

**ELK GROVE CHARTER COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY
TUESDAY, JULY 1, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Commission meeting of July 1, 2008 was called to order by Chair Allen at 6:03 p.m.

Present: Commissioners – Allen, Johnson, Sendejas-Lopez, Loveland, Martin, and Orrock

Absent: Commissioner Farley

Also Present: City Attorney Susan Cochran and City Clerk Susan Blackston

2. PUBLIC COMMENT (on non-agenda items)

None.

3. APPROVAL OF MINUTES

MOTION/VOTE:

Commissioner Loveland made a motion, Lopez second, to approve the June 17, 2008 minutes as presented. The motion carried by the following vote:

Ayes: Commissioners – Allen, Johnson, Sendejas-Lopez, Loveland, Martin, and Orrock

Noes: Commissioners – None

Absent: Commissioners – Farley

4. REPORTS BY CITY ATTORNEY

a) Bidding of Public Works projects

City Attorney Cochran reported that the Merced Charter, first adopted in 1949, set the amount of \$5,000 as the limit for public works contracts that did not require a public bid; whereas, Sacramento's charter set the limit at \$100,000. In answer to Commission inquiries, Ms. Cochran acknowledged that using the Consumer Price Index and Engineering News-Record construction and building cost indexes would be an option to eliminate the need to continually request charter amendments to keep up with inflation. Ms. Cochran mentioned that the Uniform System of Accounting for Construction Projects sets the amount at \$100,000; however, she noted that the budgeting and accounting requirements are so onerous that most cities do not adopt it. She explained that service contract threshold amounts are up to the discretion of the City Council. Each city sets the authority limit they want to give department heads and city managers to contract for. Charter cities are subject to pay prevailing wages under the Labor Code, as the legislature has deemed that, the payment of appropriate wages to

people doing work is a matter of statewide concern. Prevailing wage statutes state that whenever public monies are being expended for construction projects, prevailing wages must be paid. Charter cities are also subject to Labor Code 1720. Further, Ms. Cochran noted that, if financial incentives are given from a city to a developer, the developer would be required to pay prevailing wage. Ms. Cochran briefly reviewed the City's Purchasing Ordinance and local vendor preference, which states that a bid or proposal from a local vendor for commodities, equipment, and general services will be tabulated as if it were 5% below the figure actually set forth in the bid or proposal. She clarified that there is not a preference for local bids on public contracts; it applies only to general services.

Discussion ensued during which Commissioners asked for past information related to contract amounts and location of contractors that were awarded bids. Ms. Cochran replied that she would contact Public Works personnel to obtain information regarding its Capital Improvement Projects. Ms. Blackston stated that she would gather bid result information for the Commission's review.

In response to Commissioners, Ms. Cochran suggested that the charter could set a range for local preference, such as "*no less than 3% or more than 7%*" and that any decision relating to the setting of local preference would be subject to referendum.

b) Council compensation

Commissioners felt the topic of council compensation was premature, as other more encompassing issues have not yet been discussed such as, the form of government, i.e. strong mayor versus council-city manager, the number of council members, whether they would be full- or part-time, etc.

City Attorney Cochran mentioned that the City of Merced included the issue of council compensation in its charter revision and it was defeated. She reported that a trend toward the creation of council compensation committees has been taking place, because the topic can become a highly politicized issue.

c) Financing mechanisms

City Attorney Cochran explained that charter cities can create their own roadway assessment district. They are still required to meet regulations of Proposition 218, but would not be constrained by what the state government dictates the financing mechanism should be.

d) Campaign finance

City Attorney Cochran reported that charter cities can spend public monies on elections, e.g. with matching public funds. Some cities create expenditure and contribution limits to "level the playing field" between incumbents and those who wish to challenge an incumbent.

e) Discussion regarding sample charters and public outreach efforts from other cities

City Attorney Cochran encouraged Commissioners to review the Modesto Charter and the final report from its Charter Commission, both of which are accessible online. Modesto's recent charter revision process lasted approximately two years. The City of Merced completed its charter revision (which they accomplished in a series of ballot initiatives) within a five month period. The only public outreach regarding the Merced Charter was through the local newspaper and radio stations.

PUBLIC COMMENT:

Sharon Lynes voiced displeasure at the way the Charter Exploratory and Election Reform Committee meetings were handled, which she felt was not conducive to public participation. She was complimentary about how the Charter Commission meetings were being conducted.

f) Elk Grove Charter Commission public outreach component

PUBLIC COMMENT:

Leo Fassler commended Charter Commissioners for their conscientious efforts. He provided a brief history of his background, noting that he had extensive experience in public outreach. He suggested that Commissioners offer to speak at Elk Grove homeowner association meetings, as he felt it would have a significant impact and would be an excellent way to reach a great many people.

Discussion ensued regarding public outreach, following which the consensus of the Commission was to make contact with homeowner associations and offer that a Commissioner speak at one of their upcoming meetings. Additionally, it was suggested that the public comment period at City Council meetings be utilized to publicize meeting dates and topics under consideration. The Chamber of Commerce, trade and civic organizations were also mentioned as opportunities for public outreach.

5. Status report regarding telephone survey consultant

City Attorney Cochran reported that three companies responded to the City's Request for Proposal to conduct a telephone survey, all of which were over the \$10,000 amount the Commission had previously suggested. Ms. Cochran felt that the range of \$20,000 to \$24,000 was appropriate to provide statistically valid information. The City's Public Information Officer recommends that the firm of Public Opinion Strategies be contracted with to conduct the survey.

The consensus of the Commission was to direct the City Attorney to offer a contract to Public Opinion Strategies contingent upon one of its representatives attending the next regularly scheduled Charter Commission meeting to review the proposed survey.

6. NEW BUSINESS / GENERAL ANNOUNCEMENTS

City Attorney Cochran reported that the City's Public Information Officer was working on a Request for Proposal for public outreach consultant services. Staff anticipates discussing it at the next regularly scheduled Charter Commission meeting.

In response to Commissioner Johnson's suggestion that a calendar be structured outlining dates and specific topics the Commission would be considering, Ms. Cochran recommended that it not be done until after the results of the telephone survey are known.

Commissioner Sendejas-Lopez suggested that Commissioners review the Modesto Charter and return at the next meeting with questions, following which Chair Allen recommended that the Folsom Charter be reviewed as well.

City Attorney Cochran noted that there was a meeting room location conflict on August 26. The consensus of the Commission was to hold its August 26 meeting at a conference room in the administration building at 8380 Laguna Palms Way.

Chair Allen asked that draft agendas be sent for review via email.

7. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 7:49 p.m.

ATTEST:

/s/ Susan J. Blackston.
City Clerk