

**ELK GROVE CHARTER COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY
TUESDAY, SEPTEMBER 9, 2008**

1. Call to Order / Roll Call / Pledge of Allegiance

The Regular Commission meeting of September 9, 2008 was called to order by Chair Allen at 6:02 p.m.

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

Absent: None

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

Commissioner Rambo led the pledge of allegiance.

2. Public Comment (on non-agenda items)

None.

3. Approval of Minutes

MOTION/VOTE:

Commissioner Johnson made a motion, Orrock second, to approve the August 26, 2008 minutes as presented. The motion carried by the following vote:

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

Noes: Commissioners – None

Abstain: Commissioners – Rambo

4. Presentations by public outreach consultant firms (Introduction by Public Information Officer Christine Brainerd):

Christine Brainerd, Public Information Officer, reported that staff conducted a competitive selection process for public outreach consultant firms. A request for qualifications (RFQ) was distributed, from which eight (8) proposals were received. Staff members ranked the proposals and invited the top four (4) firms to make a presentation at tonight's meeting.

In answer to questions posed by Charter Commissioners, Ms. Brainerd stated that staff members who ranked the proposals included herself, Management Analyst Katy Baumbach, Assistant to the City Manager Kara Reddig, and Administrative Analyst Angela Frost. At the request of the Commission, Ms. Brainerd confirmed that she would provide copies of staff's rating forms for all the proposals.

Commissioner Rambo recommended that a subcommittee be formed to review all the proposals submitted, as well as staff's evaluations, and make a recommendation back to the Commission at a future meeting. Following discussion, it was agreed that Chair Allen, Vice Chair Orrock, and Commissioner Rambo would serve on the subcommittee.

a) Katz & Associates

With the aid of an overhead presentation (filed), Lori Pro시오, Vice President, reported that Katz & Associates was a full service community outreach firm, has been in business for 22 years, and has ten employees in its Sacramento office. It specializes in outreach for public sector clients. Ms. Pro시오 reviewed the firm's qualifications and experience as outlined in its proposal.

In answer to questions posed by Commissioners, Ms. Pro시오 explained that the City asked firms to submit qualifications and experience as it pertained to the Commission's objectives. There was no scope of work included in the RFQ. She noted that Katz works collaboratively with its various offices and brings in staff members with specialized expertise as needed. Ms. Pro시오 offered the following techniques for handling contentious issues:

- Conduct less formalized meetings;
- Talk one-on-one if possible;
- Provide neutral facilitation;
- Have someone moderate discussions and ensure conversations are kept on track; and
- Allow the public to provide input, but not lead or direct discussions.

b) HDR / The Hoyt Company

Wendy Hoyt introduced herself as the founder of The Hoyt Company. The company has 15 employees in its Sacramento office. She reviewed the firm's qualifications and experience as outlined in its proposal. She noted that the firm has extensive experience working with communities from the grassroots level and on maintaining third party neutrality. Ms. Hoyt stated that, if her firm was selected, she would personally facilitate community workshops. When contentious topics are being discussed, Ms. Hoyt believed it was vital to ensure the community is heard and members of the public are treated with respect and dignity. She recommended Charter Commission outreach begin with public education, followed by facilitation and consensus building.

Kristy Day, Project Manager, suggested that outreach efforts include partnering with the Elk Grove Unified School District to get students and their parents engaged in the community. To maximize public dollars, opportunities that already exist in the community could be taken advantage of, such as utilizing the City's newsletter, email groups, Elk Grove Community Connection, homeowners associations, civic organizations, the Chamber of Commerce, and various community events.

Peter Castles, Communications and Project Manager, noted that he personally reviews all materials distributed to the public by his firm to ensure there is consistency, clarity, and accuracy of message. The Hoyt Company has an in-house graphic designer, web design and management specialist, database specialist, production equipment and outreach coordinators.

In answer to questions posed by Commissioners, Ms. Hoyt reported that the firm has worked on many initiatives that helped raise fiscal resources for infrastructure. Ms. Hoyt noted that she served as a charter commissioner during 1990-92 for the City/County of Sacramento. The Hoyt Company is experienced in conducting outreach to ethnic communities and contracts out for most of its translation and interpreter services. She clarified that the firm no longer charges a 7.75% administrative fee, although it does have a technology fee, and stated that the hourly rates could be negotiated. Ms. Hoyt perceived the City's proposal to be a request for a statement of qualifications, as opposed to a responsive scope of work.

c) Schubert Flint Public Affairs

Kristy Balb, Vice President, provided a handout (filed) and reported that Schubert Flint is a full service public affairs firm with an office in Sacramento. She reviewed the firm's qualifications and experience as outlined in its proposal. Schubert Flint has won 27 statewide ballot measures in California. Ms. Balb proposed that the first course of action, if hired to assist the Charter Commission, would be to create a comprehensive community outreach plan that would identify communities and reach and involve all audiences.

Richard Wiebe, Partner, recommended qualitative tactics be used such as focus groups consisting of 10 to 12 members of a cross section of the community, utilizing a trained meeting facilitator. From these meetings it would be identified what arguments work and do not work. From quantitative research findings, a survey instrument would be designed to obtain a precise measurement of where voters stand. Mr. Wiebe explained that this could be accomplished under the purview of a public education campaign. He emphasized the importance of media relations and proposed to expand into the community, business groups, and others with communication tools.

Vice Chair Orrock disclosed that he previously worked with Ms. Balb and Mr. Wiebe on a ballot measure.

In answer to questions posed by Commissioners, Mr. Wiebe stated that he would use the previous telephone survey results in developing the focus group discussion guide. Another benchmark survey would be conducted later. He stated that the company's fees can be negotiated. He justified higher fees due to using senior staff on projects, which accomplishes more in less time and minimizes mistakes.

d) Lucy & Company

Lucy Eidam distributed a handout (filed) and recommended a three phase process, the first of which would build upon the telephone survey results when conducting stakeholder interviews. She believed that people were more apt to speak to her staff members candidly than they would to Commissioners. Findings from the stakeholder meetings would be brought to the Commission, following which she recommended conducting a “tracker” survey. The second phase would be to develop a strategic public education plan with goals and objectives.

Sarah Kennedy, Project Manager, mentioned Lucy & Company has firsthand knowledge of the subject matter, due to having facilitated the Charter Exploratory and Election Reform Committee meetings. Phase three would be implementation, which would include televised public workshops, website broadcast, podcast, and printed materials. Additionally she suggested an outreach component with booths in neighborhoods and at community events.

In answer to questions posed by Commissioners, Ms. Eidam commented that she preferred having sub-consultants work with ethic communities, rather than merely translating written material because it can be misinterpreted. Lucy & Company has ten employees. Ms. Eidam explained that Ms. Kennedy had a conflicting presentation with the Sacramento County Planning Commission this evening, which was the cause of their late arrival. Ms. Eidam felt she would have had an unfair advantage if she arrived on time and listened to presentations given by other firms prior to her presentation. Ms. Eidam stated that she would facilitate public workshops. She felt the best way to lessen contentious situations would be to ensure there are opportunities for people to speak and provide input.

PUBLIC COMMENT:

Connie Conley noted that Elk Grove Community Connection has been very successful in its community outreach efforts. She urged the Commission not to select a firm that would “preach” to the public, but rather to involve the public and the Council in the process. She preferred to see Charter Commissioners lead meetings, rather than a public outreach firm. She recalled the “Envision Elk Grove” process which cost \$150,000 and ultimately amounted to very little. She recommended that Public Information Officer Christine Brainerd be utilized as much as possible in the public outreach process. She challenged Commissioners to write a guest commentary for the Sacramento Bee newspaper.

Sharon Lynes questioned why the telephone survey was done prior to selecting a public outreach firm. She asserted that cost is the top priority for citizens when it comes to selecting a public outreach firm. She believed some of the best community outreach meetings were coordinated by City staff. Ms. Lynes felt there was no reasonable excuse for Lucy & Company to arrive late. In addition, she questioned the ability of Commissioners, who previously worked with Lucy & Company, to make an unbiased decision on selecting a firm. Ms. Lynes

attended meetings facilitated by Lucy & Company and another firm represented this evening, and she favored the other firm over Lucy & Company.

Vice Chair Orrock proposed that, once a public outreach firm is selected, the Commission could have one meeting each month in the Council Chamber and one meeting each month, coordinated by the public outreach firm, at another site perhaps varying the day of the week to accommodate the schedules of community groups.

Shirley Peters asked questions about the telephone survey (*reported at the August 12, 2008 meeting*) and the timeline of the Charter Commission (*delineated under Item 4 at the June 17, 2008 meeting*). Ms. Peters expressed concern that all public comments be considered during the drafting phase of the city charter, to which Chair Allen assured her that every comment would be considered.

5. Continued discussion on draft Charter language regarding the following topics (Presented by City Attorney Susan Cochran):

- a) Mayor selection
- b) Number of Council Members
- c) By-District and At-Large Elections
- d) Term Length
- e) Primary and General Elections
- f) Public Works Contracts

In reference to Item 5 f), City Attorney Cochran explained that, under general law, the Public Contract Code defines a public work by how much is being spent and what is being done. The primary changes in the draft charter language are increasing the amount from \$5,000 to \$50,000 and removing “repair and maintenance” as public work.

Commissioner Rambo noted that the meaning of “improvement” was vague, to which Ms. Cochran suggested it be clarified in the purchasing ordinance.

In reply to Chair Allen, Ms. Cochran stated that an incentive for environmentally sustainable building practices could be included in the charter.

Commissioner Johnson responded that the Council be empowered to do so, rather than including it in the Charter, to which Ms. Cochran suggested that it could be addressed in the report that will accompany the draft charter when it is presented to the City Council for consideration.

Commissioner Johnson expressed approval of section (a); however, he had concerns with the remainder of the language.

Chair Allen and Vice Chair Orrock also voiced approval of section (a) as written.

Ms. Cochran suggested that item (d) remain, as it relates to design-build contracts. Item (c) recognizes that the City is still bound by state law as it relates to the Mello-Roos Community Facilities District Act and the Streets and Highways Code. Ms. Cochran explained that the City could create its own assessment district proceedings under the charter power because of the plenary authority existing as a charter city to raise its own revenue.

In reply to Commissioner Johnson's request for a briefing on the subject of design-build, Ms. Cochran stated that she would invite the Interim Public Works Director to a future meeting to explain the subject.

Commissioner Johnson asked the City Attorney to brief the Commission at its next meeting on all inherent powers the City would have by becoming a charter city, even though it did not explicitly address it in the language of its charter.

Commissioner Rambo asked the City Attorney to provide a list of rights that could be captured in the charter, so that in later years, the Council would have the ability to act. As an example, he mentioned, if the City wanted to have a city prosecutor's office; the concept could be included in the charter, but perhaps not acted on for many years.

Commissioner Johnson questioned whether section (b) needed to be included in the Charter, to which Ms. Cochran replied she would research whether the concept of a force account needed to be included.

Commissioner Johnson asked the City Attorney to draft charter language that prohibited consistently using the same contractor for non-bid projects.

Commissioner Martin agreed, stating that a dollar amount should be identified and/or the number of times an award can be made to the same contractor.

Chair Allen favored having charter language that provides a preference to local businesses.

In reference to agenda Item 5 a) through e), Commissioner Rambo believed the issue of campaign finance is inextricably linked to how the City Council is elected. Mr. Rambo stated that he had tried to campaign at-large in the community and was of the opinion it was impossible to run a campaign without becoming beholden to special interests and focusing a majority of time on fundraising. He added that the manner in which the council districts are designed will shape the ability of people to have a voice in the community. He asserted that the more council districts there are, the closer the people will be to their elected representative. Mr. Rambo preferred, at a minimum, to have six council districts, although he strongly favored eight. He recalled having asked community members Connie Conley, Sharon Lynes, and Shirley Peters to identify neighborhoods and communities in Elk Grove. He believed that creating more council districts would allow the City to begin to identify and create

neighborhoods. He did not understand the reasoning behind having two at-large council members as was previously discussed by the Commission. He agreed with an elected mayor at-large; however, he felt a second at-large council member would raise the potential for political “mischief, horse trading, and deal making”. He felt it would be a mistake to allow politicians to decide who their voters are going to be. He recalled there was suspicion during the last redistricting process that boundaries were being drawn to benefit the friends of one council member. He suggested exploring the opportunity to have retired judges design an apportionment process. He was opposed to “from” district elections, as it defeats the purpose of having districts and runs afoul of the Voting Rights Act.

City Attorney Cochran reported that Elk Grove has had only one districting effort. The City incorporated and council members were elected, after which districts were created to represent the five council members. The next redistricting will occur following the 2010 census.

NOTE: Commissioner Martin left at 8:32 p.m.

Chair Allen and Commissioner Sendejas-Lopez warned against adding anything controversial to the charter, as it would likely fail when brought before the voters.

Vice Chair Orrock clarified that what the Commission has done thus far is merely a starting point, having used a broad brush approach. The charter will be changed and refined as the Commission receives input from the public.

PUBLIC COMMENT:

Damon Mireski agreed with Commissioner Rambo’s comments regarding council districts. He was opposed to removing “repair and maintenance” from being considered public work. He expressed concern with the concept of “home rule” for the purpose of not being required to pay prevailing wage. He referenced a Long Beach case in which preconstruction was added into prevailing wage. He also voiced concern with providing a preference for local contractors and recommended that, if it were to be done, then prequalifications should be added, such as requiring contractors to provide medical insurance benefits for their employees.

City Attorney Cochran explained that the subject of prevailing wage is in the Labor Code, not the Public Contract Code. She confirmed that prevailing wage does apply to charter cities. In reference to Justice Ming Chin’s ruling in favor of the City of Long Beach, in its dispute with the Department of Industrial Relations, Ms. Cochran stated that he intimated prevailing wage would be imposed on charter cities when it fits within the statutory mandate.

Commissioner Johnson asked the City Attorney to provide a full briefing on the subject at a future meeting, to which Chair Allen agreed, asking that specific language from the Labor Code be discussed and how it would affect public work contracts.

6. Discuss Quarterly Report to the City Council

Chair Allen thanked City Clerk Blackston for preparing the summary of Charter Commission accomplishments for the period of June through August (filed). Chair Allen stated that he would be giving the quarterly report presentation to the City Council.

PUBLIC COMMENT:

Sharon Lynes encouraged all Charter Commissioners to attend the City Council meeting at which the quarterly report will be given.

7. New Business / General Announcements

In response to Commissioner Johnson, City Attorney Cochran stated that she would not have time to research inherent powers of charter cities before the next meeting. She would provide a report regarding prevailing wages, home rule issues, and may be able to present draft charter language that prohibits consistently using the same contractor for non-bid projects.

Commissioner Sendejas-Lopez commented that she did not want the formation of the subcommittee and its review of the ranking process of public outreach consultant firms to reflect negatively on staff, who merely followed the Commission's direction at its August 12 meeting.

Commissioner Rambo requested a copy of the results of the telephone survey conducted by Public Opinion Strategies.

Vice Chair Orrock asked that the Charter Commission meeting schedule be reconsidered at the next meeting.

8. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:16 p.m.

ATTEST:

/s/ Susan J. Blackston.
City Clerk