

**ELK GROVE CHARTER COMMISSION  
REGULAR MEETING  
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY  
TUESDAY, JUNE 2, 2009**

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

The Regular Charter Commission meeting of June 2, 2009 was called to order by Chair Allen at 6:05 p.m.

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

Absent: Johnson and Martin

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 May 19, 2009 Minutes

City Attorney Cochran clarified that at the last meeting she reported that \$100,000 was budgeted for the Charter Commission in Fiscal Year 2009-10; however, the actual budgeted amount was \$50,000.

MOTION/VOTE:

Commissioner Orrock made a motion, Sendejas-Lopez second, to approve the May 19, 2009 minutes as presented. The motion carried by the following vote:

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

Noes: Commissioners – None

Absent: Commissioners – Johnson and Martin

Abstain: Commissioners – Rambo (*due to absence at the May 19, 2009 meeting*)

4. New Business

4.1 Receive recommendation of top designs from Committee for the Arts and select first place winner in Charter Logo Design Contest

*Note: Commissioner Johnson arrived at 6:10 p.m.*

Marsha Holmes, Chair of the Committee for the Arts thanked the Commission for the opportunity to review the 23 logo design submissions (filed). Judging criteria included creativity, originality, artistry, and how well the design would serve as a

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recognizable symbol of the Charter Commission. Ms. Holmes provided the reasoning behind the selection of the top four designs (filed). She noted that HDR/The Hoyt Company has offered to provide the winning student an opportunity to work with a graphic designer to fine tune the design and ensure it is production ready.

Commissioners discussed the merits of each of the four finalist's designs.

MOTION/VOTE:

Commissioner Orrock made a motion, Rambo second, to select logo design one and have the student work with HDR/The Hoyt Company's graphic designer and return with a finalized version of the design. The motion carried by the following vote:

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

Mrs. Holmes announced that logo one was created by Franklin High School student Garrett Harada.

PUBLIC COMMENT:

None.

4.2 Review and discuss draft charter language as proposed by the subcommittee (i.e. Chair Allen and Commissioners Johnson and Rambo)

City Attorney Cochran reported that an error occurred with the electronic transmittal of the subcommittee's proposed charter language and, therefore, it was not available for review.

Ms. Cochran provided a semi-final version of the charter for review and the Commission agreed to changes as incorporated in Exhibit A to the minutes. During discussion the following comments were made and action taken:

Discussion ensued regarding which of the three alternatives under *Article II, Elected Officials, 2.01 City Council*, should be included in the charter language brought to Council for consideration on June 24, 2009, after which the following vote was taken:

MOTION/VOTE:

Commissioner Orrock made a motion, Loveland second, to select Alternative 2, under Article II, Elected Officials, 2.01 City Council:

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

Discussion ensued regarding the vote requirement to remove appointed officers (i.e. City Manager, City Attorney, and City Clerk), to which it was decided on a vote of two-thirds of the members of the City Council. *\*Commissioner Rambo did not participate in this discussion.*

*\*Note: See June 16, 2009, Item 3, Minutes.*

Following discussion regarding Article II, 2.03 Vice Mayor, it was decided that a majority vote of the total membership of the City Council would be required for the Vice Mayor to act as Mayor during the absence or inability of the Mayor to act.

Commissioner Rambo suggested that the City Clerk, rather than the City Manager, be assigned the responsibility for notifying the Council when the Mayor is absent or incapacitated. He explained that the position of City Clerk is an apolitical ministerial office and, therefore, would be a more appropriate position to designate for this authority, to which the Commission voiced concurrence.

Commissioners requested that the subcommittee's charter language, as well as amendments made during this meeting, be transmitted to the Commission in advance of the next meeting along with a charter index.

PUBLIC COMMENT:

None.

5. General Announcements

Commissioner Sendejas-Lopez suggested that the prize money be awarded to the logo contest winner at a public meeting. Following discussion, it was decided to present the award at the June 24, 2009 City Council meeting.

Vice Chair Orrock stated that he would arrive at approximately 7:30 p.m. at the next regularly scheduled meeting on June 16, 2009.

6. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:03 p.m.

ATTEST:

/s/ Susan J. Blackston  
City Clerk

**ARTICLE I. Powers of the City**

**1.01. Powers, Rights and Privileges of the City:**

The City shall have all powers, rights and privileges possible for a city to have under the Constitution and laws of the State of California as fully and as completely as though they were specifically enumerated in this Charter.

A. General Law Powers.

(i) Reservation. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or consenting to the exercise of any and all powers, rights, and privileges heretofore or hereafter granted or prescribed by general laws of the state.

(ii) Exercise. The City is hereby authorized to exercise any and all, powers, rights and privileges heretofore or hereafter granted or prescribed by the general laws of the state.

B. Municipal Affairs. The City is hereby authorized to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter and in respect to other matters subject to applicable general laws. As regards municipal affairs, this Charter shall supersede all laws inconsistent therewith.

C. Intergovernmental Powers. The City is hereby authorized to exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states and the State of California, or any state civil division or agency, or the United States or any of its agencies.

D. Construction. The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this Article or by this Charter.

**ARTICLE II. Elected Officials**

**2.01 City Council.**

A. Number and Election. The City Council shall consist of seven (7) Council members, including the office of Mayor, elected to office in a manner provided in this Charter.

(1) The City shall be divided into six (6) districts; each district shall be represented by a Council member elected by the residents of that district.

Districts shall be apportioned pursuant to general law.

(2) If this Charter is adopted by the citizens of the City of Elk Grove, the Council member for District Six shall be elected in 2012 and have an initial term of two (2) years. Thereafter, the term shall be four (4) years.

(3) Voting.

A candidate who receives a majority (greater than 50%) of all votes cast at the primary election immediately preceding the general election shall be elected. When no candidate is so elected, the two candidates who received the highest number of votes shall be the candidates at the general municipal election. Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place as determined by the City Clerk. .

B Term. The term of office shall be four (4) years. Alternatively, and successively, odd numbered districts shall be filled at one general municipal election and even numbered districts at the next such election. The term of a City Council member shall commence on the first meeting in December after the election results for the November General Election have been certified. The Council member shall serve until a successor qualifies.

C. Powers.

(1) All powers, rights and privileges of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California.

(2) The City Council shall designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice Mayor shall serve in such capacity at the pleasure of the City Council.

**2.02 Mayor.**

A. Election and Term. The Mayor shall be elected by voters of the City at large. The term of office shall be four (4) years. The office of Mayor shall be included at a general municipal election at the same time as those City Council members in odd numbered districts.

B. Powers and Duties of Mayor.

(1) The Mayor shall be the presiding officer of all Council meetings. The Mayor shall have a voice and vote in all proceedings of the City Council. The Mayor shall have authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any meeting of the City Council for disorderly conduct, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council.

(2) The Mayor shall be the official head of the City for all ceremonial purposes.

(3) The Mayor shall have all powers, rights and privileges of a Council member.

(4) The Mayor may review with the City Manager, City Attorney and City Clerk prior to each Council meeting the items on the Council's agenda and to add matters thereto.

(5) The Council may grant to the office of Mayor the power to suspend administrative actions ("administrative suspension") of the City Manager, City Attorney, and other subordinate officers and employees of the City provided that such suspension shall be referred to the City Council at its next regular meeting for review. Such review may be to affirm, reverse or modify the decision of the Mayor. As used in the section, "administrative action" shall not apply to the following:

- (a) The employment, hiring, firing or demotion of employees;
- (b) The investigation, apprehension, or prosecution of criminal actions;
- (c) The function or duty of the police;
- (d) The commencement or prosecution of any action brought in the name of the People of the State of California.

(6) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the City Council, provided that the same are not inconsistent with this Charter. Nothing in this section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as the Mayor possesses as one member of the City Council.

### **2.03 Vice Mayor.**

At the first Council meeting in January of each year, or sooner if required, the City Council shall elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year. The member of the council so elected shall serve as Vice Mayor until a successor is elected as provided above. The Vice Mayor may be removed from the office and replaced by an affirmative vote of the City Council

The Vice Mayor shall act as Mayor during the absence or inability of the Mayor to act, provided, however, that the Vice Mayor may not exercise the administrative suspension power authorized by this Charter unless the City Council shall, by a majority vote of the total membership of the City Council, so delegate this power to the Vice Mayor after the absence or inability of the Mayor to act has occurred. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall designate one of its members to act as Mayor Pro Tempore. For purpose of this section, "absence" or "inability of the Mayor to act" shall mean any of the following:

- (a) A notice by the Mayor to the Council and the Vice Mayor of a planned absence that will require action by the Vice Mayor; or
- (b) Notice by the City Clerk to the City Council and the Vice Mayor that the Mayor is otherwise absent or incapacitated.

### **2.04 Vacancies.**

If a vacancy shall occur in the office of Mayor or Councilmember, the Council shall forthwith appoint a person to fill such vacancy for the remainder of the term. However, if the unexpired term of office that is vacated exceeds two (2) years, the appointee shall serve until the next regularly scheduled election for Councilmember or Mayor. Said appointee shall possess such qualifications for eligibility as are set forth in this Charter and shall hold office until a successor is duly elected and qualified, provided, however,

that only a current Councilmember shall be eligible to fill the vacancy of the office of Mayor. Such successor shall be chosen at the next regular municipal election, or as otherwise may be required by recall proceedings instituted involving the office of Mayor or a Councilmember.

In the event that the Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have become vacant, it shall forthwith cause a special election to be held to fill such vacancy, provided, however, that no appointment or election shall be required if the vacancy occurs within one hundred twenty (120) days of an election at which a Council Member or Mayor stands for election.

A vacancy shall be deemed to exist in the office of Mayor or Councilmember under any of the following circumstances:

- (1) Resignation;
- (2) Death;
- (3) Absences from four (4) consecutive regularly scheduled meetings. Vacancy under these circumstances shall be found only if determined by a unanimous vote of the Council at a regular meeting of the Council where discussion and deliberation of the vacancy is properly placed on an agenda.

## **ARTICLE III. Elections**

### **3.01 Election Procedures:**

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the State Elections Code for the holding of municipal elections so far as the same are not in conflict with this Charter.

A. Special Elections. The City Council may call special elections for such

purposes as the City Council may prescribe. A special election may be held on any date specified by the City Council.

B. Initiative, Referendum and Recall. The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by the State Elections Code.

**3.02 Independent Commission on City Districts; Duties.** There shall be established an Independent Commission on City Districts, hereinafter "Commission," whose function shall be to recommend to the Council the districts from which Councilmembers shall be elected. The first such Commission shall be appointed by the Council no later than sixty (60) days from the effective date of this Charter provision. The Commission shall meet and recommend to the Council a districting plan establishing councilmember election districts in a timely manner for use in the Municipal Elections to be held in 2012. In each year ending in the number zero thereafter, the Council shall appoint new Commissioners who shall then meet and recommend to the Council a plan for redistricting of the<sup>1</sup> councilmember election districts within nine (9) months of receipt by the City of the final Federal Decennial Census information. The Council shall appropriate adequate funds for the work of the Commission.

(A) **Appointment of Commission.** The Commission shall consist of thirteen (13<sup>2</sup>) qualified electors residing within the City and shall be appointed by the City Council and Mayor pursuant to the provisions below: The Commissioners shall serve until the next decennial census.

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<sup>1</sup> "Six" districts is used until final determination of the number of district elections v. at wide is finally decided.

<sup>2</sup> True number to match number of council members.

