

**ELK GROVE CHARTER COMMISSION  
REGULAR MEETING  
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY  
TUESDAY, NOVEMBER 4, 2008**

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

The Regular Commission meeting of November 4, 2008 was called to order by Chair Allen at 6:03 p.m.

Present: Commissioners – Allen, Johnson, Loveland, Orrock, and Rambo

Absent: Commissioners – Martin (arrived at 6:20 p.m.) and Sendejas-Lopez

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 October 7, 2008 and October 21, 2008 Minutes

In reference to the October 7, 2008 minutes, Commissioner Rambo asked that the following amendment be made:

*Current minutes:*

*Commissioner Rambo asked if being a charter city would affect Elk Grove having its own Fire Department or municipal waterworks, to which City Attorney Cochran intimated she did not see that as a function of the proposed charter.*

*Requested amendment:*

*Commissioner Rambo asked hypothetically if being a charter city would affect Elk Grove having its own Fire Department or municipal waterworks if it chose to do so at some future time. City Attorney Cochran stated that no charter language was necessary.*

Commissioner Rambo explained that he felt the word “intimated” had too many different meanings and was susceptible to various constructions. Further, Mr. Rambo did not believe the statement reflected the spirit or goal of what he was trying to accomplish with the question.

Vice Chair Orrock believed the minutes, as written, properly reflected the discussion.

Commissioner Johnson stated that he did not have an opinion regarding the amendment; however, in the interest of preserving a working relationship with

Commissioners, he suggested that the request for amendment be approved if no other members felt strongly about the matter.

Commissioner Loveland commented on the importance of exercising discretion when speaking, particularly when the intent of discussion is for the purpose of fact finding rather than serious inquiry; otherwise, as in this example, it can appear as presumptive that the City actually may be interested in carrying out these changes.

MOTION/VOTE:

Commissioner Johnson made a motion, Orrock second, to approve the October 7, 2008 minutes with the amendment of deleting the last two paragraphs on page 3 and inserting in its place the verbatim transcript of the discussion. The motion carried by the following vote:

Ayes: Commissioners – Johnson, Loveland, Orrock, and Rambo  
Noes: Commissioners – None  
Abstained: Chair Allen  
Absent: Commissioners – Martin and Sendejas-Lopez

MOTION/VOTE:

Commissioner Rambo made a motion, Orrock second, to approve the October 21, 2008 minutes as presented. The motion carried by the following vote:

Ayes: Commissioners – Allen, Johnson, Loveland, Orrock, and Rambo  
Noes: Commissioners – None  
Absent: Commissioners – Martin and Sendejas-Lopez

*Note: Commissioner Martin arrived at 6:20 p.m.*

4. Review general organization (outline) of the Elk Grove City Charter and language as drafted to date regarding the following topics: (presentation by City Attorney):

- 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

Chair Allen asked that the City Attorney review the Charter language drafted to date and recommended that, at the November 18 meeting, the Commission consider any changes it wants to make to this language, with approval of the final draft occurring at the December 2 meeting. Any additional topics can be

discussed at subsequent meeting(s). Mr. Allen also proposed that, on December 2, an outline of future topics be listed projecting out two to three months.

City Attorney Cochran reported that Article I, section A, states that the City can be under the requirements of General Law as it so chooses. Section B retains municipal affairs powers. Section C allows the City to enter into joint powers agreements with other governmental entities. Section D states that the specific mention of particular powers in the Charter would not be construed as limiting general powers reserved to it. Article II stipulates that there would be seven council members, five of which would be elected by district (i.e. Council Members must live in the district and would be elected only by electors from that district), with the sixth member and the Mayor being elected at large. Terms would be for four years. Section A, (3), stipulates that if a candidate did not receive 50% plus 1 in the June Primary Election, then there would be a runoff between the top two vote getters in the November General Municipal Election. Section 2.02 states that the Mayor would fill the position of presiding officer, has certain ceremonial functions, and no greater powers than any other Council Member. The office of Vice Mayor would be voted on by Members of the Council. Article III states that the City would be bound by the California Elections Code. In reference to section 5.01, Ms. Cochran noted that one subject which has not yet been resolved is whether a supermajority or majority vote would be required to forgo the bidding process. Section 5.01 (d) addresses design-build contracts.

Commissioner Rambo suggested that a provision to make the City Attorney the Public Prosecutor should be a standalone article in order to bring attention to it.

Discussion ensued regarding the topic of City Prosecutor, following which Chair Allen suggested that the matter be considered as an added topic at a subsequent meeting.

Commissioner Rambo reminded the Commission that he would be absent at the November 18 meeting and suggested that it be rescheduled to allow him an opportunity to provide input regarding Articles I and II.

Chair Allen clarified that charter language being discussed is only for the purpose of developing a draft document and would be revisited multiple times in the future providing ample opportunity for feedback. He suggested that Commissioner Rambo express his comments tonight regarding Articles I and II under "New Business".

Commissioner Martin expressed frustration at not completing articles of the Charter before moving on to new topics. She pointed out that a great deal of dialog has occurred with little coming to fruition. She voiced support for Chair Allen's recommendation for the next two meetings.

Commissioner Johnson asked that the Commission consider adding a preamble to the Charter.

5. New Business / General Announcements

Commissioner Rambo suggested having a Deputy Mayor position who would fulfill the role of City Manager. The Deputy Mayor would serve at the pleasure of the Mayor, subject to a majority vote of the Council to relieve the Deputy Mayor. Mr. Rambo reiterated that this would give the Mayor more direct supervisory authority over the City Manager, so that citizens are not forced to get a majority of the Council to take corrective action. Mr. Rambo clarified that his concern was regarding accountability of the City Manager and felt that a system in which there was a more direct and immediate check on the authority of the City Manager would be beneficial.

Chair Allen pointed out that the telephone survey results indicated strongly that voters are not in favor of a Strong-Mayor form of government. He surmised that Mr. Rambo's proposal would result in not only a politicized council, but a politicized staff as well, which could create a divisive and problematic organization.

Commissioner Rambo countered that the Commission should act in the best interest of the people and further stated that he would never justify a vote based on poll results.

Commissioner Johnson believed that the current Council-Manager form of government worked well based on the City's history.

Vice Chair Orrock agreed with Mr. Johnson and noted that the Commission should take into consideration the opinions expressed by the citizens, as they will be the ones ultimately voting on the charter. He believed Mr. Rambo's suggestion would put too much authority in one person and could result in frequent changes based on the whim of one individual.

Commissioner Loveland expressed agreement with the comments of Mr. Johnson and Mr. Orrock. He stressed the importance of continuity and consistency in an organization.

City Attorney Cochran offered to bring back information on various examples of Strong-Mayor forms of government.

Commissioner Johnson expressed support for considering the issue of veto power for the Mayor.

Commissioner Rambo preferred having an at-large Mayor with six Council Members elected by district. He felt that creating more districts would cut the cost of elections and improve the democratic process.

PUBLIC COMMENTS:

Tom Shine believed that continuity in City government was very important throughout the organization including associate department level management.

He felt that caution should be exercised in deciding who can hire and fire City staff. In response to a comment made by Commissioner Rambo regarding recent Council appointee staff changes including the City Clerk, Mr. Shine asserted that the former City Clerk managed the office very efficiently and trained her staff, resulting in a well run department today.

Leo Fassler also agreed that continuity in an organization was vitally important, as well as succession planning. He believed that mayoral veto power would be a reasonable approach to take. He noted that employees will work harder and more diligently if they know they have some security and, ultimately, the public will be rewarded.

Discussion ensued regarding the process for replacing Council Members when vacancies occur mid-term, to which Chair Allen suggested the topic be considered later as an added item.

Chair Allen reported that he gave a presentation last week to the Chamber of Commerce Board of Directors. The Board asked that they be kept apprised of the Charter Commission's progress.

Commissioner Rambo stated that he was contacted by Phillip Stark who asked that the Commission consider including a provision in the Charter that would prohibit members of the City Council from endorsing City Council candidates for election or reelection.

City Attorney Cochran replied that it is a matter of free speech protected by the Constitution.

Commissioner Rambo asked that the Commission include the topic of civil service in future discussions.

6. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:50 p.m.

ATTEST:

/s/ Susan J. Blackston.  
City Clerk