor or any three (3) councilmembers. It is important to grant the flexibility for the City Manager or City Attorney to be able to call a special meeting. Any business transacted at any special meeting shall be limited to the subjects recited in the notice of such meetings.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve language granting the City Manager or City Attorney the ability to call special meetings; and
2. Approve language that at least seventy-two (72) hour's written notice, except that for time sensitive business, only twenty-four hours' written notice will be required for a special meeting; and
3. Approve language that the delivery of said written notice shall be delivered personally, electronically, or left at each councilmembers' usual place of residence;
4. Approve language changes for Section 4.02 of Article IV of the charter as follows:

Section 4.02. Special meetings.

Special meetings

Special meetings may be called by the City clerk, City manager, City attorney, or the or by written request of the mayor or any three (3) councilmembers by providing each councilmember with ~~twenty-four (24)~~ at least seventy-two (72) hours' written notice, except that for time sensitive business, only twenty-four (24) hours' written notice is required. Written notice shall be served personally, electronically, or left at ~~their~~ each councilmembers' usual place of residence, and shall be publicly posted in accordance with the timeframes set forth in this section. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

C. Section 4.06 of Article IV – Council rules.

The proposed amendment is to eliminate the requirement that a synopsis or summary of the minutes be posted on a bulletin board within seven days after any meeting as the City Clerk Department has converted the creation of minutes to an automated system that aids in preparing the legal minutes. Electronic minutes reduce labor and streamline minute's creation by electronically capturing actions of the City Council through a simple interface. When a meeting ends, the tool transfers captured content to a minute's document, allowing staff to finalize the minutes electronically.

With the same technology, the City live-streams the City Council meetings and the live-stream is available immediately to the public. Agendas are imported prior to each meeting along with all staff reports, allowing the live-stream to be indexed in real time, which eliminates hours of follow-up work after the meeting has ended. Live-streaming provides immediate transparency to the actions and conduct at City Council meetings. Members of the public may view the meeting on Comcast channel 14, Consolidated Communications channel 73 and AT&T U-verse. Video-streamed meetings are available on the City's website and YouTube channel.

The requirement for the Mayor and Clerk to sign a hard copy of the minutes is no longer required as the minutes are in electronic format.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve deletion of the requirement that minutes be signed by the Mayor and City Clerk as the document is now electronic; and
2. Approve deletion of the requirement that a synopsis of the actions taken by the City Council at the meeting shall be posted on a bulletin board in the City hall as all actions of the City Council are live-streamed; and
3. Approve language that within thirty (30) days after any regular or special meeting, minutes of the meeting shall be prepared by the City Clerk and presented to the council for approval; and
4. Approve language changes for Section 4.06 of Article IV of the charter as follows:

Section 4.06. Council rules.

Council rules

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceeding or minutes of all council meetings approved by the council ~~and signed by the mayor and City clerk~~ and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, ~~a synopsis of~~ the actions taken by the council at the meeting shall be ~~posted available on a bulletin board in the City hall, on~~ the City's website, and within thirty (30) days after any regular or special council meeting, action minutes of the meeting shall be prepared by the council for its approval.

A vote upon all ordinances and resolutions shall be taken individually by an affirmative or negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state.

Article VII. Fiscal Administration

A. Section 7.19 of Article VII – Independent audit.

The recommended changes to the language are based on the Government Finance Officers Association (GFOA) *Best Practice - Audit Procurement* and recent California legislation which provides that "state and local governmental entities obtain independent audits of their financial statements, and single audits, if required based on the entity's use of federal or state grant funds, performed in accordance with the appropriate professional auditing standards. Properly performed audits play a vital role in the public sector by helping to preserve the integrity of the public finance functions, and by maintaining citizens' confidence in their elected leaders." The proposal outlines GFOA's audit procurement best practice calling for a minimum contract length of five years with independent auditors. Currently, the charter provides a contract length of two to four years.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve the recommended changes based on the Government Finance Officers Association (GFOA) Best Practice – Audit Procurement and recent California legislation which provides that “state and local governmental entities obtain independent audits of their financial statements, and single audits, if required based on the entity’s use of federal or state grant funds; performed in accordance with the appropriate professional auditing standards”; and
2. Approve the recommended GFOA audit procurement best practice calling for a minimum contract length of five (5) years with independent auditors; and
3. Approve language changes for Section 7.19 of Article VII of the charter as follows:

Section 7.19. Independent audit.

Independent audit

The Council shall provide for ~~a running an annual~~ audit of ~~all the City accounts and books of the City~~ by a firm of independent certified public accountants who are in no other way connected with the City government. ~~Such The accountant or accountants firm~~ shall be retained subject to the restrictions and limitations prescribed by state law. ~~employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years.~~ A comprehensive audit shall be made covering each fiscal year ~~The accountant or accountants so employed shall~~ to assure that the City’s financial transactions, accounts and records are maintained in accordance with the requirements of the City charter, state and federal laws and generally accepted accounting principles. ~~, examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments and agencies of the City government as the council may require. A comprehensive audit shall be made covering each fiscal year;~~ Ssuch audit report shall be submitted to the council and shall be open to public inspection.

B. Section 7.21 of Article VII – Bids for contracts; certified checks for bid bonds; performance bonds.

Under the California Public Contract Code, public agencies have a duty to publicly bid certain contracts, particularly construction contracts. Section 1100.7 of that code states that with regard to charter cities, the code applies unless there is an express exemption in that code or another code for charter cities or unless the charter city has a charter provision or ordinance that conflicts with the relevant provisions of the Public Contract Code. This means that a charter city can deviate from the requirements of the Public Contract Code via provisions in either its charter or its municipal code. If it fails to do so, however, the provisions of the Public Contract Code will apply.

The Public Contract Code requires bids to be published in a newspaper of general circulation. However, since the City is a charter city, it can insert an alternative web noticing option for the advertisement of bids in the charter.

The Charter Review Commission recommended that sealed bids be asked for in all transactions involving the expenditure of seventy-five thousand dollars (\$75,000) rather than the current amount called out in the charter as nineteen thousand five hundred dollars (\$19,500). The Charter Review Commission also recommended eliminating the annual inflationary adjustment to the bid limit.

The costs associated with production of a City Council staff report for items over the current bid limit is approximately two thousand five hundred dollar (\$2,500) including the staff time to author the report, supervisor approval, Department Head approval, Executive Team approval including the Assistant City Manager, Chief Financial Officer, City Attorney, City Manager and the City Clerk and additional time to process the documents following City Council action. Raising the bid limit would save approximately two hundred ninety five thousand dollars (\$295,000) per year in staff time.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve the language that sealed bids shall be asked for in all transactions involving the expenditure of seventy-five thousand dollars (\$75,000) or more; and
2. Approve deletion of the annual inflationary adjustment to the bid limit; and
3. Approve the language that calls for sealed bids to be published in a newspaper of general circulation of the City and/or on the City's website; and
4. Approve language changes for Section 7.21 of Article VII of the charter as follows:

Section 7.21. Bids for contracts; certified checks for bid bonds; performance bonds.

Bids for contracts; certified checks for bid bonds; performance bonds

Competitive prices or bids for all purchases and public works and improvements shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest responsible bidder; provided, that the council may waive the bidding requirements prescribed in this section in the purchase of noncompetitive items or in case of an emergency. Sealed bids shall be asked for in all transactions involving the expenditure

of ~~nineteen thousand five hundred~~ seventy-five thousand dollars (~~\$19,500.00~~ \$75,000.00) or more, and in the case of public works, the transaction evidenced by a written contract submitted to and approved by the council. ~~Annually, at the same time the budget ordinance is adopted, the council may in that ordinance establish an inflation or deflation adjustment to the base of \$19,000.00 to take economic changes into account. Such adjustment shall be determined utilizing reliable indicators or indices of price increases or decreases. Once adopted, the adjustment shall be added to or subtracted from the base of \$19,000.00 so that sealed bids shall be asked for in all transactions involving the expenditure of the adjusted base.~~ The council may reject any and all bids. In all transactions where sealed bids are required, the council may demand a deposit by each bidder in the form of a certified check or bid bond in an amount which shall be specified in the call for bids. The council may require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the City and/or on the City's website, not less than five (5) days before the deadline for submission of bids, unless the council declares by resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance.

C. Section 7.23 of Article VII – Determination as to which public works to be performed by City forces or contracts.

The Charter Review Commission discussed the use of City employees and the authority of the City Council to use sole discretion to determine if City forces can be used for City projects. The Charter Review Commission felt that the determination of when to use City employees for public works projects should rest with the City Manager as part of his/her administrative duties, not with the City Council. Furthermore, delays could occur due to the time it takes for the City Council to approve the use of City employees for these types of projects.

Under California Public Contract Code §20162, when the expenditure required for a public works project exceeds five thousand dollars (\$5000), it shall be contracted for and let to the lowest responsible bidder after notice. This precludes the use of City forces. However, Section 1100.7 of the code states that with regard to charter cities, the code applies unless there is an express exemption in that code or another code for charter cities or unless the charter city has a charter provision or ordinance that conflicts with the relevant provisions of the Public Contract Code. This means a charter city can deviate from the requirements of the Public Contract Code via provisions in either its charter or municipal code. If it fails to do so, the provisions of the Public Contract Code apply.

The Charter Review Commission reaffirmed the recommendation to remove Section 7.23 from the charter with a recommendation that a municipal code amendment be made adding in new subsection I to Roseville Municipal Code Section 4.12.095 in the event the voters approve the removal of language from the charter.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve removing Section 7.23 from the charter and approve a municipal code addition related to use of City employees to perform public works projects in its place (Roseville Municipal Code 4.12.095(I) Public works and services – Formal bidding and contract procedure); and
2. Approve language changes for Section 7.23 of Article VII of the charter and addition of language to the Roseville Municipal as follows:

Section 7.23. Determination as to which public works to be performed by City forces or contract.

~~Determination as to which public works to be performed by City forces or contracts~~

~~The council shall determine which public works or improvement projects are to be performed by City forces and which are to be let by contract in the manner prescribe in this article.~~

4.12.090 Public works and services – Formal bidding and contract procedure.

I. Use of City Employees. In lieu of the bidding and contract procedures set forth in this section, public works and services may be performed by city employees at the discretion of the city manager.

Article VIII. Personnel Administration

A. Section 8.01 of Article VIII – Personnel board.

The proposed revision was recommended by the Charter Review Commission for consistency regarding appointment of city board and commission members. The personnel board followed a different procedure to fill vacancies.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve addition of language adding a procedure for appointment of personnel board members when a vacancy occurs; and
2. Approve language changes for Section 8.01 of Article VIII of the charter as follows:

Section 8.01. Personnel board.

Personnel board

A personnel board consisting of five (5) resident and qualified voters shall be appointed by the council for four (4) year overlapping terms of office. Vacancies shall be filled by ~~the~~ council appointment for the expired portion of the term. A member of the personnel board shall be removed from office by the council only for malfeasance, misfeasance or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend themselves in an open public hearing before the council. In the event of a vacancy on the personnel board, other than vacancies caused by expiration of the terms of members, the city council shall appoint a person to fill the unexpired term. Such an appointment to fill an unexpired term shall not be considered as one of the two term limit. The board shall provide for its own organization and rules for conduct of meetings; provided, that all meetings shall comply with the public meeting requirements of state law. Three (3) members shall constitute a quorum. Members of the board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the City in the performance of their duties.

No member of the personnel board shall serve more than two (2) consecutive terms.

Reappointment of incumbents to the personnel board shall be for four-year (4) terms in accordance with this section.

B. Section 8.04 of Article VIII – Personnel rules.

The recommended change would allow for the adoption of a personnel rule to allow the Human Resource director to waive the formal exam process. This would allow a personnel rule to be adopted to be used where there are fewer than five (5) qualified candidates who applied and the list of qualified (i.e., those who met the minimum qualifications) would be listed alphabetically on the eligibility list. The change will allow for efficiencies in the administration of exams.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve language to allow for the adoption of personnel rules to provide for waivers or modifications of the formal applicant examination process; and
2. Approve language changes for Section 8.04 of Article VIII of the charter as follows:

Section 8.04. Personnel rules.

Personnel rules

It is the intention of this article to provide for a merit system of employment in City service. The council shall enact by ordinance a set of rules governing classified municipal employment which shall, among other things, provide:

- a. For the classification of all position in the classified service.
- b. For open, free and competitive examinations to test the relative fitness of applicants for such positions, and or reasonable publication and public advertisement of all examinations and for promotion based upon competitive examinations or records of efficiency, character, conduct and seniority, or upon examination and record.
- c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination, [except if waived or modified in the personnel rules](#), and for the certifications of those on the appropriate list to the manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.
- d. For the period of time in which eligible lists shall continue in effect.
- e. For a period of probation not to exceed one (1) year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of their former classification by the head of the department of office in which employed. Provided, however, that no period of absence from work, leave, or limited duty assignment shall be credited toward completion of the probationary period, nor shall any overtime or additional work beyond normal working hours be credited towards completion of the probationary period.
- f. For the rejection of candidates of eligibility who fail to comply with a bona fide occupational qualification in regard to age or sex or who fail to comply with a qualification standard which is job-related and consistent with business necessity; or who have been convicted of a crime which adversely affects their qualification for the position applied for; or who have attempted any deception or fraud in connection with an examination for employment by the City.
- g. For the employment with examination of provisional employees, in cases of emergency pending appointment from an eligible list, but no such provisional employment shall continue for more than thirty (30) days after the establishment of an eligible list for the position held, and in no event for more than (90) days.
- h. For transfer from one (1) position to a similar position in the same class and grade, for reinstatement after resignation, layoff or reduction in class or grade.
- i. For the discipline of employees by suspension, demotion, discharge or other actions not inconsistent with the provisions of this article.

- j. For the certification to the chief finance officer of the City of names and classifications of all persons legally employed in the City service, without which certifications this officer shall not authorize the issuance of salary paychecks.

C. Section 8.07 of Article VIII – Classified and unclassified services.

The proposed recommendation is to update language to be consistent with the personnel rules contained in Roseville Municipal Code Section 3.00.20 which currently states assistant department heads are unclassified.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve language update to be consistent with the personnel rules contained in the Roseville Municipal Code Section 3.00.20 which states assistant department heads are unclassified; and
2. Approve language changes for Section 8.07 of Article VIII of the charter as follows:

Section 8.07. Classified and unclassified services.

Classified and unclassified services

The employments in the City service are hereby divided into the classified and unclassified service. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this charter; (c) the City manager, assistant City manager, City attorney, deputy, associate or assistant attorneys, ~~and~~ the heads of one or more departments, and all persons holding an assistant department head position who were hired or promoted to that position after March 5, 2014, as provided for in this charter; (d) persons employed in a professional or scientific capacity to conduct or complete a special inquiry, investigation, examination or project, not to exceed thirty-six (36) months full-time employment or equivalent without a break of at least three (3) months; (e) persons employed for a temporary, seasonal or special purpose for a period not to exceed fifteen hundred (1,500) hours employment or the equivalent thereof in any twelve (12) month period; (f) reserve firefighters and reserve police officers; and (g) disaster service workers whether recruited or conscripted. The classified service shall comprise all positions not specifically included in the unclassified service.

Article X. Municipally-Owned Utilities

A. Section 10.01 of Article X – General powers respecting utilities.

Current charter language allows City-owned utilities to provide a broad range of utility services within and outside corporate limits. With increasing competition for limited water resources and the desire to maintain reliability at current City service levels, the recommendation is to limit the City's ability to provide retail potable water service to new development areas outside its corporate limits after January 1, 2021.

The proposed amendment protects current service levels, but does not limit the City's ability to:

1. Recognize (grandfather) existing customer services outside corporate limits; and
2. Engage in current or future wholesale water agreements and operations for interagency water transfers and exchanges; and
3. Engage in partnerships and cooperative actions to enhance regional water supply reliability or to more efficiently and effectively use available water supplies and/or infrastructure investments.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve revision stating after January 1, 2021 the City shall not provide retail potable water service to new service areas outside its corporate limits and delete "and purchase" which is a typographical error; and
2. Approve language changes for Section 10.01 of Article X of the charter as follows:

Section 10.01. General powers respecting utilities.

General powers respecting utilities

The City shall possess all powers granted to cities by state law to construct, condemn ~~and purchase~~, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, transportation, sewage and refuse collections, treatment and disposal services, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law. Notwithstanding the foregoing, after January 1, 2021 the City shall not provide retail potable water service to new service areas outside its corporate limits. Each City-owned utility shall be financially self-sufficient, and shall fully compensate the City general fund for all goods, services, real property and rights to use or operate on or in City-owned real property.

B. Section 10.02 of Article X – Rates; collection of utility charges.

The Charter Review Commission recommends to remove the authority of the City Manager to fix rates and charges for non-residential electric utility customers. The Charter Review Commission felt it should be the authority of the City Council to fix rates for non-residential electric utility customers.

Research was conducted to explore the reasons the designation of the City Manager was added to the section. The data found it was added for a matter of flexibility, so if the City Council, for whatever reason, could not agree or pass an ordinance to fix rates and charges, the City Manager would have such authority.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve removal of delegation of power from the City Manager to fix non-residential electric utility rates thereby giving full authority to the City Council; and
2. Approve language changes for Section 10.02 of Article X of the charter as follows:

Section 10.02. Rates; Collection of Utility Charges.

Rates; collection of utility charges

The Council shall have the power to classify and to fix and, from time to time to revise such rates and charges as it may deem advisable for supplying the inhabitants of the City and others with such utility services as the City may provide. For nonresidential electric utility customers, the council may, by ordinance, ~~delegate the power to~~ fix such rates and charges ~~to the City Manager~~ upon such terms and conditions as the council deems advisable. The council shall, by ordinance, provide for the collection of all public utility charges made by the City, and the attendant exercise, on behalf of the city, of all actions or remedies permitted by law.

Article XI. Reserved

A. Adding Sections 11.01 to 11.14 to Article XI. Reserved.

The Charter Review Commission recommends the addition of Charter Article XI establishing a redistricting commission. On January 27, 2020, the Charter Review Commission received a presentation on the various types of redistricting commissions the City could establish in order to draw new electoral district boundaries, which are required to be redrawn after every federal decennial census. Following the presentation, the Charter Review Commission formed a redistricting subcommittee in order to meet with staff and bring back recommendations to the entire Charter Review Commission. The subcommittee met twice and decided to recommend the Charter Review Commission consider actions to establish an independent redistricting commission. An independent redistricting commission means a body, other than the legislative body, that is empowered to adopt the district boundaries of a legislative body. The City Council may not select the members of an independent commission and the law sets forth strict standards on who can serve on independent redistricting commissions by general law cities. Charter cities are free to establish their own criteria for selection in their charters.

In reviewing samples of independent redistricting commissions established by other cities, it became clear that such commissions are usually established by December 31 of the year of the federal decennial census. Since 2020 is the year of the census, an independent redistricting commission should be established by December 31, 2020 as there are deadlines which must be adhered to in redrawing the maps. Given this time constraint, and not wanting to wait to see if the voters approve a charter measure establishing an independent redistricting commission in November, the subcommittee requested staff prepare a draft ordinance to present to the City Council for review. The entire Charter Review Commission reviewed the draft ordinance and is recommending that the Council adopt it this summer. The ordinance will appear before the City Council in June along with a presentation on variations of redistricting commissions. Nonetheless, regardless of whether the City Council adopts the ordinance to establish an independent redistricting commission or not, the Charter Review Commission is recommending that a charter measure be placed on the ballot establishing an independent redistricting commission.

RECOMMENDATION OF THE CHARTER REVIEW COMMISSION:

1. Approve the addition of a charter article on establishment of a Roseville Independent Redistricting Commission; and
2. Approve adding Sections 11.01 to 11.14 to Article XI of the charter as follows:

ARTICLE XI. ReservedRoseville Independent Redistricting Commission

Sec. 11.01. Purpose.

The purposes of this article are to establish a redistricting process that is open and transparent and allows public comment on the drawing of City council district boundaries, ensure that the district boundaries are drawn according to the redistricting criteria set forth in this article and applicable state and federal laws, and ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.

Sec. 11.02. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. “Child” means a biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the commissioner stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

B. “Commission” means the Roseville Independent Redistricting Commission established by this article.

C. “Consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process. Consultant excludes outside legal counsel.

D. “Family member” means a spouse, parent, sibling, child, or in-law.

E. “Federal decennial census” means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

Sec. 11.03. Established.

A. There is hereby established the Roseville Independent Redistricting Commission. The exclusive authority to redraw council district boundaries is vested in the commission. Accordingly, the council shall have no role in developing or adopting a redistricting report or a map.

B. The commission shall:

1. Be independent of council control.
2. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries.
3. Comply with the provisions in this article and state and federal law.
4. Conduct itself with integrity and fairness.

C. The commission may adopt for itself rules of procedure not in conflict with this article or state or federal law.

Sec. 11.04. Duties.

No earlier than August 1, 2021, and August 1 in each year ending in the number one (1) thereafter, but no later than one hundred and fifty-one (151) calendar days before the City's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two (2) thereafter, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. These districts shall be used for the election or recall of councilmembers, and for filling any councilmember vacancies.

Sec. 11.05. Composition.

A. The commission shall consist of eleven (11) commissioners and five (5) alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.

B. At its first meeting, the commission shall select one (1) commissioner to serve as chair and one (1) to serve as vice chair. The commission may designate other officers from its membership, and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the commission.

Sec. 11.06. Qualifications and restrictions.

A. Each commissioner and alternate shall meet all of the following qualifications:

1. Be at least eighteen (18) years of age.
2. Been a resident of the City for at least three (3) years immediately preceding the date of application.

B. A person shall not be appointed to serve on the commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, council in the eight (8) years preceding the person's application.
2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:
 - a. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for council.
 - b. Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
 - c. Served as a staff member or a political consultant to, or who has contracted with, a currently serving councilmember or Placer County supervisor.

d. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for council, as adjusted pursuant to Section 2.60.065 of the Roseville Municipal Code.

3. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.

4. If the person is a paid employee of the City

5. If the person is a paid employee of any redistricting contractor or consultant.

C. A commissioner shall not do any of the following:

1. While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for council.

2. Be a candidate for council if less than five (5) years has elapsed since the date of the member's appointment to the commission.

3. For four (4) years commencing with the date of his or her appointment to the commission:

a. Accept employment as a staff member of, or political consultant to, a councilmember or candidate for council.

b. Receive a noncompetitively bid contract with the City.

4. For two (2) years commencing with the date of his or her appointment to the commission, accept an appointment to the council.

D. The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

E. If an applicant to the Roseville Independent Redistricting Commission currently serves on another City of Roseville board or commission, he or she may serve on the Roseville Independent Redistricting Commission if selected, as long as he or she agrees not to serve on another board or commission during his or her term of office on the Roseville Independent Redistricting Commission. Once sworn into office on the Roseville Independent Redistricting Commission, the commissioner shall be deemed to have forfeited their previous board or commission position.

F. Members of the commission shall serve without compensation.

Sec. 11.07. Selection.

A. The City clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all City residents who meet the requirements of Section 11.06, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. In addition to an

application, all applicants shall file a Statement of Economic Interests (Form 700) with the City clerk.

B. The City clerk shall review each submitted application for completeness. If the City clerk deems an application to be incomplete, the City clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.

C. Upon close of the application submittal period, the City clerk shall review all applications and remove incomplete applications and remove individuals who are disqualified under Section 11.06 from among the commission applicants.

D. At a time and place open to the public, and subject to at least ten (10) calendar days public notice, the City clerk shall select the initial eight (8) members of the commission. For purposes of selection to the commission, the City shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The City clerk shall randomly select two (2) persons from each of the four (4) quadrants. To implement this paragraph, the City clerk shall determine a randomized method that meets professional standards and best achieves a random selection.

E. The commissioners selected pursuant to subsection D shall thereafter select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants. The order in which the alternates shall be seated on the commission as voting members shall be established by a random method at the time they are selected. The selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, ability to comprehend and apply the applicable state and federal legal requirements, familiarity with the City's neighborhoods and communities, familiarity with the City's demographics and geography, ability to be impartial, and apparent ability to work cooperatively with other commissioners.

F. The commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero

G. If a commissioner resigns or is removed from the commission, the next alternate in line shall fill the vacancy as a voting commissioner.

Sec. 11.08. Removal.

The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing

the subject commissioner written notice and an opportunity for a response at a public meeting.

Sec. 11.09. Redistricting criteria.

A. The commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution. Population equality shall be based on the total population of residents of the City as determined by the latest federal decennial census.

2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal law applicable to charter cities.

B. The commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. Areas that are separated by a railyard or a highway are not contiguous.

2. To the extent practicable, the geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.

4. Where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

5. Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

C. The commission shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

D. The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

Sec. 11.10. Adoption of redistricting report and map.

A. The commission shall file a preliminary redistricting plan and draft map with the City clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the commission. The City clerk shall publish the preliminary redistricting plan and draft map at least thirty (30) calendar days prior to the adoption of a final redistricting report and final map.

B. During the thirty (30) calendar day period after publication, the commission shall hold at least five (5) public hearings, including one (1) public hearing in each existing council district.

C. After having heard comments from the public on the preliminary redistricting plan and draft map, the commission shall adopt a final redistricting report and final map. A commission-adopted final redistricting report and final map has the force and effect of law and is effective thirty (30) calendar days after it is filed with the City clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The council may not rescind, supersede, or revise the district boundaries adopted by the commission.

D. After the final map is adopted, the City clerk shall number each council district such that, for as many residents as possible, the number of the council district they reside in remains the same.

E. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.

F. If the commission does not adopt council district boundaries by the deadlines set forth in this article, the City attorney shall immediately file a petition in Placer County Superior Court for an order adopting council district boundaries. The map prescribed by the court shall be used for all subsequent council elections until a final redistricting report and final map are adopted by the commission to replace it.

Sec. 11.11. Incumbents.

The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the councilmember was elected. Accordingly, upon any redistricting pursuant to the provisions of this article, each incumbent councilmember will continue, during the

remainder of the councilmember's term, to represent the electoral district to which the councilmember was elected prior to such redistricting.

Sec. 11.12. Addition of new territory.

If the boundaries of the City expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the City clerk shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries as prescribed by California Government Code Section 21623, as it now exists or may hereafter be amended.

Sec. 11.13. Administration.

A. The council shall appropriate sufficient funds to support the work of the commission, including funds necessary to recruit commissioners, meet the operational needs of the commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for City staff time associated with supporting the work of the commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.

B. The City manager, City clerk, and City attorney shall assign sufficient staff to support the commission. The City clerk or the City clerk's designee shall serve as secretary to the commission. The City attorney or the City attorney's designee shall serve as legal counsel to the commission.

C. Subject to funds appropriated to the commission, the commission may retain consultants following the City's standard procurement processes and the council shall approve any applicable consultant agreements. The commission shall retain the sole authority for determining the selection criteria for consultants.

D. The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

Sec. 11.14. Dissolution.

Each commission established under this article shall cease operations and dissolve on the ninety-first day following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the commission shall continue operations until a final redistricting report and final map is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the commission shall

automatically revive and continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the City.

Other Topics Discussed But Not Recommended for Changes:

1. Resign-to-Run Provisions:

Resign-to-Run laws require officeholders to resign from the current public office in order to run for another public office. The City of Dallas, Philadelphia, Allegheny, Pennsylvania, the State of Florida and the State of Hawaii all have resign-to-run provisions in their codes or charters. **The item was removed from consideration.**

2. City Treasurer:

Currently, the City has an Assistant City Manager/Chief Financial Officer whose job duties include acting as the City Treasurer. The Charter Review Commission discussed modifying Section 2.12 to replace the term “City Treasurer” with the title “Chief Financial Officer” to be consistent with existing job titles. Staff reached out to the City’s bond counsel to inquire whether eliminating the title of City Treasurer would have unintended consequences. Bond counsel advised that there are some statutes that specifically refer to a Treasurer executing bonds. **The item was removed from consideration.**

3. Local Bidding Preference:

In 2010, a charter measure was placed before voters which would have added language to the charter authorizing the City Council to adopt an ordinance establishing bidding preferences for businesses located within the City of Roseville. This measure did not in and of itself establish a local bidding preference, but was an enabling provision that would have allowed the City Council, if it so desired, to adopt a local bidding preference. The measure failed, with 57.26% voting no and 42.74% voting yes. Overall, a local bidding preference can be legally valid as long as the City is able to demonstrate with evidence that the preference is rationally related to a legitimate governmental purpose. In order to justify the preference, a study should be conducted in order to demonstrate the finding. **The item was removed from consideration.**

4. Franchise Fees:

The City of Roseville charter includes provisions that detail the City’s requirements for utilities to operate within Roseville. A municipal franchise fee is a “rent” that a utility company or video service provider pays to the City’s General Fund to use the public rights-of-way (streets) for its lines, pipe, and poles. Franchise fees are currently collected from Pacific Gas & Electric, Kinder Morgan, Consolidated Communications, AT&T and Comcast. In addition, an in-lieu franchise fee is collected from the Roseville Electric Department based on Charter Section 9.01. An increase to the current fee of four percent (4%) was not supported by the Charter Review Commission. **The item was removed from consideration.**

5. Transient Occupancy Tax:

Currently, Transient Occupancy Tax (TOT) provisions are contained within the Roseville Municipal Code Chapter 4.24. The TOT is a paid privilege of occupancy in any hotel/motel/Airbnb/VRBO or internet based rental service. Said tax constitutes a

debt owed to the City, which is extinguished only by payment of the operator to the City. The TOT amount itself must be approved by the voters, but the TOT implementing procedures may be outlined in the municipal code, as they are currently. After consideration, the Charter Review Commission recommended keeping the TOT provisions out of the charter in order to maintain the City's flexibility. For example, with the TOT provisions outside the City charter, the City Council can vote anytime to place a measure on the ballot to increase the TOT without the extensive and infrequent process of amending the charter for the implementing provisions. **The item was removed from consideration.**

6. Limitations on Campaign Spending:

A recommendation was brought to the Charter Review Commission requesting a campaign spending limit be stipulated in the charter. The majority of the Charter Review Commission did not recommend this addition as Roseville already has an established ordinance and regulations which dictate campaign spending outlined in the Roseville Municipal Code. **The item was removed from consideration.**

7. Miscellaneous Items Discussed:

Section 2.04 Powers and duties of mayor

Section 2.06 City attorney

Section 4.04 Quorum

Section 9.01 When franchises are required

All items were removed from consideration.

Conclusion

The Charter Review Commission reviewed all twelve articles of the charter, section by section. Modifications to the City charter are an important tool for updating provisions that may be outdated, and to formulate general policy based on changes in the local government environment. The ultimate goal of charter revision for a government organization is to enhance municipal service delivery to Roseville residents.

Many of the sections proposed for change may be interrelated with other sections throughout the Charter, and many proposed changes are due to the City's transition to district-based elections.

Following review of the proposed changes, the City Council shall direct an impartial analysis be written for any items selected to be placed on the November 3, 2020 General Municipal Election ballot. Once the impartial analysis is written, the items selected for the ballot will again be placed before the City Council to approve resolutions authorizing the ballot language.

Proposed Ballot Language

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall the City Charter be amended to: (1) bring Sections 1.05 and 7.19 into compliance with State law; (2) bring Sections 2.14 and 8.07 into compliance with the Roseville Municipal Code; (3) bring Sections 4.01 and 4.06 into compliance with the City’s existing practices; (4) repeal Section 7.23; and (5) bring Sections 2.02 and 3.01 into compliance with Chapter 2.06 of the Roseville Municipal Code regarding district-based municipal elections?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 1.05. Charter review and amendments.

At least every (10) years, the City council shall appoint a citizen ~~commission~~ committee of not less than nine (9) members whose charge shall be to review the charter and present, or cause to be presented, to the City council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the City council. (Amending by General Municipal Election on November 2, 2010: amended by General Municipal Election on November 7, 2000.)

Sec. 2.02. Elective officers.

The electors of the City shall elect a council of five (5) members each of whom shall be elected, at large, by district by the voters in that district for a four (4) year term of office. Commencing with the General Municipal Election in November of 2020 and every four (4) years thereafter, the voters in the odd-numbered electoral districts shall elect a councilmember. Commencing with the General Municipal Election in November of 2022 and every four (4) years thereafter, the voters in the even-numbered electoral districts shall elect a councilmember. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise

provided in this charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. ~~Two (2) and three (3) councilmembers shall be elected alternately at the General Municipal Election each even-numbered year.~~ No councilmember shall serve more than two (2) consecutive four (4) year terms, commencing as of a date subsequent to April 9, 1974. A partial term of less than two (2) years served due to appointment or election to a vacant council seat does not count as a term for purposes of this section. However, a combination of an appointment to a vacant council seat followed by a subsequent election to fill the remainder of the unexpired term of that same vacant seat shall count as a term for purposes of this section.

Sec. 2.14. Boards, ~~and commissions, and committees.~~

The council ~~shall~~ may by ordinance create ~~a planning commission and a personnel board, and may create~~ or ~~may~~ abolish ~~such other~~ boards, ~~and~~ commissions, ~~and~~ committees with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the number, manner of appointment, length of term, and duties of members of such boards, ~~and~~ commissions, ~~and~~ committees who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the personnel board required by Section 8.01 and the board of appeals, the council shall provide for an appeal by any interested or aggrieved person from the decision of any boards, ~~or~~ commission, or committee to the council. The council's decision shall be final. All members of such boards, ~~and~~ commissions, or committees shall be residents of the City at the time of their appointment and continuously during their term of office. Boards, ~~and~~ commissions, ~~and~~ committees existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter.

Sec. 3.01. Eligibility for office.

Only United States citizens may be elected or appointed officers of the City. Furthermore, in order to be eligible for City office, any councilmember elected or appointed to represent an electoral district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in, the district in which the candidate seeks election at the time nomination papers are issued. ~~Only registered qualified electors who have been residents of the City or any territory legally annexed thereto at the time nomination papers are issued to the candidate pursuant to the general election law, shall be eligible to an election City office.~~

Sec. 4.01. Regular meetings.

The council shall hold regular meetings on the first ~~and third~~ Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held ~~the following day~~ at the same hour, same day the following week or may be canceled. ~~It shall~~ An agenda will provide ~~by resolution for~~ the time and place of ~~its~~ the meetings.

Sec. 4.06. Council rules.

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceeding or minutes of all council meetings approved by the council ~~and signed by the mayor and City clerk~~ and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, ~~a synopsis of~~ the actions taken by the council at the meeting shall be ~~posted~~ available on ~~a bulletin board in the City hall, on~~ the City's website, and within thirty (30) days after any regular or special council meeting, action minutes of the meeting shall be prepared by the council for its approval.

A vote upon all ordinances and resolutions shall be taken individually by an affirmative or negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state.

Sec. 7.19. Independent audit.

The Council shall provide for ~~a running an annual~~ audit of ~~all the City accounts and books of the City~~ by a firm of independent certified public accountants who are in no other way connected with the City government. ~~Such The accountant or accountants firm~~ shall be retained subject to the restrictions and limitations prescribed by state law. ~~employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years. A comprehensive audit shall be made covering each fiscal year. The accountant or accountants so employed shall to assure that the City's financial transactions, accounts and records are maintained in accordance with the requirements of the City charter, state and federal laws and generally accepted accounting principles.~~ ~~, examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments and agencies of the City government as the council may require. A comprehensive audit shall be made covering each fiscal year;~~ Such audit report shall be submitted to the council and shall be open to public inspection.

Sec. 7.23. ~~Determination as to which public works to be performed by City forces or contracts.~~

~~The council shall determine which public works or improvement projects are to be performed by City forces and which are to be let by contract in the manner prescribe in this article.~~

Sec. 8.07. Classified and unclassified services.

The employments in the City service are hereby divided into the classified and unclassified service. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this charter; (c) the City manager, assistant City manager, City attorney, deputy, associate or assistant attorneys, ~~and~~ the heads of one or more departments, and all persons holding an assistant department head position who were hired or promoted to that position after March 5, 2014, as provided for in this charter; (d) persons employed in a professional or scientific capacity to conduct or complete a special inquiry, investigation, examination or project, not to exceed thirty-six (36) months full-time employment or equivalent without a break of at least three (3) months; (e) persons employed for a temporary, seasonal or special purpose for a period not to exceed fifteen hundred (1,500) hours employment or the equivalent thereof in any twelve (12) month period; (f) reserve firefighters and reserve police officers; and (g) disaster service workers whether recruited or conscripted. The classified service shall comprise all positions not specifically included in the unclassified service.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 2.02 of the City Charter be amended to specify that a partial term on the Council of less than 2 years does not count as a term for purposes of term limits but that a combination of an appointment followed by an election, which together exceeds 2 years, to a vacant Council seat shall count as a term for purposes of term limits?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

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REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 2.02 Elective officers.

The electors of the City shall elect a council of five (5) members each of whom shall be elected, at large, by district by the voters in that district for a four (4) year term of office. Commencing with the General Municipal Election in November of 2020 and every four (4) years thereafter, the voters in the odd-numbered electoral districts shall elect a councilmember. Commencing with the General Municipal Election in November of 2022 and every four (4) years thereafter, the voters in the even-numbered electoral districts shall elect a councilmember. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. ~~Two (2) and three (3) councilmembers shall be elected alternately at the General Municipal Election each even-numbered year.~~ No councilmember shall serve more than two (2) consecutive four (4) year terms, commencing as of a date subsequent to April 9, 1974. A partial term of less than two (2) years served due to appointment or election to a vacant council seat does not count as a term for purposed of this section. However, a combination of an appointment to a vacant council seat followed by a subsequent election to fill the remainder of the unexpired term of that same vacant seat shall count as a term for purposes of this section.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 2.03 of the City Charter be amended to: (1) outline the process for the selection of the next vice mayor; (2) establish a district-based rotational process for the seating of the mayor and vice mayor starting in 2022; and (3) specify that the term of the mayor and vice mayor is two years?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 2.03. Assumption of office by, meeting of council, and seating of mayor and vice mayor.

The council shall be sworn in and assume office, subject to the qualifying provisions of this charter, upon receipt of a certified statement of the results of the election pursuant to California Elections Code 15372, as it may be hereafter amended. The council shall hold its first meeting at that time. ~~The councilmember who received the highest number of votes in the latest election shall be seated as vice mayor. The vice mayor's term of office shall commence upon assumption of office and continue until the election, qualification and assumption of office of their successor following the next General Municipal Election. Upon termination of a councilmember's term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor's term of office shall commence upon assumption of office and continue until the assumption of their successor following the next General Municipal Election.~~ Following the certification of the 2020 General Municipal Election, the councilmember who received the highest number of votes in the 2018 election shall be seated as mayor for a two (2) year term and the City clerk shall draw lots among all of the electoral districts except the district where the mayor resides to determine the selection of the initial vice mayor. The selected councilmember shall be seated as vice mayor for a two (2) year term. Following each General Municipal Election thereafter, a vice mayor shall be seated by rotation in sequential order of the five (5) districts. Upon termination of a councilmembers' term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor and vice mayor shall each serve a two (2) year term.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 3.05 of the City Charter be amended to: (1) change councilmember compensation from a monthly amount based on population to the lower of fifteen cents per Roseville resident per year or the average per capita annual salary with benefits of councilmembers in Rocklin, Lincoln, Citrus Heights, Folsom, and Elk Grove; (2) give the mayor an additional \$250 per month; and (3) require councilmembers to be reimbursed for reasonable and necessary expenses incurred in the service of the City?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 3.05. Compensation of council members and mayor.

a. ~~The council may enact an ordinance providing that~~ Commencing January 1, 2021, each member of the council shall receive a stipend in the amount of either fifteen (15) cents per Roseville resident per year or the average per capita annual salary with benefits of councilmembers in the neighboring cities of Rocklin, Lincoln, Citrus Heights, Folsom, and Elk Grove, whichever is lower. The stipend shall be payable in monthly installments and the mayor shall receive an additional two hundred and fifty dollars (\$250) per month for the mayoral duties described in Section 2.04. The population shall be initially determined by the latest population estimate published by the United States Census Bureau. Thereafter, the stipend shall be adjusted following each federal decennial census.

~~1. If the City's population is between 50,000 and 75,000 persons, inclusive, the salary shall be five hundred dollars (\$500) per month for each councilmember, and the mayor shall receive an additional amount of fifty dollars (\$50) per month.~~

~~2. If the City's population exceeds 75,000 persons, the salary shall be six hundred dollars (\$600) per month for each councilmember and the mayor shall receive an additional fifty dollars (\$50) per month.~~

b. Councilmembers ~~may~~ shall ~~upon order of the council,~~ be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 3.08 of the City Charter be amended to allow for councilmembers to participate in the City's chosen retirement system and to clarify that all other types of welfare benefits shall be offered to City employees only?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 3.08 ~~Employee w~~elfare benefits.

The council may provide for the retirement of the City's ~~non~~ elective officers and employees and make available to ~~them~~ employees only any group life, hospital, health or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits in effect at the time of approval of this charter by the legislature or otherwise provided by law.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 3.09 of the City Charter regarding councilmember vacancies be repealed and replaced as follows:

- (1) To add in as a grounds for vacancy when a councilmember moves out of their electoral district in order to come into compliance with Chapter 2.06 of the Roseville Municipal Code regarding district-based municipal elections;
- (2) To add in an anticipated vacancy provision to allow Council to initiate the process to fill a vacancy prior to the actual vacancy occurring;
- (3) To add in provisions outlining the process for filling vacancies on the Council in the following order of priority: (a) the district candidate who received the next highest number of votes if they received at least 20% of votes cast; (b) appointment by the Council; or (c) election;
- (4) To specify that a person seated on the Council without an election shall hold office until the next feasible election;
- (5) To specify that a person elected to fill a vacant seat shall hold office for the remainder of the unexpired term;
- (6) To specify that vacancies for mayor and vice mayor seats are filled by advancing the normal rotation for such positions?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 3.09 Councilmember vacancies.

~~The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the council shall be filled by a majority vote of the remaining councilmembers within thirty (30) days after the vacancy occurs. If the council fails, for any reason, to fill such vacancy within said thirty (30) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the council to fill a vacancy shall hold office until the General Municipal Election and until a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.~~

- g. An office becomes vacant on the happening of any of the following events before the expiration of the councilmember's term:
 - 4. Upon any of the grounds listed in Section 1770 of the California Government Code as it now exists or may hereafter be amended.
 - 5. Upon termination of residency in an electoral district by a councilmember elected or appointed to that district unless a substitute residence within the district is immediately declared and established within thirty (30) calendar days after the termination of residency.
- h. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the council shall initiate the appointment or election process in anticipation of the vacancy. The councilmember who will be vacating the seat may not participate in the process.
- i. Any vacancy on the council shall be filled by the candidate not elected for a contested district council seat who received the next highest number of votes, provided said candidate received votes from at least twenty percent (20%) of the total number of votes cast in that district. A person seated to the council in this manner to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term.
- j. If for any reason the vacancy cannot be filled in accordance with subsection c, the vacancy may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once.
- k. If the council fails, for any reason, to fill such vacancy within the sixty (60) day period set forth in subsection d, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.
- l. In the event of a vacancy in the office of mayor, the vice mayor shall be seated as mayor and shall hold office for the remainder of the unexpired term being assumed. In the event of a vacancy in the office of vice mayor, a vice mayor shall be seated from the electoral district next in rotation and shall hold office for the remainder of the unexpired term being assumed. The filing of vacancies pursuant to this subsection, however, shall not disrupt the normal mayoral and vice mayoral rotation and shall not result in reducing a mayor's or vice mayor's scheduled term.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 4.02 of the City Charter be amended to: (1) allow special meetings of the Council to be called by the City manager or City attorney consistent with the City's existing practices; (2) require 72 hours' notice for special meetings if feasible instead of 24 hours' notice; and (3) allow notice of special meetings to be served on councilmembers electronically?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 4.02 Special meetings.

Special meetings may be called by the City clerk, City manager, City attorney, on the or by written request of the mayor or any three (3) councilmembers by providing each councilmember with ~~twenty-four (24)~~ at least seventy-two (72) hours' written notice, except that for time sensitive business, only twenty-four (24) hours' written notice is required. Written notice shall be served personally, electronically, or left at ~~their~~ each councilmembers' usual place of residence, and shall be publicly posted in accordance with the timeframes set forth in this section. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 7.21 of the City Charter be amended to: (1) raise the sealed bid limit from \$19,500 to \$75,000; (2) eliminate the annual inflationary adjustment to the bid limit; and (3) allow bids to be published on-line consistent with the City's existing practices?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 7.21. Bids for contracts; certified checks for bid bonds; performance bonds.

Competitive prices or bids for all purchases and public works and improvements shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest responsible bidder; provided, that the council may waive the bidding requirements prescribed in this section in the purchase of noncompetitive items or in case of an emergency. Sealed bids shall be asked for in all transactions involving the expenditure of ~~nineteen thousand five hundred seventy-five thousand dollars~~ (\$19,500.00-\$75,000.00) or more, and in the case of public works, the transaction evidenced by a written contract submitted to and approved by the council. ~~Annually, at the same time the budget ordinance is adopted, the council may in that ordinance establish an inflation or deflation adjustment to the base of \$19,000.00 to take economic changes into account. Such adjustment shall be determined utilizing reliable indicators or indices of price increases or decreases. Once adopted, the adjustment shall be added to or subtracted from the base of \$19,000.00 so that sealed bids shall be asked for in all transactions involving the expenditure of the adjusted base.~~ The council may reject any and all bids. In all transactions where sealed bids are required, the council may demand a deposit by each bidder in the form of a certified check or bid bond in an amount which shall be specified in the call for bids. The council may require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the City and/or on the City's website, not less than five (5) days before the deadline for submission of bids, unless the council declares by resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall provisions of Article 8 of the City Charter regarding personnel administration be amended as follows:

(1) Shall Section 8.01 of the City Charter be amended to address filling vacancies on the personnel board and to clarify that an appointment to an unexpired term shall not count towards the term limit consistent with the City’s existing practices?

(2) Shall Section 8.04 of the City Charter be amended to allow for the adoption of personnel rules to provide for waivers or modifications of the formal applicant examination process?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 8.01. Personnel board.

A personnel board consisting of five (5) resident and qualified voters shall be appointed by the council for four (4) year overlapping terms of office. Vacancies shall be filled by ~~the~~ council appointment for the expired portion of the term. A member of the personnel board shall be removed from office by the council only for malfeasance, misfeasance or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend themselves in an open public hearing before the council. In the event of a vacancy on the personnel board, other than vacancies caused by expiration of the terms of members, the city council shall appoint a person to fill the unexpired term. Such an appointment to fill an unexpired term shall not be considered as one of the two term limit. The board shall provide for its own organization and rules for conduct of meetings; provided, that all meetings shall comply with the public meeting requirements of state law. Three (3) members shall constitute a quorum. Members of the board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the City in the performance of their duties.

No member of the personnel board shall serve more than two (2) consecutive terms.

Reappointment of incumbents to the personnel board shall be for four-year (4) terms in accordance with this section.

Sec. 8.04. Personnel rules.

It is the intention of this article to provide for a merit system of employment in City service. The council shall enact by ordinance a set of rules governing classified municipal employment which shall, among other things, provide:

- a. For the classification of all position in the classified service.
- b. For open, free and competitive examinations to test the relative fitness of applicants for such positions, and or reasonable publication and public advertisement of all examinations and for promotion based upon competitive examinations or records of efficiency, character, conduct and seniority, or upon examination and record.
- c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination, [except if waived or modified in the personnel rules](#), and for the certifications of those on the appropriate list to the manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.
- d. For the period of time in which eligible lists shall continue in effect.
- e. For a period of probation not to exceed one (1) year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of their former classification by the head of the department of office in which employed. Provided, however, that no period of absence from work, leave, or limited duty assignment shall be credited toward completion of the probationary period, nor shall any overtime or additional work beyond normal working hours be credited towards completion of the probationary period.
- f. For the rejection of candidates of eligibility who fail to comply with a bona fide occupational qualification in regard to age or sex or who fail to comply with a qualification standard which is job-related and consistent with business necessity; or who have been convicted of a crime which adversely affects their qualification for the position applied for; or who have attempted any deception or fraud in connection with an examination for employment by the City.
- g. For the employment with examination of provisional employees, in cases of emergency pending appointment from an eligible list, but no such provisional employment shall continue for more than thirty (30) days after the establishment of an eligible list for the position held, and in no event for more than (90) days.
- h. For transfer from one (1) position to a similar position in the same class and grade, for reinstatement after resignation, layoff or reduction in class or grade.
- i. For the discipline of employees by suspension, demotion, discharge or other actions not inconsistent with the provisions of this article.
- j. For the certification to the chief finance officer of the City of names and classifications of all persons legally employed in the City service, without which certifications this officer shall not authorize the issuance of salary paychecks.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall provisions of Article 10 of the City Charter regarding municipally-owned utilities be amended as follows:

(1) Shall Section 10.01 of the City Charter be amended to prohibit the City from providing retail potable water to new service areas outside the City limits after January 1, 2021?

(2) Shall Section 10.02 of the City Charter be amended to remove from the Council the authority to delegate to the City manager the ability to establish nonresidential electric rates and to clarify that the Council may establish such rates by ordinance?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 10.01. General powers respecting utilities.

The City shall possess all powers granted to cities by state law to construct, condemn ~~and purchase~~, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, transportation, sewage and refuse collections, treatment and disposal services, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law. Notwithstanding the foregoing, after January 1, 2021 the City shall not provide retail potable water service to new service areas outside its corporate limits. Each City-owned utility shall be financially self-sufficient, and shall fully compensate the City general fund for all goods, services, real property and rights to use or operate on or in City-owned real property.

Sec. 10.02. Rates; collection of utility charges.

The Council shall have the power to classify and to fix and, from time to time to revise such rates and charges as it may deem advisable for supplying the inhabitants of the City and others with such utility services as the City may provide. For nonresidential electric utility customers, the council may, by ordinance, ~~delegate the power to~~ fix such rates and charges ~~to the City Manager~~ upon such terms and conditions as the council deems advisable. The council shall, by ordinance, provide for the collection of all public utility charges made by the City, and the attendant exercise, on behalf of the city, of all actions or remedies permitted by law.

MEASURE _____

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Article 11 of the City Charter be added establishing the Roseville Independent Redistricting Commission and vesting in the commission the exclusive authority to redraw Council electoral district boundaries after every federal decennial census?

YES _____

NO _____

IMPARTIAL ANALYSIS BY ROSEVILLE CITY ATTORNEY

To Be Provided Following Council Approval of Amendment for Placement on Ballot

ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

REBUTTAL ARGUMENT IN FAVOR OR OPPOSITION OF MEASURE _____

To Be Provided following Council Approval of Amendment

Sec. 11.01 – 11.14 Roseville Independent Redistricting Commission

Sec. 11.01 Purpose.

The purposes of this article are to establish a redistricting process that is open and transparent and allows public comment on the drawing of City council district boundaries, ensure that the district boundaries are drawn according to the redistricting criteria set forth in this article and applicable state and federal laws, and ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.

Sec. 11.02. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. “Child” means a biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the commissioner stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

B. “Commission” means the Roseville Independent Redistricting Commission established by this article.

C. “Consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process. Consultant excludes outside legal counsel.

D. “Family member” means a spouse, parent, sibling, child, or in-law.

E. “Federal decennial census” means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

Sec. 11.03. Established.

A. There is hereby established the Roseville Independent Redistricting Commission. The exclusive authority to redraw council district boundaries is vested in the commission. Accordingly, the council shall have no role in developing or adopting a redistricting report or a map.

B. The commission shall:

1. Be independent of council control.
2. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries.
3. Comply with the provisions in this article and state and federal law.
4. Conduct itself with integrity and fairness.

C. The commission may adopt for itself rules of procedure not in conflict with this article or state or federal law.

Sec. 11.04. Duties.

No earlier than August 1, 2021, and August 1 in each year ending in the number one (1) thereafter, but no later than one hundred and fifty-one (151) calendar days before the City’s next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two (2) thereafter, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. These districts shall be used for the election or recall of councilmembers, and for filling any councilmember vacancies.

Sec. 11.05. Composition.

A. The commission shall consist of eleven (11) commissioners and five (5) alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.

B. At its first meeting, the commission shall select one (1) commissioner to serve as chair and one (1) to serve as vice chair. The commission may designate other officers from its membership, and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the commission.

Sec. 11.06. Qualifications and restrictions.

A. Each commissioner and alternate shall meet all of the following qualifications:

1. Be at least eighteen (18) years of age.
2. Been a resident of the City for at least three (3) years immediately preceding the date of application.

B. A person shall not be appointed to serve on the commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, council in the eight (8) years preceding the person's application.

2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:

a. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for council.

b. Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

c. Served as a staff member or a political consultant to, or who has contracted with, a currently serving councilmember or Placer County supervisor.

d. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for council, as adjusted pursuant to Section 2.60.065 of the Roseville Municipal Code.

6. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.

4. If the person is a paid employee of the City

5. If the person is a paid employee of any redistricting contractor or consultant.

C. A commissioner shall not do any of the following:

1. While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for council.

2. Be a candidate for council if less than five (5) years has elapsed since the date of the member's appointment to the commission.

3. For four (4) years commencing with the date of his or her appointment to the commission:

a. Accept employment as a staff member of, or political consultant to, a councilmember or candidate for council.

b. Receive a noncompetitively bid contract with the City.

4. For two (2) years commencing with the date of his or her appointment to the commission, accept an appointment to the council.

D. The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

E. If an applicant to the Roseville Independent Redistricting Commission currently serves on another City of Roseville board or commission, he or she may serve on the Roseville Independent Redistricting Commission if selected, as long as he or she agrees not to serve on another board or commission during his or her term of office on the Roseville Independent Redistricting Commission. Once sworn into office on the Roseville Independent Redistricting Commission, the commissioner shall be deemed to have forfeited their previous board or commission position.

F. Members of the commission shall serve without compensation.

Sec. 11.07. Selection.

A. The City clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all City residents who meet the requirements of Section 11.06, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the City clerk.

B. The City clerk shall review each submitted application for completeness. If the City clerk deems an application to be incomplete, the City clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.

C. Upon close of the application submittal period, the City clerk shall review all applications and remove incomplete applications and remove individuals who are disqualified under Section 11.06 from among the commission applicants.

D. At a time and place open to the public, and subject to at least ten (10) calendar days public notice, the City clerk shall select the initial eight (8) members of the commission. For purposes of selection to the commission, the City shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The City clerk shall randomly select two (2) persons from each of the four (4) quadrants. To implement this paragraph, the City clerk shall determine a randomized method that meets professional standards and best achieves a random selection.

E. The commissioners selected pursuant to subsection D shall thereafter select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants. The order in which the alternates shall be seated on the commission as voting members shall be established by a random method at the time they are selected. The selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, ability to comprehend and apply the applicable state and federal legal requirements, familiarity with the City's neighborhoods and communities, familiarity with the City's demographics and geography, ability to be impartial, and apparent ability to work cooperatively with other commissioners.

F. The commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero

G. If a commissioner resigns or is removed from the commission, the next alternate in line shall fill the vacancy as a voting commissioner.

Sec. 11.08. Removal.

The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

Sec. 11.09. Redistricting criteria.

A. The commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution. Population equality shall be based on the total population of residents of the City as determined by the latest federal decennial census.

2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal law applicable to charter cities.

B. The commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. Areas that are separated by a railyard or a highway are not contiguous.

2. To the extent practicable, the geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.

4. Where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

5. Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

C. The commission shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

D. The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

Sec. 11.10. Adoption of redistricting report and map.

A. The commission shall file a preliminary redistricting plan and draft map with the City clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the commission. The City clerk shall publish the preliminary redistricting plan and draft map at least thirty (30) calendar days prior to the adoption of a final redistricting report and final map.

B. During the thirty (30) calendar day period after publication, the commission shall hold at least five (5) public hearings, including one (1) public hearing in each existing council district.

C. After having heard comments from the public on the preliminary redistricting plan and draft map, the commission shall adopt a final redistricting report and final map. A commission-adopted final redistricting report and final map has the force and effect of law and is effective thirty (30) calendar days after it is filed with the City clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The council may not rescind, supersede, or revise the district boundaries adopted by the commission.

D. After the final map is adopted, the City clerk shall number each council district such that, for as many residents as possible, the number of the council district they reside in remains the same.

E. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.

F. If the commission does not adopt council district boundaries by the deadlines set forth in this article, the City attorney shall immediately file a petition in Placer County Superior Court for an order adopting council district boundaries. The map prescribed by the court shall be used for all subsequent council elections until a final redistricting report and final map are adopted by the commission to replace it.

Sec. 11.11. Incumbents.

The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the councilmember was elected. Accordingly, upon any redistricting pursuant to the provisions of this article, each incumbent councilmember will continue, during the remainder of the councilmember's term, to represent the electoral district to which the councilmember was elected prior to such redistricting.

Sec. 11.12. Addition of new territory.

If the boundaries of the City expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the City clerk shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries as prescribed by California Government Code Section 21623, as it now exists or may hereafter be amended.

Sec. 11.13. Administration.

A. The council shall appropriate sufficient funds to support the work of the commission, including funds necessary to recruit commissioners, meet the operational needs of the commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for City staff time associated with supporting the work of the commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.

B. The City manager, City clerk, and City attorney shall assign sufficient staff to support the commission. The City clerk or the City clerk's designee shall serve as secretary to the commission. The City attorney or the City attorney's designee shall serve as legal counsel to the commission.

C. Subject to funds appropriated to the commission, the commission may retain consultants following the City's standard procurement processes and the council shall approve

any applicable consultant agreements. The commission shall retain the sole authority for determining the selection criteria for consultants.

D. The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

Sec. 11.14. Dissolution.

Each commission established under this article shall cease operations and dissolve on the ninety-first day following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the commission shall continue operations until a final redistricting report and final map is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the commission shall automatically revive and continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the City.