

### Charter Review Commission Meeting Tuesday, February 16, 2010 Martha Riley Community Library Meeting Rooms 1501 Pleasant Grove Blvd. 5:30 p.m.

Members:

Rita Brohman, Rex Clark, Paul Frank, Janice Hanson, Rick Hoem,

Cathy Macaulay, Aldo Pineschi, and James Viele

Staff:

City Attorney Brita Bayless, City Clerk Sonia Orozco, Deputy City Manager

Julia Burrows, Assistant City Clerk Audrey Byrnes

### **AGENDA**

- 1. Call to Order
- 2. Approval of Minutes January 19, 2010
- 3. Public Comments (On Items Not Appearing on the Agenda)
- 4. Old Business/Follow-up:
  - a) Procedure to Elect/Appoint Mayor §2.03 Proposed Amendment
  - b) Council/Manager Relationship §2.09 Proposed Amendment
- 5. New Business:
  - a) <u>Correspondence Submitted from:</u>
    - Friends of Roseville (FORE) Various Requests for Ballot Placement
    - Jack Wallace Citizen's Initiative Process
    - Kevin Dayton Information Regarding San Diego County Ballot Initiative and/or ordinance to prohibit Project Labor Agreements
- 6. Informal Review of Initial Report on Charter Recommendations
- 7. Comments/Members/Public
  PLEASE NOTE: Comments on Items Not Listed on the Agenda or on Any Matters Requiring
  Committee Discussion or Action Will Be Listed on a Future Agenda
- 8. Adjournment

Next Meeting/Forum: Monday, March 15, 2010 at 5:30 p.m. at the Maidu Community Center, 1550 Maidu Drive, Roseville, CA 95661



# Minutes Charter Review Commission Meeting

Tuesday, January 19, 2010 Civic Center Meeting Rooms 1 & 2 5:30 p.m.

#### 1. Call to Order

### **Members Present**

Paul Frank
Janice Hanson
Rex Clark
Aldo Pineschi
Cathy Macaulay
Rick Hoem
James Viele

### Staff Present

Brita Bayless, City Attorney Sonia Orozco, City Clerk Audrey Byrnes, Assistant City Clerk

### Members Absent - Excused

Brohman, Rita

### 2. Minutes Approval

Macaulay requested correction: strike 4a input by Wendy Gerig from the December 21, 2009 Charter Review Minutes.

Motion to approve the Minutes of December 21, 2009 with requested correction.

Moved by Hoem, seconded by Pineschi

Vote: Motion carried 7-0 (Brohman absent)

### 3. Public Comments

Jack Wallace – Spoke of the appointment of Planning Commissioners and requested process be modified and placed in Charter.

### 4. Old Business/Follow-up

a. Project Labor Agreements – Continued from December 21, 2009
 Commission Chair Clark set a 10 minute period for item.

Matt Kelly – Spoke in opposition to limiting Council choices.

Jim Hines – Spoke in support of maintaining open competition.

Nicole Goehing – Spoke in opposition to Project Labor Agreements.

Wendy Gerig – Spoke in support of open and fair bidding practices.

### Charter Review Commission Minutes – January 19, 2010

Brian Vlahos – Spoke in support of Project Labor Agreements.

Commission discussion.

Motion to recommend no changes to the Charter regarding Project Labor Agreements.

Moved by Viele, seconded by Hanson

Vote: Motion carried 6-0 (Pineschi - No, Brohman absent)

**b. Procedure to Elect/Appoint Mayor –** Continued from December 21, 2009 Richard Roccucci presented item to the Commission.

Commission discussion.

Commission consensus to direct staff to return with language to implement a combination of the Whittier/Pittsburg model of rotating the mayor seat and include language for usage of "Vice Mayor" with a procedure for breaking ties regarding seniority.

### 5. New Business

### Council/Manager Relationship

Commissioner Brohman requested item.

Motion to continue item to next meeting due to Commissioner Brohman's absence.

Moved by Macaulay, seconded by Hoem

Vote: Motion carried 7-0 (Brohman absent)

# b. Correspondence Submitted from Ted Hovanec: Written Hiring Policies and Procedures for City Manager or Appointees

Commission consensus to accept letter as written.

### 6. Comments/Members/Public

PLEASE NOTE: Public Comments on Items Not Listed on the Agenda or on Any Matters Requiring Committee Discussion or Action Will Be Listed on a Future Agenda

Commissioner Frank announced the opportunity and process for citizens to place items (other than Charter Review Commission recommendations) on the ballot.

Richard Roccucci – Confirmed next Charter Review Commission meeting to be February 16, 2010 at 5:30 p.m. at the Martha Riley Library.

### 7. Adjournment

Motion to adjourn the meeting at 6:30 p.m. Moved by Macaulay, seconded by Hanson

### Charter Review Commission Minutes – January 19, 2010

Vote: Motion carried 7-0 (Brohman absent)

APPROVED DATE: February 16, 2010		
Rex Clark, Chairman		
ATTEST:		
Audrey Byrnes, Assistant City Clerk		

Request for amendment to Charter Section 2.03 submitted by Richard Roccucci and requested by the Charter Review Commission for consideration:

Item for consideration at February 16, 2010 meeting:

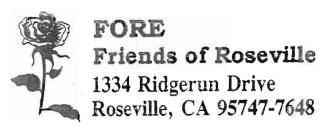
## Sec. 2.03. Assumption of office by, meeting of council, and seating of mayor and <u>vice</u> mayor<del>-pro-tempore</del>.

The council shall be sworn in and assume office, subject to the qualifying provisions of this charter, from and after twelve o'clock noon on the second Monday next succeeding the day of their election, and 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. At such meeting following the regular election of November 2012, the council-member with the greatest seniority on the council shall be seated as mayor, and Tthe council member who received the highest number of votes in the latest election with the second greatest seniority on the council shall be seated as vice-mayor pro tempore. Thereafter, the positions of mayor and vice-mayor shall rotate annually, at the regular meeting held closest to the anniversary date of the last previous rotation, or in election years, at the meeting at which newly elected council-members assume office. The position of mayor shall be assumed by the council-member who served as mayor pro tem vice-mayor for the previous year. The position of mayor pro tem vice-mayor shall be assumed by the council-member with the next greatest seniority on the council. Seniority shall be determined by the length of time served on the council. Members who are reelected are deemed to be continuing members and seniority shall be measured from the date of first joining the council, except that a previous term separated by a period of years shall not be counted. If a member declines to serve, is unable to serve, or resigns as mayor or vice-mayor, the next senior member of the council shall assume the position. In the event of a tie in seniority, or upon any failure of the foregoing procedure, the mayor or vice-mayor shall be selected by majority vote of the members of the council. The mayor pro tempore's term of office shall commence upon his or her assumption of office and continue until the election, qualification and assumption of office of his or her successor following the next general municipal election. Upon the termination of a council member's term of office as mayor pro tempore, he or she shall be seated as mayor. The mayor's term of office shall commence upon his or her assumption of office and continue until the assumption of his or her successor following the next general municipal election. (Amended by general municipal election on November 7, 2000; amended December 22, 1993; amended May 20, 1980.)

Request for amendment to Charter Section 2.09 submitted by Charter Review Commissioner Rita Brohman:

Item for consideration at February 16, 2010 meeting:

I respectfully request that the Commission consider striking the second sentence from the Charter: Section 2.09 completely:\_"Except for the purposes of inquiry, authorized by the council, the council and its members shall deal with administrative officers and employees solely through the manager." It is not necessary and can be used inappropriately. The first sentence is adequate for defining relations and I suggest that Charter Section 2.09 simply read, "The manager shall be responsible to the council for the administration of all units of the City government under the manager's jurisdiction and for carrying out policies adopted by the council."



FORE'S Website: www.friendsofroseville.org

Board of Directors Mayor Gina Garbolino and

February 8, 2010

Jim Berg Councilmembers 311 Vernon Street

Roseville, CA 95678

Walter Mart

Dear Mayor & Councilmembers

Alyssa Mulchay The Friends of Roseville (FORE) requests that the Roseville Charter Review Commission and the Roseville City Council place the following issues on the November 2, 2010 ballot, to allow all registered voters to decide issues that are important to our quality of

.41 Saraceni

Sandra Saraceni

Jack Wallace

Jim Young

Officers

Phil Ozenick Chairman

Robert Gregory

Vice Chairman

RayEllis

Treasurer

Fay Young Assistant

Treasurer

Sharon McGraw Secretary

life.

These are all suggestions that have previously been submitted to the Charter Review Commission. FORE is not advocating for or against any of the issues in question; it is simply our position that all of the items represent potential changes to the city charter that are important enough to the general welfare of all residents that they should be decided by a vote of the people.

1. Expand the number of city council members from five (5) to seven (7).

2. Elect councilmembers by district, versus citywide. A citizens' commission would be established to draw district lines, and redistricting would take effect after the 2012 election.

- 3. City Council vacancies occurring between elections should be filled by the runner-up in the last election.
- 4. The mayor's seat, when vacated between elections, shall be filled by the councilmember who received the next highest votes in the next to the last election.
- 5. Set campaign limits for city council candidates in the charter.

6. Select commission, committee, and board members (Planning Commission, etc) by random computer selection from a pool of qualified candidates. Candidate eligibility criteria to be set by the city.

Sincerely,

Phil Dzenick

### **CITIZENS' INITIATIVE PROCESS**

TO: Roseville Charter Review Commission C/O City Clerk 311 Vernon Street Roseville, CA 95678 RECEIVED

2010 FEB -9 PM 4: 57

CITY CLERK DEPARTMENT ROSEVILLE, CA

02/08/2010

At the Charter Review Commission meetings, the subject of a citizens' initiative has been brought up several times. It has been implied that this is a fair and reasonable alternative for putting issues on the ballot for the voters to decide, as compared to the city council placing them on the ballot.

Nothing could be farther from the truth. But before comparing the two methods, it might be helpful to understand more about the initiative process.

Only 24 states allow the citizens' initiative in their constitutions. South Dakota was the first state to do so, in 1898. In 1911, California Governor Hiram Johnson convinced the legislature to permit it in this state. The primary reason was that governments, both local and state, were not listening to their constituents, and this gave the people more power to control their own destiny via "direct democracy."

Unfortunately, in recent years, special interest groups have usurped the initiative process to place items on the ballot that would be of benefit to them. They can afford to spend millions of dollars hiring signature gatherers to collect the signatures, thus bypassing the original grass-roots intent of the initiative process., and watering-down the impact of ballot initiatives.

Some special interest groups have also been lobbying the legislature to try to eliminate the ability of the people to initiate change in the constitution. Thus far, they have been unsuccessful.

COUNCIL BALLOT PROCESS: When a majority (three members) of the city council decides to put an issue - or several issues - on the ballot, they simply instruct staff to prepare the ballot measure(s), and then they approve it. The measurer(s) go on the ballot, and the taxpayers foot the bill.

**CITIZENS' INITIATIVE PROCESS**: The proponents of a city charter amendment prepare a draft of their request, present it to the city council, and ask the council to place the item on the ballot. To my recollection, they have never agreed to do so - the answer is always, "No." Only single-subject initiatives are allowed.

The proponents then hire an attorney to put their draft in proper legalese format. We have paid \$2,000 to \$3,000 to have this done, which was much less than the normal attorney's fees. One firm I am familiar with in the Bay Area will write an initiative, and defend it in court if necessary for \$35,000 to \$40,000, depending on the complexity of the issue. Grass-roots efforts do not have that amount of money.

Next, the actual text of the initiative is submitted to the city attorney, who writes the official title and summary of the measure. If the proponents disagree with the title/summary as written, their only option is to challenge it in court. This is very expensive, and again requires hiring an attorney.

The next step is printing of the petitions which voters must sign. Again, state law is very strict in the size of type, the spacing, and what must be included on the petition, so it is best to have an attorney prepare the petitions. Each copy is considered a "section," and numerous copies will be needed for all the signature gatherers.

Now begins the real task: gathering the signatures of 15% of all registered voters to qualify the issue for the ballot. This must be accomplished within 150 days. On initiatives I've participated in, we've had well over 100 people collecting signatures. Some may get only a handful, while others will obtain hundreds. On one initiative, the special interest groups in opposition hired a campaign consultant who took out full page ads in the newspaper urging people to NOT sign the petitions. They signed anyway.

All sections of the petitions must be filed at once. The city clerk's staff will do a peremptory count of the number of signatures to ensure that a sufficient number are present. If so, they are then sent to the county clerk's office for signature verification. The county clerk must complete the verification process within 30 days. When the verification is completed, the city clerk is notified.

If there are sufficient signatures, the city clerk presents the information at the next city council meeting and certifies that a sufficient number of voters have requested that this item be placed on the ballot. The council then has a limited number of days to debate the measure, and to order studies on financial or other impacts, but they MUST place it on the ballot.

At this point special interest groups opposed to the initiative have challenged them in court. One qualified initiative was ordered removed from the ballot by a judge because each signature-gatherer did not have a complete copy of the city's General Plan to peruse; they only had copies of the sections that were proposed for amendment. The problem was that we had no money to even hire an attorney, while the opposition was represented by a large law firm from the Bay Area.

The final task, which may be the most difficult, is trying to raise funds for positive advertising. The opposition groups, in past initiatives in Roseville, have tossed from \$150,000 to \$250,000 into a fund to hire the best campaign consultants in the region to sling mud at the ballot measure. It works.

Placing a charter amendment on the ballot via the citizens' initiative process is no simple matter, requiring thousands of hours of volunteer efforts, and thousands of dollars in attorney's fee and other costs. For the city council, it requires only a few minutes of discussion, and a motion. All work is done by city staff at the tax-payers' expense.

JACK D. WALLACE

Mallace\_

Roseville, CA 95678

### Orozco, Sonia

From: Kevin Dayton [dayton@abc-cal.org]

Sent: Tuesday, February 09, 2010 9:18 PM

To: Burrows, Julia

Cc: Bayless, Brita; Orozco, Sonia

Subject: Please forward to Charter Review Commission

Julia:

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Please forward this interesting development to the Charter Review Commission.

Kevin Dayton State Government Affairs Director Associated Builders and Contractors of California (916) 439-2159

Charter Review Commission:

On January 19, you voted to recommend to the Roseville City Council that it enact a Fair and Open Competition ordinance that prohibits Project Labor Agreements on city-funded projects. Your recommendation is consistent with a growing local movement in California to protect taxpayers by prohibiting Project Labor Agreements.

Today (Tuesday, February 9), the San Diego County Board of Supervisors, representing the sixth most populous county in the country, voted 5-0 to draft a ballot initiative and an ordinance (as an alternative) to prohibit Project Labor Agreements. They will join Orange County (the fifth most populous county in the country), the three most populous cities in San Diego County, and the City of Fresno in either banning PLAs or moving to ban PLAs. It is reported that a few other local governments in California will move to ban PLAs in the next few weeks.

See the press release below issued today by a San Diego County supervisor. Thank you for your support of an ordinance to ban Project Labor Agreements on city-funded construction projects in Roseville.

Kevin Dayton State Government Affairs Director Associated Builders and Contractors of California (916) 439-2159

From: Culea, John [mailto:John.Culea@sdcounty.ca.gov]

Sent: Tuesday, February 09, 2010 4:23 PM

Subject: Ensuring Fair and Open Competition for County Contracts

#### BILL HORN

Supervisor – Fifth District

San Diego County Board of Supervisors

1600 Pacific Highway, San Diego, CA 92101

(619) 531-5555 FAX: (619) 685-2662

### **NEWS RELEASE**

Contact: John Culea - Media and Communications Director

619 531-4709 Cell: 619 548-1765 FAX: 619 685-2662

### February 9, 2010: For Immediate Release

### **Ensuring Fair and Open Competition for County Contracts**

(San Diego) The San Diego County Board of Supervisors today unanimously approved a recommendation from Fifth District Supervisor Bill Horn to draft an amendment to the San Diego County Charter to be placed on the June 8th, 2010 ballot. If approved by a majority of voters, the Charter Amendment will prevent any future efforts to require Project Labor Agreements in County contracts beyond what the State and Federal government mandate.

A Project Labor Agreement, commonly referred to as a "PLA", is a pre-hire collective bargaining agreement to use union labor on a project. When required, it eliminates the ability for non-union companies and workers to compete for and work on, government projects. When required by Federal, State, or local governments, PLAs discriminate against approximately 85% of construction workers and reduces competition to only those contractors who use union labor. Reducing competition for government contracts also has the effect of causing bids to come in higher, which drives up the cost to build government projects and squanders precious tax dollars. All qualified contractors and workers deserve the chance to compete for contracts and jobs that their own tax dollars pay for.

Supervisor Horn said, "According to the U.S. Department of Labor, only 15.6 percent of construction workers nationwide are unionized. When President Obama and the State legislate for union labor, they're discriminating. They're giving an unfair advantage to a minority of construction workers." Supervisor Horn added, "The draft amendment to the San Diego County Charter would not prevent union shops from bidding. However, eliminating 85 percent of the competition for County contracts would be devastating to our local economy and taxpayers."

In the last 12 months the cities of San Diego, Chula Vista, Oceanside, and the County of Orange have all taken steps to reduce or eliminate requirements to use the PLA. County Counsel will return to the Board of Supervisors on February 23rd with a draft Charter Amendment. If approved, the draft amendment will then come back to the Board for final approval on March 2nd, and the measure will be placed on the June 8th ballot giving voters countywide the first chance to weigh in on the matter.