

**ELK GROVE CHARTER COMMISSION  
REGULAR MEETING  
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY  
TUESDAY, OCTOBER 7, 2008**

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

The Regular Commission meeting of October 7, 2008 was called to order by Vice Chair Orrock at 6:00 p.m.

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

Absent: Chair Allen and Commissioner Johnson (arrived at 6:58 p.m.)

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 Rambo made a motion, Sendejas-Lopez second, to approve the September 23, 2008 minutes as presented. The motion carried by the following vote:

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

Noes: Commissioners – None

Absent: Commissioners – Allen and Johnson

4. Recommendation from Charter Commission Subcommittee regarding Public Outreach Consultant Firm

Commissioner Rambo reported that, it was the consensus of the subcommittee, to select The Hoyt Company as the Charter Commission's public outreach consultant firm.

The Commission voiced a desire for local community groups to be involved in the Commission's public outreach efforts such as: Elk Grove Community Connection, Elk Grove Coalition Advocating Proper Planning, the Greater Sheldon Homeowner's Association, etc. A consensus was expressed to have The Hoyt Company attend all regular and special meetings of the Charter Commission.

Commissioner Rambo recommended that Vice Chair Orrock contact The Hoyt Company and Public Information Officer Christine Brainerd and invite them to

attend the next regularly scheduled meeting on October 21 to develop a work plan for the next six months.

City Attorney Cochran stated that she would draft an agreement between the City and The Hoyt Company and transmit it to subcommittee members by October 9 for review purposes.

MOTION/VOTE:

Commissioner Rambo made a motion, Orrock second, to retain The Hoyt Company (on a \$6,500 monthly retainer) for a six month period. The motion carried by the following vote:

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

Noes: Commissioners – None

Absent: Commissioners – Allen and Johnson

5. Prevailing Wages and Force Accounts

City Attorney Cochran provided an overview of the staff report (filed). She explained that a force account generally means that the owner of a project uses its own forces to complete work, i.e. it acts as its own general contractor. She noted that there is a specific formula in the Labor Code regarding prevailing wages, which is required to be paid whenever there is a public work project of \$1,000 or more or whenever city money is being expended. Ms. Cochran reported that approximately nine cities in California have adopted living wage ordinances. A living wage has been defined as providing for pay and other benefits, usually in excess of the federal and state minimum wage laws, so that employees have resources sufficient to afford a decent standard of living. Further, she explained that a living wage is defined by the community. Ms. Cochran advised the Commission to have the charter be silent on the issue of prevailing wages.

Discussion ensued regarding the living wage concept.

Public Comments:

Damon Mireski explained that a living wage is usually between prevailing and minimum wage. He recommended that it not be included in the charter, as it may lead to its failure.

6. Home Rule and Charter Cities

City Attorney Cochran provided an overview of the staff report (filed). She noted that courts have identified the following areas as being municipal affairs: 1) taxation / revenue raising; 2) purchasing goods and services; 3) employment; 4) public financing of municipal elections; and 5) improvement, location and layout of streets.

In response to Commissioner Rambo, Ms. Cochran stated that, according to Government Code Section 36950, every city is allowed to prosecute violations of municipal ordinances in the name of the people. Ms. Cochran pointed out, however, that the Sacramento District Attorney's Office makes it difficult for city attorneys to do so. She recalled having met with Sacramento County District Attorney Jan Scully earlier this year who was not receptive to the concept.

Commissioner Rambo voiced strong support for a city prosecutor and favored adding the following statement in the City's Charter, "*The City Attorney shall be the public prosecutor within the City of Elk Grove for all crimes not resulting in disposition in the state prison.*" He emphasized the importance of having searchable probation terms on youthful offenders and believed it would lead to a dramatic decrease in crime.

City Attorney Cochran reported that the City Council adopted ordinances recently, which increased the use of the administrative citation process. She felt that the issue with the District Attorney's Office should be handled as a political discussion and a resolution would need to be coordinated with all city attorneys throughout the county.

Public Comments:

Connie Conley stated that Elk Grove has many examples of taking proactive and preventative measures before going to law enforcement; however, the District Attorney has not been cooperative. Ms. Cochran asserted that the City needs misdemeanor control.

Damon Mireski voiced support for adding city prosecutor language in the charter as recommended by Commissioner Rambo.

*NOTE: Commissioner Johnson arrived at 6:58 p.m.*

Following discussion regarding how, and to whom, to communicate the Commission's proposal to add city prosecutor language to the charter, it was decided to broach the subject with the City Council during the next quarterly report and include the topic in future public outreach efforts.

*NOTE: During subsequent deliberation to approve the October 7, 2008 Charter Commission minutes, the Commission voted to insert the verbatim transcript of the remainder of the discussion related to Item 6, which appears below.*

Commissioner Rambo – I'm sor... we just did city prosecutor; I had a couple other areas I wanted to ask about. I apologize; I know we spent a long time on that one. The issue of home rule when it relates to a community like ours where the city is essentially the last to come to the game; we have all these other municipal service agencies that overlap us. Big controversy two years ago was whether the city could have its own

parks department if there's a municipal agency providing parks services. Does any of that, does the playing field change when we go to a charter?

City Attorney Cochran – No.

Commissioner Rambo – Okay, so if the City of Elk Grove wants to form its own, and I should be clear, my

City Attorney Cochran – This is purely hypothetical

Commissioner Rambo – Purely hypothetical and, uh, should not reflect any past political positions I've taken, uh, if the city wanted to form a fire department today, didn't feel that fire service was effective or take on any element of fire service, does the charter, being a charter city allow us to do that or do we have to go to LAFCO and take that away from somebody else, or

City Attorney Cochran – No more so than the ability generally of a municipal corporation to provide those services. What it may require in terms of practical application is that you may ultimately have to go to LAFCO in order to change boundaries for taxing purposes and things of that nature, but it would again depend on what it was you were doing, sewer, water, storm drain, any of those types of things.

Commissioner Rambo – A lot of citizens were asking me at a community meeting on Saturday night about resource conservation district, the Elk Grove waterworks situation. Is there anything that needs to be incorporated or could be incorporated in the charter that makes the city, I've heard the city's stated goal is ultimately when the bonds are in the right situation to propose merger with FRCD. Is there anything we need to do in the charter process, or, it is what it is.

City Attorney Cochran – (no verbal reply)

Commissioner Rambo – Okay.

Vice Chair Orrock – Let me just on that item, uh, I've been approached by both the General Manager of CSD and the General Manager of Water saying, and I'll quote, "No way in hell are we going to merge with the City" – from both of them. So that is an issue that, if we are going to look at that, we know that both those entities have stated both to myself and, I think to the Chair, that they will fight tooth and nail to prevent that from happening.

City Attorney Cochran – My understanding is that that's not what this charter is about. This charter is about having local control over things like, a directly elected mayor, like how many districts, things of that nature, not about anything else.

Commissioner Rambo – It is comforting for me to hear that unelected officials at other government agencies have no interest in hearing what the voters have to say about their agencies, but that’s another issue for another day.

7. New Business / General Announcements

Vice Chair Orrock reported that he received a message from Chair Allen expressing his regrets at not being able to attend tonight’s meeting, due to an emergency.

Commissioner Rambo stated that he would be in attendance at the November 4 Charter Commission meeting; however, he would be absent on November 18.

Commissioner Sendejas-Lopez recommended that all Commissioners receive copies of the quarterly report topics and have “talking points” so that all Commissioners are expressing the same message when conducting outreach, to which Vice Chair Orrock stated that The Hoyt Company would be tasked with producing these materials.

8. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:33 p.m.

ATTEST:

Susan J. Blackston  
City Clerk