

**ELK GROVE CHARTER COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY
TUESDAY, FEBRUARY 3, 2009**

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

The Regular Commission meeting of February 3, 2009 was called to order by Chair Allen at 6:05 p.m.

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

Absent: Martin

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

Commissioner Johnson led the pledge of allegiance.

2. **Public Comment (on non-agenda items)**

None.

3. **Approval of January 9, 2009 Minutes**

MOTION/VOTE:

Commissioner Rambo made a motion, Sendejas-Lopez second, to approve the January 9, 2009 minutes as presented. The motion carried by the following vote:

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

Noes: Commissioners – None

Absent: Commissioners – Martin

4. **Discuss and draft Charter language regarding the following electoral related issues:**

- A. Powers and Duties of the Mayor
- B. Filling Vacancies of Mayor and City Council seats
- C. Term limits
- D. Redistricting

Chair Allen asked whether it would be necessary to redistrict if the issue of an elected mayor were brought before the voters as a separate measure.

City Attorney Cochran explained that options would include: 1) expanding the City Council to seven members and creating a district with boundaries that are coextensive with the City limits for the new council member; 2) redistrict to four districts with an elected mayor; or 3) eliminate districts at the time the elected

mayor question was presented to voters. Ms. Cochran advised against eliminating districts due to the size of the City and implications with respect to the Voting Rights Act.

Ms. Cochran asked the Commission to discuss and consider items 4 A to 4 B and arrive at a consensus. She would then draft language based on that consensus and bring it back at the next regularly scheduled meeting for a vote.

Powers and Duties of the Mayor

Discussion ensued regarding the topic of *Powers and Duties of the Mayor*.

PUBLIC COMMENT:

Greg Higley believed that the mayor should be more than a ceremonial position and be empowered to make decisions independently.

Sharon Lynes preferred to have an elected mayor; however, not a strong-mayor, as she felt City operations would be better handled by a City Manager. She believed the current system worked well and voiced opposition to one person on the Council making decisions for the entire City.

Ms. Cochran summarized the consensus of the Commission on the topic of *Power and Duties of the Mayor* as follows:

A Council-Manager form of government with an elected mayor. The City Council may allow the Mayor to suspend administrative actions of the City Manager, City Attorney, and their subordinate officers and refer such items and actions to a consideration by the full City Council at the next regularly scheduled meeting. The City Council may grant the power to suspend upon at least X affirmative votes, except such delegation shall not apply to employment, hiring, firing, demotion, and shall not apply to investigation, apprehension, prosecution of criminal actions or any function or duty of the police, or cases brought in the name of the People of the State of California. The Mayor shall chair the meetings and be a voting member of the Council and may add items to the agenda, as well as perform all ceremonial functions necessary. The City Council shall adopt policies and procedures regarding the adding of items to agendas by other subordinate members of the Council.

Vice Chair Orrock preferred that the Charter title be changed from “Mayor” to the “Office of the Mayor”.

Filling Vacancies of Mayor and City Council seats

Discussion ensued regarding processes for filling Mayor or City Council vacancies.

PUBLIC COMMENT:

Sharon Lynes believed that only an elected official should be able to fill the position of Mayor.

Joey Tomko agreed with Ms. Lynes, in addition to the Commission's recommendation that only a unanimous vote of the City Council could determine a vacancy.

Ms. Cochran summarized the consensus of the Commission on the topic of *Filling Vacancies of Mayor and City Council seats* as follows:

The Vice Mayor shall perform the functions of the Office of Mayor until the next Mayor is selected or elected. No vacancy need be filled if within 90 days of an election in which a Council Member or Mayor stands for election. If the term of office has more than two years remaining, the vacancy shall be filled until an election at which Council or Mayor stands. If a special election is called, the election shall only be for the remainder of the unexpired term. In order to appoint the Mayor, a majority of remaining Council Members shall vote. Only City Council Members shall be eligible to serve as Mayor. A vacancy occurs in the office of either Mayor or Council in the event of resignation, death, or absence from four consecutive regularly scheduled meetings, and then only upon a unanimous vote of those present at the meeting where the item is agendized.

NOTE: The Commission recessed at 7:35 p.m. and reconvened at 7:42 p.m. with Commissioner Martin absent.

Term Limits

Commissioners Rambo and Sendejas-Lopez recommended that the issue of term limits not be addressed in the Charter.

Vice Chair Orrock preferred that a limit of three consecutive terms be imposed on the Office of Mayor.

Commissioner Johnson asked whether the issue of term limits could be submitted as a separate measure from the charter, to which City Attorney Cochran replied that she would research the matter and report back to the Commission at a subsequent meeting.

PUBLIC COMMENT:

Greg Higley preferred that voters make the decision regarding term limits.

Joey Tomko voiced support for either leaving the issue of term limits out of the charter (for possible amendment later) or place it on the ballot as a separate measure with the charter.

The Commission agreed to table the topic of term limits to the next regularly scheduled meeting.

Redistricting

Commissioner Johnson recommended that the subject of redistricting either not be addressed in the charter, or be brought forward as a separate measure.

Commissioner Sendejas-Lopez preferred that redistricting not be included in the charter.

Commissioner Loveland agreed with the current language, which references the General Law process.

Commissioner Rambo recalled that, at the December 2, 2008 meeting, he submitted draft language related to a Redistricting Commission, which he still favored.

City Attorney Cochran stated that she would research the redistricting process as it correlates to the U.S. Census.

PUBLIC COMMENT:

Joey Tomko stated he and other citizens created boundaries for the City's first districts. He recommended using a professional demography firm to work with a citizen advisory committee.

Shirley Peters emphasized that the redistricting process should be done in a transparent manner.

5. **New Business / General Announcements**

Confirm date for public outreach meeting (i.e. March 24 or March 31)

Kristy Day, Community Relations Project Manager with The Hoyt Company, recommended the date of March 24 for the special public outreach meeting, to which the Commission concurred. She mentioned that Wendy Hoyt would be facilitating the meeting.

Commissioner Rambo suggested that instant polling equipment be used at the March 24 meeting and that a reception be held after the meeting to allow communication between attendees and Commission members.

Chair Allen stated that he would moderate the meeting and present a summary of everything the Commission has accomplished to date.

Report on community group outreach meetings attended to date

Ms. Day reminded Commissioners to turn in the sign-in sheets for community group meetings they attend and forward questions that arise, so she can compile them into a Frequently Asked Questions flier.

Report on Progress of Logo Design Contest

Ms. Day reported that she and Commissioner Sendejas-Lopez met with the Elk Grove Unified School District Director of Communications on January 27 to discuss the logo design contest.

Discussion ensued regarding the logo design contest and the following was agreed to:

- Entries will be received by Ms. Day;
- Deadline April 30;
- Cash prizes: \$300 1st place, \$100 2nd place, and \$50 3rd place.
Note: Participating Commissioners pledged \$50 each, as well as City Attorney Cochran, City Clerk Blackston, and Council Member Scherman.
- The Arts Commission will be asked to judge the entries and recommend the top three to the Commission.

MOTION/VOTE:

Vice Chair Orrock made a motion, Commissioner Loveland second, to reinstate the previously canceled meetings of February 17, 2009 and March 3, 2009. The motion carried by the following vote:

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

City Attorney Cochran confirmed that she would return at a future meeting with draft language on the topics of *Powers and Duties of the Mayor* and *Filling Vacancies of Mayor and City Council seats*, and would research and report back on the topics of: 1) redistricting, 2) the ability to separate charter provisions on the ballot, 3) voting requirements (e.g. supermajority), 4) placing items on the agenda, and 5) the position of City Prosecutor.

Chair Allen asked that an accounting of the Charter Commission budget be brought back at the next regularly scheduled meeting.

Commissioner Rambo read the following statement into the record:

I was recently informed by members of the community that it has been suggested in some manner or fashion that my support for elements of the charter, in particular the creation of a City Prosecutor's Office, is an effort on my part to create a city office that I might hold myself and thereby reap

personal rewards as a result of my involvement on this Commission and that the comments were tied to in some way to this Commission or its meetings. I take those allegations seriously. They imputed my character and integrity and suggest that I am violating my obligation to honor the City Code of Ethics. Let me make the following statement of facts regarding the subject: 1) I have advocated as a concerned citizen the creation of a City Prosecutor's Office dating back to summer 2005 when I first discussed the idea with then Councilman Soares and City Manager Danielson as part of the process of creating the independent Elk Grove Police Department; 2) I advised City Attorney Manzanetti about elements of the Government and Penal Codes pertinent to the creation of such an office during his own investigation of the topic; 3) In 2006 the City Council voted 3-0 to direct the City Manager and City Attorney to look into the process of forming an office; 4) I've spoken to many law enforcement and citizen groups about the program and their desire to see it enacted. Specifically, the Elk Grove Police Officers Association are some of the most outspoken supporters of it. Our current City Attorney, Ms. Cochran has stated in our sessions, and in other places, that a city prosecution function in some form is important to the future of our community. Prior to making my acquaintance, Ms. Cochran indicated she was already working toward the creation, in some degree, of that office. Our City Attorney has advised this Commission that a city prosecution function is consistent with the private practices in many communities and I do firmly believe we must have one for the safety and effective function of this community. I did not propose, nor do I now advocate, the creation of the office in order to create a job for myself. I don't operate that way. I've lived in this community nearly my whole life. This town taught me a lot of important values. You do things because they are the right thing to do. You say what you mean and mean what you say. I would not hesitate to apply to work for this City in an appropriate capacity including in a City Prosecutor's Office. It serves the community in a vital way. This City is staffed by excellent people and they care greatly about the citizens of this community. Public service is a privilege for anyone and serving the community you love, and were raised in, would be a blessing. We are members of a seven member Commission. Nothing will be printed in the charter presented to Council unless it receives the support of this Commission as a whole. Nothing will be presented to the voters unless approved by the City Council. To the extent that a Commissioner questions the integrity of a member, or our process, it harms our chances of success before the voters. If the voters doubt our integrity, and our process, we have little chance of success. I don't view this Commission, and I hope no one else views this Commission, as an opportunity to build a political resume of fiefdom. This is a chance to engage in shaping the future of our community. A future that will last long beyond our own lifetimes. I approach it this way and I believe most of my fellow commissioners do as well. If not, I suggest that they find better uses for their time than serving on this body.

7. Adjournment

There being no further business to come before the Commission, the regular meeting of February 3, 2009 was adjourned at 9:23 p.m.

ATTEST:

/s/ Susan J. Blackston.
City Clerk