



MINUTES

June 17, 2019

CHARTER REVIEW COMMISSION

5:30 p.m.

Council Chambers
311 Vernon Street
Roseville, California
www.roseville.ca.us

1. CALL TO ORDER

Vice Chair Pete Constant called the June 17, 2019 Charter Review Commission meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Frank, Viele, Dohner, Sanchez, Garrett, Constant
Absent: Cannon, Rohan, Brohman

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair Pete Constant.

4. PUBLIC COMMENTS

No public comment received.

5. MINUTES

5.1. Minutes of Prior Meeting

Memo from Assistant City Clerk Audrey Byrnes and City Clerk Sonia Orozco recommending the Charter Review Commission approve the minutes of the of the May 20, 2019 Charter Review meeting.

CONTACT: Audrey Byrnes 916-774-5268 abyrnes@roseville.ca.us

No public comment received.

Motion by Paul Frank, seconded by Kristine Dohner, to approve the May 20, 2019 Charter Review Commission Minutes as presented. The Motion Passed.

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan

6. REQUESTS/PRESENTATIONS

6.1. Resign-to-Run and Anticipated Vacancy Provisions - Article 3 - Section 3.09

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on research conducted regarding Resign-to-Run and Anticipated Vacancy Provisions for City Councilmembers.

CONTACT: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Commission on the matrix outlining the items on the Consensus list and the Standalone or interrelated items list and informed members list would be updated following every meeting.

City Clerk Sonia Orozco introduced item 6.1 and spoke to the following:

- Current Charter Language
- Councilmember Vacancies
 - November 2010 approved Charter Amendment
 - Provided that a partial term served due to an appointment to a vacant city council seat does not count as a term
 - Passed but not codified after November election
 - Codified in May 2019 as follows:

Section 2.02 Elective officers - A partial term served due to an appointment to a vacant council seat does not count as a term for the purposes of this section.

Previous Commission member proposals were also outlined:

- Extend timeline to fill vacancies from 30 days to 45 days (no action taken on proposal)
- If appointed to a term of two years or more, individual would then only be eligible to be elected to one four (4) year term following an appointment (no action taken on proposal)

Resign-to-Run

Assistant City Attorney Michelle Sheidenberger made the presentation to the Commission outlining resign-to-run provisions summarizing the law requires an officeholder to resign from their current public office in order to run for another public office.

Anticipated Vacancies

Assistant City Attorney Michelle Sheidenberger continued the presentation outlining anticipated vacancies.

Research was conducted in over 20 California charter cities. San Jose was the only city identified with advanced replacement language in their Charter. The provision is written to take action if a Council member knows they will vacate their seat in the near future as the anticipated vacancy language allows City

Council to initiate an appointment or election process to fill the vacancy.

Presentation outlined questions regarding the provision such as resignation methods, when the Council is triggered to initiate the appointment or election process, and irrevocable scenarios.

California Constitution

Assistant City Attorney Michelle Sheidenberger outlined conditions of holding public office in California and possible unlawful components of resign-to-run provisions:

- The right to seek public office is a fundamental right
- To seek and hold public office bears sensitive protection
- The right to seek public office and the right to the unrestricted exercise of the franchise are fundamental
- Based on the constitution seeking and holding office should not be prohibited or curtailed with a resign-to-run provision

Anticipated vacancy provisions are different than resign-to-run as a member is not technically giving up their office but rather merely starting the process for council to fill their seat.

Public Comment on Resign-to-Run

Jimmy Franco - Tax Attorney at Ernst & Young - spoke to California Constitution and fundamental rights and levels of scrutiny with statement that just because something is a fundamental right doesn't mean you can't have a provision that limits a fundamental right as long as it meets a stricter level of scrutiny.

Public Comment on Anticipated Vacancies

Lisa Larkin - recommended the Commission develop language in the charter that the next highest vote getter in an election be appointed to fill vacancies.

Richard Roccucci - as a former council member spoke to opportunity to vote for next highest vote getter three times but was outvoted and further spoke in favor of studying how to fill vacancies if we already know a position or vacancy is forthcoming.

Motion by Paul Frank, seconded by James Viele, to place resign-to-run and advanced replacement on the outstanding items list. The motion was withdrawn.

Motion by Paul Frank, seconded by LaMills Garrett, to approve placing advanced replacement, along with sitting councilmembers who have been elected to other offices, on the outstanding items list for future discussion. The Motion Passed.

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan

6.2. Grouping Charter Amendments on Ballot

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on grouping of Charter amendments on the ballot.

CONTACT: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Assistant City Attorney Michelle Sheidenberger made the presentation to the Charter Review Commission members and spoke to single subject rule which does not apply to charter amendments sponsored by a governing body. The rule provides that cities may group multiple technical charter amendments into one ballot measure. Technical changes must be provisions that are different, but reasonably related. Cities may also group amendments in one measure to reach a common theme. Once the Commission identifies proposed amendments, members and staff will discuss which items may be grouped together.

No public comment received.

Item for information only. No action taken.

6.3. City Treasurer - Article 2 - Section 2.12

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission receive a presentation on Article 2 - Section 2.12 regarding the City Treasurer.

CONTACT: M. Sheidenberger 916-774-5325 msheidenberger@roseville.ca.us

Assistant City Attorney Michelle Sheidenberger made the presentation to the Charter Review Commission members.

Current charter language of Section 2.12 was addressed.

The Commission had made previous comments regarding changing the designation of City treasurer to chief financial officer. Assistant City Attorney Michelle Sheidenberger reported that currently there is no staff member of the City of Roseville that has the exclusive title of City treasurer. The city has a Chief Financial Officer whose job description includes carrying out the duties of the treasurer. Bond counsel was contacted to check if there would be any unintended legal consequences of eliminating the title of City treasurer. Bond counsel conveyed there are California statutes that specifically refer to a treasurer executing bonds. If no treasurer, statutes require delegation of function in an authorizing resolution when Council approves bonds. As an alternative, the City Council could adopt an omnibus resolution declaring that for all purposes of State law, the Chief Financial Officer would be considered the City treasurer. Bond counsel recommended official delegation of City treasurer remain in the charter.

Assistant City Attorney Michelle Sheidenberger provided three recommendations for modifications to Article 2 - Section 2.12 regarding City treasurer.

No public comment received.

Motion by Kristine Dohner, seconded by LaMills Garrett, to remove item 2.12 regarding City treasurer from future consideration. The Motion Passed.

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan

6.4. Public Outreach on Charter Review Process

Staff presentation on public outreach with options to inform residents on the opportunities to participate in the review process.

CONTACT: M. MacPherson 916-774-5455 macpherson@roseville.ca.us

Public Affairs and Communications Director Megan MacPherson made the presentation to the Charter Review Commission members and spoke on Op-ed article for publication in the Press Tribune and distribution to the Roseville Coalition of Neighborhood Associations and including it in e-newsletters and social media. As issues come into sharper focus, more specific outreach will be completed to let the public know what proposals are coming forward. The meetings are also televised and live streamed for the public.

Topics such as using FlashVote were discussed. Commissioners were suggested to share information with community members. Assistant City Attorney Michelle Sheidenberger cautioned members on "liking" other Commission members social media accounts.

No public comment received.

Item for information only. No action taken.

6.5. Charter Review Commission Members and Resident Proposals

Review and discussion on any sections of Articles 5 and 6 of the Charter.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco spoke to letter submitted from Gary Miller. Since only items regarding Articles 5 and 6 were listed for member and resident proposals, Vice Chair Pete Constant suggested letter be included when topics in the letter are discussed as suggestions would be more relevant at that time.

No items of Articles 5 and 6 were addressed by the Commission members or members of the public.

No public comment received.

No action taken.

6.6. Staff Proposed Amendments to Charter Article 4 - Section 4.06

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve staff proposed amendments to Section 4.06 of Article 4 of the Charter regarding Council rules.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Charter Review Commission members regarding proposed amendment to Section 4.06 of Article 4.

Current language was discussed.

Proposed amendment:
Section 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 proceedings 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 City clerk and presented to the council for its approval.

No public comment received.

Motion by LaMills Garrett, seconded by James Viele, to approve revisions as presented and place Section 4.06 of Article 4 regarding Council rules (synopsis and minutes) on the consensus list. The Motion Passed.

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan

6.7. Staff Proposed Amendments to Charter Article 4 - Sections 4.01 and 4.02

Memo from Assistant City Attorney Michelle Sheidenberger and City Clerk Sonia Orozco recommending the Charter Review Commission approve proposed amendments to Section 4.01 and Section 4.02 of Article 4 regarding regular meetings and special meetings of the City Council.

CONTACT: Sonia Orozco 916-774-5269 sorozco@roseville.ca.us

City Clerk Sonia Orozco made the presentation to the Charter Review Commission members on proposed amendments to Sections 4.01 and 4.02 of Article 4.

Current language of Section 4.01 and Section 4.02 was discussed.

Proposed amendment:

Section 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.

No public comment received.

Proposed amendment:

Section 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 setion. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

No public comment received.

Motion by LaMills Garrett, seconded by Paul Frank, to approve revisions as presented and place Section 4.01 of Article 4 regarding Regular meetings on the consensus list and allow staff the flexibility to alter the language necessary while maintaining the intent of the proposal. The Motion Passed.

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan

Proposed amendment:

Section 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.

No public comment received.

Motion by LaMills Garrett, seconded by Robert Sanchez, to approve revisions as with suggested edits on time sensitivity and place Section 4.02 of Article 4 regarding Special meetings on the consensus list. The Motion Passed.

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan

7. ADJOURNMENT

Motion by Kristine Dohner, seconded by LaMills Garrett, to adjourn the meeting at 7:18 p.m. The Motion .

Roll call vote: Ayes: Constant, Dohner, Frank, Garrett, Sanchez, Viele

Absent: Brohman, Cannon, Rohan