

Charter Review Commission Meeting Monday, November 16, 2009 Civic Center Meeting Rooms 1 & 2 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 October 26, 2009
- 3. Public Comments (On Items Not Appearing on the Agenda)
- 4. Old Business/Follow-up:
 - a) Follow-up on Personnel Administration (Change from nine (9) months to 1500 hours/clarification)
 - b) Article IX Franchises
- 5. New Business:
 - a) Article X Municipally-Owned Utilities
 - b) Article XII Miscellaneous
 - c) Project Labor Agreements
 (Per request of Roseville Chamber of Commerce)
- 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

7. Adjournment – Next Meeting Date: Scheduled for December 21, 2009



Minutes Charter Review Commission Meeting

Monday, October 26, 2009 Civic Center Meeting Rooms 1 & 2 5:30 p.m.

1. Call to Order

Members Present

Paul Frank
Janice Hanson
Rex Clark
Aldo Pineschi
Rita Brohman
Cathy Macaulay
Rick Hoem

Staff Present

Brita Bayless, City Attorney Julia Burrows, Deputy City Manager Audrey Byrnes, Assistant City Clerk

Members Absent - Excused

James Viele

2. Minutes Approval

Motion to approve the Minutes of July 20, 2009. Moved by Brohman, seconded by Macaulay Vote: Motion carried 7-0 (Viele absent)

3. Public Comments

Phil Ozenick – Spoke in support of district elections being placed on the ballot.

Clay Kowarsh – Requested that the Commission discuss Council pay increase.

James Berg – Spoke in opposition to extending term limits.

Wendy Gerig, Roseville Chamber of Commerce – Requested to place Project Labor Agreements on future agenda. Committee consensus to list on future agenda.

Mary Joe Lawrence – Spoke in support of considering appointment of next highest vote getter at previous election for any Council vacancy.

Richard Roccucci – Spoke in support of de-emphasizing Mayor vacancy during election process.

4. Old Business/Follow-up

A. Term Limits

Charter Review Commission Minutes – October 26, 2009

Proposed amendment to Charter to allow three (3) consecutive four (4) year City Council terms instead of current two (2) consecutive four (4) year City

Council terms (not to apply to incumbent at the time of adoption) or; eliminate term limits.

Commission discussion

Jack Wallace – Spoke in opposition to changing term limits and requested issue be placed on the ballot for the public to vote.

Richard Roccucci – Spoke in support of two (2) term limits.

Jim Williams – Spoke in support of two (2) term limits.

Motion to keep current two (2) consecutive four (4) year City Council term limits.

Moved by Frank, seconded by Pineschi

Vote: Motion carried; 7-0 (Viele absent)

B. Local Vendor Preference Policy Proposal

Staff recommendation – Samuel Elmer/Central Services and letter in support from Roseville Chamber of Commerce

Presentation by Administrative Analyst Samuel Elmer addressing the potential of a Local Vendor Preference Policy.

Commission discussion

Wendy Gerig, Roseville Chamber of Commerce – Spoke in support of Local Vendor Preference Policy and requested the policy not be limited to \$5000 and be extended to goods and services.

Richard Roccucci – Spoke on the complications of the Local Vendor Preference Policy process and concerns regarding a discriminatory process.

James Berg – Spoke on concerns regarding the 5% advantage.

Motion to include a Local Vendor Preference Policy in the Charter and to await Charter Language and Policy via the City Attorney.

Moved by Hoem, seconded by Brohman

Vote: Motion carried 7-0 (Viele absent)

5. New Business

a) Article VIII – Personnel Administration

Commission discussion

Charter Review Commission Minutes – October 26, 2009

Motion to accept changes to Section 8.03 Personnel Director regarding all references to Personnel Director be changed to Human Resources Director.

Moved by Macaulay, seconded by Hanson

Vote: Motion carried 7-0 (Viele absent)

Requested changes regarding Charter text to say 1500 hours rather than nine (9) months per year to be continued until Human Resources Director can clarify request.

b) Article IX – Franchises

Deputy City Manager Julia Burrows requested that Franchises be delayed until a future meeting. Committee consensus to list on future agenda.

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 Hoem requested changes to the Charter:

- 1. Capitalize the "City" in all City of Roseville references within Charter.
- 2. Be consistent with capitalization of Titles and names within Charter.
- 3. Eliminate all gender references within Charter.
- 4. Eliminate "Councilmanic" from Section 3.09.

Commissioner Frank spoke on changes to the Charter should add reasonable value to the Charter, and spoke in opposition to \$200 raise for the Mayor.

Commissioner Brohman spoke in support of putting items on the ballot for the public to vote.

7. Adjournment

Motion to adjourn the meeting at 6:50 p.m. Moved by Hoem, seconded by Frank Vote: Motion carried 7-0 (Viele absent)

| APPROVED DATE: November 16, 2009 | |
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| | |
| Rex Clark, Chairman | |
| ATTEST: | |
| Audrey Byrnes, Assistant City Clerk | |



City Manager 311 Vernon Street Roseville, California 95678

To: Charter Review Commission

From: Julia Burrows, Deputy City Manager/Economic Development Director

Date: November 10, 2009

SUBJECT: ARTICLE IX. FRANCHISES LANGUAGE AMENDMENT PROPOSAL

Article IX of the City Charter details the City's requirements for franchisees to operate within Roseville. The purpose of this memorandum is to provide background on a recommended language change for Section 9.01 – When franchises are required.

For the past three decades, the City has required a local franchise be negotiated and approved by the Roseville City Council for community antenna television (CATV) providers, cable television providers, and now video service providers who use the public-rights-of-way to serve their customers. The City is authorized by the police powers provided in the State Constitution to charge rent for the use of the public rights-of-way, paid in the form of franchise fees to the City and to negotiate with the video providers for other benefits to the City such as public, education, and government channels and fees to support these channels. In addition, the City requires encroachment permits through the Public Works- Engineering Division for construction in the public rights-of-way.

In 2006, the State Legislature passed and the Governor signed the Digital Infrastructure and Video Competition Act (DIVCA). As of January 1, 2007, the State of California is the sole franchising authority for the provision of video service in communities in California. The City has three video service providers – Comcast, SureWest, and AT&T with a fourth – WAVE Communications - that has made an inquiry about serving a customer in Roseville. All now have state video service franchises to do business in Roseville.

City staff is recommending that the words "television" and "cable television" be replaced by "video service" to reflect current and future service terminology. Staff is also recommending that the specific reference to the "direct authority to the Constitution of the State of California or of the United States" be replaced by broader language, "pursuant to state or federal law" to incorporate the Constitutions and laws like DIVCA that affect franchises in Roseville.

The language proposed for Section 9.01 is attached.

Sec. 9.01. When franchises are required.

No person, firm or corporation shall exercise any franchise right or privilege in the city for furnishing its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, video or any other public utility or service, except insofar as he or it may be entitled to do so pursuant to state or federal law, unless he or it shall have obtained a grant therefore in accordance with the provisions of this article of this charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this article shall be construed to invalidate any lawful franchise heretofore granted or to necessitate the obtaining of a new franchise for a use which a franchise holder shall have in a valid unexpired franchise. Nothing contained in this article shall be construed to apply to the city, or any department thereof, when furnishing any public utility or service, except that for purposes of accounting for the value of the occupation of public right of way, City-owned utilities may pay an in-lieu of franchise fee not to exceed four percent (4%) of total operating and capital expenditures to the City's general fund. All in lieu of franchise fee revenue received shall be budgeted and appropriated solely for police, fire, parks and recreation or library services. (Amended by general municipal election on November 7, 2000.)

Deleted: television, cable television

Deleted: by

Deleted: direct authority to the Constitution of the State of California or of the United States