

**ELK GROVE CHARTER COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY
TUESDAY, SEPTEMBER 15, 2009**

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

The Regular Commission meeting of September 15, 2009 was called to order by Chair Allen at 6:00 p.m.

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

Absent: Commissioner Johnson (arrived at 6:07 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:

Vice Chair Orrock made a motion, Commissioner Martin second, to approve the following minutes as presented: June 16, 2009 regular meeting, July 7, 2009 canceled meeting, July 21, 2009 canceled meeting, August 4, 2009 canceled meeting, August 18, 2009 canceled meeting, and September 1, 2009 canceled meeting. The motion carried by the following vote:

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

Noes: Commissioners – None

Absent: Commissioners – Johnson

4. New Business

4.1 Discuss City Council feedback given on September 9, 2009 regarding draft Charter language

City Clerk Blackston reported that, at its September 9, 2009 meeting, the City Council agreed to make the following amendments to the Charter and directed that the changes be made prior to public outreach efforts:

Council Directed Amendments to the Charter:

- Amend Section 2.01, City Council, Subsection A, 1 – changing “by” districts to “from” districts;

- Remove Section 2.02. Mayor, Subsection B, 5 – related to “administrative suspension”;
- Amend Section 2.04, Vacancies, Subsection C – from “unanimous vote” to “majority vote of those present”;
- Correct Section 3.02, Independent Commission on City Districts, Subsection A, – to reflect the fact that, if the charter is approved by the voters, the seven member City Council would not exist until after the 2012 election;
- Delete all references throughout the charter to a “two-thirds vote” and change to “majority vote”;
- Amend Section 6.01, Public Works, Subsection A, 1 – from \$50,000 to \$5,000;
- Add language to Section 6.01, Public Works, as provided by the Sacramento-Sierra Building and Constructions Trades Council, i.e. *Public Work: Construction, alteration, demolition, installation, repair and maintenance work paid for in whole or in part out of City funds shall be subject to State law concerning the payment of prevailing wages and training of apprentices.*

Further, Ms. Blackston reported that, through Council concurrence, direction was given to have the final draft charter language presented to Council in time to consider placement of the measure on the June 2010 Primary Election ballot, rather than November 2010, as was originally planned. This was decided in order to allow for consideration to place an elective mayor measure on the November 2010 ballot if the charter measure failed at the Primary Election. Ms. Blackston presented the following proposed schedule to meet the June 2010 Primary Election deadline:

September to December 2009:

Charter Commission: a) Implementation of public outreach plan on draft charter to receive input on issues within charter; and b) finalization of charter and continued public education on charter issues.

January 13, 2010:

Charter Commission submits final charter to the City Council for consideration as a council-sponsored initiative.

January 27, 2010:

City Council calls Special Election for June 8, 2010, requests consolidation with the County, submits charter measure to the voters, and adopts resolution setting policy for impartial analyses, arguments, and rebuttal arguments.

February 10, 2010:

Last regular City Council meeting prior to the County’s administrative deadline.

February 16, 2010:

Sacramento County Registrar of Voters Office administrative deadline for submitting measures for the June Primary Election.

February to May 2010:

Charter Commission participates in final voter education program.

Note: Commissioner Johnson arrived at 6:07 p.m.

Commissioners expressed uncertainty regarding the number of council districts and whether the City Council preferred four, rather than six, as is currently stated in the charter.

Ms. Blackston clarified that discussion regarding the number of council members had occurred; however, ultimately it was not included in Council's direction.

Chair Allen and Commissioner Rambo understood the City Council to request that, both its amendments to the charter, and the original charter language be presented to the public for comment.

Commissioner Sendejas-Lopez stated that she understood since its inception that the Charter Commission was to draft the charter, present it to the City Council, accept their input and move forward with it as amended.

Commissioner Loveland expressed concern that it may be confusing to the public to see two versions of the charter.

Vice Chair Orrock suggested condensing the charter down to one or two key issues, to which Chair Allen voiced dissent.

Commissioner Rambo expressed opposition to the charter as amended by the City Council. In particular, he believed the prevailing wage verbiage was not in the best interest of the citizenry and was merely added to appease special interests. He believed the process used to make decisions about the amendments was flawed and should have been done through dialog with the Commission. He recalled having previously suggested a joint meeting with the City Council where discussion and explanations could take place during considerations regarding charter language amendments. He maintained that the process of drafting the charter should be citizen led, rather than "politicians writing rules for politicians". He agreed with Vice Chair Orrock that, perhaps consideration should be made to scale the charter down to a description of the council, election of the mayor, and a necessary and proper clause that allows Council the ability to enact ordinances to further the interest of the City. He explained that this would provide the power, through ordinances, to opt out of General Law on a case by case basis.

City Attorney Cochran confirmed that the City would be subject to prevailing wage, even as a charter city, unless it took action to do otherwise.

Commissioner Johnson commented that it appeared the City Council preferred not to make a lot of changes to the current structure of the City. He agreed that

some of the charter language could be deleted, such as the section regarding vacancies, as General Law would sufficiently address it. Additionally, he believed much of the section regarding the Independent Commission on City Districts could be eliminated. He suggested reviewing the charter to ensure everything included is absolutely necessary and that any amendments made to “maintain the status quo” are, in fact, beneficial to the City.

Commissioner Martin noted that a lot of time, care, and consideration had gone into the draft charter language and she voiced disappointment that Council amendments were made without interaction and dialog with the Charter Commission. She questioned, under these circumstances, how the Charter Commission could now honestly and impartially provide outreach and engage the public. She did not believe the Council approached the matter with openness and consideration of the work that had been done over the past year. In particular, she mentioned the two-thirds vote requirements were considered carefully by the Commission and determined to be issues that should not be changed with a simple majority vote.

Commissioner Loveland mentioned that he had thought the point was to be creative, innovative, and take advantage of the flexibility that is provided by becoming a charter city. He mentioned that the September 9 City Council staff report included information regarding *Section 6.02 Bonded Debt Limit* in which it was explained that General Law cities are limited to 3.75% of their Assessed Valuation; however, the current charter language allows the City to issue bonds totaling up to 15%.

Commissioner Johnson pointed out that the City Council likely did more research on the charter than the average voter would do before voting on it. He recommended that the Commission consider what would be the most amenable and acceptable charter for voters and what would cause the least amount of resistance.

Chair Allen maintained that the charter language is still in draft form and before making any further decisions the Commission needs to solicit feedback from the public and various groups such as the Chamber of Commerce, Building Industry Association, etc.

PUBLIC COMMENT:

Nicole Goehring, Government Affairs Director, Associated Builders and Contractors, Inc., distributed a 60 page booklet entitled, “*Are Charter Cities Taking Advantage of Prevailing Wage Exemptions?*” (filed). She recommended that consideration be made for including charter language on how prevailing wages are determined for City projects. She believed this could best be done by surveying companies that pay workers in the Elk Grove community to build private and public projects. She suggested calculating a percentage of the State wage and establishing a higher threshold than the State’s, which is \$1,000. Additionally, language could be added that exempts from prevailing wage nonprofit projects, volunteer work, and public-private partnerships. She asserted

that such exemptions would attract more businesses to the community. She recommended that the prevailing wage language added by Council direction *not* be included and, instead, to make decisions later through adoption of ordinances.

In response to inquiries, City Attorney Cochran clarified that, any time a city provides anything of value for development of a private project, it triggers a requirement that the project pay prevailing wages.

Janet Toppenberg, Chief Executive Officer of the Elk Grove Chamber of Commerce, offered assistance in coordinating public outreach meetings with the business community. She believed the prevailing wage language should be removed from the charter because doing so would allow for more flexibility.

Commissioner Rambo asked that the Chamber of Commerce Board of Directors provide a letter outlining its position.

Leo Fassler offered assistance in coordinating meetings with residents of the Sheldon community. He recommended a simple, straightforward approach to public outreach.

Commissioner Rambo commented that members of the Greater Sheldon Homeowner's Association are working on a citizen sponsored initiative to add to the charter, which he believed would be well received by the public.

Damon Mireski emphasized the need for wages high enough to support the cost of living in the Elk Grove area. He maintained that the apprenticeship program was important for future generations and mentioned that it is self-funded through contractors. In response to Vice Chair Orrock, Mr. Mireski stated that he would ask Matt Kelly of the *Sacramento-Sierra Building and Construction Trades Council* to provide an explanation to the Commission regarding funding the union apprenticeship program.

MOTION/VOTE:

Chair Allen made a motion, Commissioner Rambo second, to present for public input the charter as amended by the City Council, delineating changes from the original version, and return with feedback from the public. The motion carried by the following vote:

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

Discussion ensued regarding Section 3.02, Independent Commission on City Districts, following which it was decided to amend the language as follows:

A. Appointment of Commission. The Commission shall consist of eleven (11) qualified electors residing within the City and shall be appointed by the City Council pursuant to the provisions below.

1. Each Council Member shall appoint one (1) member from his or her district, one (1) member will be drawn by lot from each district, and one (1) member will be selected by lot drawn from all districts.

MOTION/VOTE:

Vice Chair Orrock made a motion, Commissioner Sendejas-Lopez second, to return to the City Council at its regularly scheduled meeting of October 14, 2009 to seek direction on the number of council districts to identify in Section 2.01 of the charter.

Commissioner Rambo was opposed to seeking further direction from Council, as he felt it would invite Council to make firm direction, rather than allowing public input to be given on an option of a four or six district council.

The motion carried by the following vote:

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

Noes: Commissioners – Rambo

Absent: Commissioners – None

4.2 Review July 22, 2009 Memorandum from HDR / The Hoyt Company re: Public Education Tools to Support Future Voter Education Program

Kristy Day, Community Relations Project Manager for HDR/The Hoyt Company distributed and reviewed a two page document regarding public education activities (filed).

Commissioner Rambo suggested a new approach be taken by presenting the charter on an issue by issue basis.

Commissioner Sendejas-Lopez recommended that a survey be developed and posted on the Charter Commission webpage, the results of which would be tangible evidence that could be presented to the Council with the final draft. She felt that more media coverage about the Charter was needed.

Vicki Grenz, Community Relations Project Manager for HDR/The Hoyt Company, noted that a code could be assigned for particular outreach groups to provide legitimacy to the online survey results. She reminded the Commission that the upcoming public outreach would be about education, not advocacy and mentioned that it will be important to explain how the various aspects of the

charter may affect the citizenry. She commented that it might be necessary to add the charter issue to another topic of interest to the public in order to increase attendance at meetings.

Commissioner Rambo suggested that a speaker series be arranged, where experts on particular topics present information and answer questions.

Chair Allen asked the City Attorney to provide a report at the next meeting regarding the expenditures and remaining funds allocated to the Charter Commission, as well as the status of the HDR/The Hoyt Company contract.

PUBLIC COMMENT:

None.

4.3 Define scope and develop future Charter Commission meeting schedule

Chair Allen reported that he had arranged approximately six meetings between now and October with various groups to discuss the current draft charter. He asked other Commissioners to also schedule outreach meetings and suggested that two Commissioners attend each meeting.

Commissioner Sendejas-Lopez suggested that a survey with certain questions be distributed at the outreach meetings, as a mechanism to record feedback.

Commissioner Rambo recommended that three large events be planned, each with a specific topic. He suggested that guest editorials be written for newspapers prior to each meeting. Advance notice should be provided so that community and business groups have time to notify their members.

Discussion ensued regarding the upcoming meeting schedule, at the conclusion of which it was decided to meet as follows:

- September 28, 2009 (Special Meeting) – define objectives for the Charter Commission, finalize approach for the next three months, define what groups to outreach to, receive Charter Commission budget report and status of HDR/The Hoyt Company contract, utilize HDR/The Hoyt Company to schedule meetings with previously identified groups, create a survey, clear messages, and an educational process.
- October 6, 2009 – finalize objectives discussed at the September 28 meeting and report on any outreach that occurred.
- November 3, 2009 – report on outreach efforts and responses.
- December 1, 2009 – report on outreach efforts and responses.
- December 15, 2009 – edit charter according to outreach effort responses.
- January 5, 2010 – complete final draft of charter in preparation to present it to the City Council on January 13, 2010.

City Attorney Cochran stated that, on September 28, she would also review the report requirement from the Chair of the Charter Commission that must be submitted with the final draft charter language.

PUBLIC COMMENT:

Damon Mireski expressed hope that all meetings would be open to the public and information would be presented in such a way as to provoke thought processes of attendees. He voiced concern that the Commission may be biased and emphasized the importance of open communication and an educational process so that citizens understand the effects of the charter and can make an informed decision. He favored adding language in the charter that exempts nonprofit projects, at a certain threshold amount, from requiring prevailing wage.

Vice Chair Orrock explained that membership group meetings are typically not open to the public.

Chair Allen recommended that public meetings, coordinated by HDR/The Hoyt Company, be conducted at the end of October and early November.

5. General Announcements

Salvador Rosas, Youth Commissioner, reported that he reviewed the charter with Youth Commissioners who expressed an interest in helping to bring awareness about the charter to the community. He announced the dates of upcoming Adult and Teen Forums and invited Commissioners to attend.

Commissioners suggested that Youth Commissioners could volunteer at upcoming public events and help to disseminate information.

Commissioner Rambo suggested that members of the Commission give brief presentations followed by a question and answer period at local high schools.

Commissioner Sendejas-Lopez indicated that she may pursue *Constitution Day* with the Elk Grove Unified School District, as was previously planned; however, she cautioned Commissioners that the District is mindful that political issues are not to be pressured upon youth.

6. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:55 p.m.

ATTEST:

/s/ Susan J. Blackston.
City Clerk