

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

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

The Regular Charter Commission meeting of November 3, 2009 was called to order by Temporary Chairman Rambo at 6:10 p.m.

Present: Commissioners – Dos Reis, Sendejas-Lopez, Martin, and Rambo

Absent: Commissioners – Allen and Johnson (arrived at 6:11 p.m.)

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

Sharon Lynes led the pledge of allegiance.

Commissioner Rambo announced that Chair Allen was absent, due to illness. He commented that there had recently been significant attention and controversy surrounding the charter. He drew a parallel between the Charter Commission and the 1787 Constitutional Convention, noting that after several weeks of meeting, outside influences had made derogatory comments and the Constitutional Convention process had been deemed a failure by many. He quoted a statement made by a Convention delegate, "*Now is the time for great men to do great things and great things involve humility*" following which they were called to prayer. Mr. Rambo asked that a moment of silence be observed and suggested that attendees reflect upon the community, Chairman Allen, and the path forward that the Commission is to take.

MOTION/VOTE:

Commissioner Johnson made a motion, Sendejas-Lopez second, to nominate Commissioner Rambo as temporary Chairman. The motion carried by the following vote:

Ayes: Commissioners – Dos Reis, Johnson, Sendejas-Lopez, Martin, and Rambo

Noes: Commissioners – None

Absent: Commissioners – Allen

Commissioner Rambo asked that Item 4.4 be pulled from the agenda, as Jim Moore was unable to attend the meeting.

2. Public Comment (on non-agenda items)

Phillip Stark suggested that the Commission return to the original intent of the charter, which was to allow voters to decide on the issues of: 1) an elected Mayor; 2) "by" or "from" Council district elections; and 3) majority vote

requirement to be elected to the City Council. He did not believe the issue of prevailing wage should be included in the initial charter.

Commissioner Johnson agreed with Mr. Stark regarding the prevailing wage language and recommended that he communicate his opinion to the City Council, who were responsible for adding the language to the charter.

Suzanne Pecci warned that the charter can be a political tool. She recalled that, at the October 29 Elk Grove Community Connection Summit meeting, it was pointed out by a community member that citizens of Elk Grove already vote for whoever is chosen as Mayor through the "from district" election process. She stated that many citizens are concerned about financing and taxing powers and the ability to impose transfer tax. She voiced concern that the outreach meetings were targeted at small groups, rather than the community at large and believed that citizens need to be better educated about the process and understand the real ramifications of becoming a charter city. She maintained that zoning issues are of concern to rural residents. Ms. Pecci stated that zoning ordinances in a charter city are not required to be consistent with the general plan. She pointed out that the charter is a matter that will need to be voted on by the citizens; however, she believed that opposition to the charter was forming.

Commissioner Rambo recalled having communicated to the Commission the essential need to address taxpayer protection in the charter; however the City Council intervened and told the Commission it could not consider the matter. He stated that the Commission felt it was not in the best interest of the City to include prevailing wage language in the charter, though the City Council mandated it be included. He believed citizens' interests had been "hijacked" by special interests. He pointed out that no one on the Charter Commission was running for office, had a campaign account, or received funds. He maintained that the charter is not about helping elected officials, but rather it is about people limiting the government and Mr. Rambo believed that concept to a large degree had been forgotten. He reported that the League of California Cities has a document explaining that charter cities do not need to follow the zoning regulations that apply to general law cities.

City Attorney Cochran confirmed that charter cities are not required to have consistency between the general plan and the zoning code.

Commissioner Rambo asked that the matter be agendaized for the next meeting and that draft language be developed and included in the Commission's final report to Council.

Ms. Cochran recalled that the Council directed the Commission to limit its discussions to the parameters outlined in the establishing resolution. Further, she pointed out that the City Council is free to amend the City's general plan at any time. She explained that, the fact that there is not a consistency requirement between the general plan and the zoning code, does not mean that the general plan itself is immutable.

3. Approval of October 6, 2009 and October 20, 2009 Minutes

MOTION/VOTE:

Commissioner Sendejas-Lopez made a motion, Johnson second, to approve the October 6, 2009 and October 20, 2009 minutes as presented. The motion carried by the following vote:

Ayes: Commissioners – Dos Reis, Johnson, Sendejas-Lopez, Martin, and Rambo

Noes: Commissioners – None

Absent: Commissioners – Allen

4. New Business

4.1 By motion select Vice Chair of the Charter Commission

MOTION/VOTE:

Commissioner Johnson made a motion, Martin second, to move Item 4.1 to next regularly scheduled meeting. The motion carried by the following vote:

Ayes: Commissioners – Dos Reis, Johnson, Sendejas-Lopez, Martin, and Rambo

Noes: Commissioners – None

Absent: Commissioners – Allen

4.2 Receive report from subcommittee regarding public outreach strategy

Commissioner Rambo reported that the subcommittee consisting of himself, Chair Allen, and Commissioner Johnson met with Vicki Grenz of The Hoyt Company and Jim Moore of J. Moore Methods to discuss an outreach strategy. He briefly reviewed the outreach conducted to date and noted that Commissioners are now in the process of returning to each of the community groups to speak for a second time and obtain feedback. The proposed outreach strategy includes an informational sheet with response section to be inserted in the City's newsletter, which is mailed to all residents. The informational material would also be posted on the City's website. Work is being done on the creation of a statistically valid telephone survey to test every major element of the charter. It is hoped that the telephone poll could be completed prior to the Thanksgiving holiday.

Commissioner Dos Reis expressed concern about the lack of time remaining to conduct public outreach and suggested that the goal of reaching everyone in the City may not be obtainable.

Commissioner Martin voiced support for sending the informational material via direct mail to all residents, which she believed would be the most effective way to reach the largest number of citizens.

PUBLIC COMMENT:

Damon Mireski recommended that all Commissioners review the telephone survey questions prior to the poll being conducted. He believed some of the questions on the written survey were leading, rather than objective. He felt there should be oversight with development of the questions, as well as an opportunity for public input prior to it being released. During the October 29 meeting, many people expressed concern regarding the lack of information about the charter. Mr. Mireski favored placing the charter on the November ballot to allow more time to educate the community.

Sharon Lynes stated that it was surprising to hear at the October 29 meeting how many people were opposed to the charter. Many attendees expressed a concern with the limited time available now that the charter is proposed to be placed on the Primary rather than General Election ballot. She recalled one community member who pointed out that the charter was proposed during a time when many people were not satisfied with the Council; however, that has changed, so there is no longer a need to proceed.

Suzanne Pecci clarified that there are non-union apprenticeship and training programs.

Phillip Stark noted that many of the October 29 meeting attendees were union members in favor of prevailing wage. He believed that requiring prevailing wage would result in higher costs to taxpayers. He suggested that information provided to residents on the charter include fiscal impacts.

Commissioner Dos Reis believed that including prevailing wage language in the charter would reduce the chances of its success. He advised citizens to express their opinions on the subject to the City Council.

In response to Commissioner Johnson, Ms. Cochran stated that she would look into whether there could be separate measures placed on the ballot for various sections/topics of the charter.

- 4.3 Discussion regarding Public Outreach Consultant Services:
Current consultant contract with *HDR/The Hoyt Company* expired November 1, 2009; Provide direction to renew with revised budget and scope of work, allow expiration, and/or take other action as deemed appropriate.

Vicki Grenz, Community Relations Project Manager for the The Hoyt Company, distributed the following documents (all filed):

- Charter information sheet;
- Charter survey form;
- Charter Commission Outreach proposal;
- Charter Commission Meetings Matrix; and
- Charter Commission Regular Meetings.

Ms. Grenz reviewed tasks 1 through 5 of the outreach proposal. She suggested a four page insert for the City's newsletter and recommended that the telephone opinion poll be conducted prior to the Thanksgiving holiday so that the results can be reviewed with the Charter Commission on December 7.

Commissioner Sendejas-Lopez suggested that local newspapers be utilized more effectively.

PUBLIC COMMENT:

Sharon Lynes voiced concern about the telephone poll taking place just before the Thanksgiving holiday when many people are out of town or otherwise occupied.

Phillip Stark suggested creating a webpage for online responses of survey questions, as well as a comment section.

Suzanne Pecci asked whether the charter would be placed on the ballot if results from the poll indicated there was little support. She mentioned that at the October 29 meeting, Mayor Hume explained his reasoning for placing the measure on the ballot for the Primary Election was because he believed the voters were more astute.

Commissioner Rambo acknowledged that there is typically lower voter turnout at Primary Elections; however, the advantage would be that the ballot is not as lengthy, so there might be more attention focused on the charter measure.

In reply to citizen inquiries, City Clerk Blackston explained that regulations pertaining to measure arguments and rebuttals are outlined in the California Elections Code and dates of acceptance will be published by the City Clerk's Office.

Ms. Grenz stated that the scope of work for The Hoyt Company is addressed in the Charter Commission outreach material and totals \$49,500, which includes \$23,000 for the telephone poll.

Ms. Cochran explained that the City's purchasing ordinance would have to be complied with and that she would confer with the Purchasing Manager

about the matter and whether the contract amendment would need to be approved by the City Council.

MOTION/VOTE:

Commissioner Johnson made a motion, Sendejas-Lopez second, to approve the The Hoyt Company scope of work as presented. The motion carried by the following vote:

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

Commissioner Rambo recommended, for expediency, that the subcommittee be authorized to approve the poll questions, to which Commissioners concurred.

Note: Item 4.4 was pulled from the agenda.

~~4.4 Presentation by Jim Moore, of J. Moore Methods regarding proposed draft telephone survey~~

5. General Announcements

Commissioner Rambo reviewed the draft schedule (filed) following which the Commission expressed agreement with canceling the regular meetings of November 17 and December 1 and to hold a special meeting on December 7.

Commissioner Johnson suggested that the single topic of prevailing wage be the subject of the regularly scheduled January 5 meeting. Mr. Johnson reported that he and Commissioner Martin gave a presentation before the Fallbrook Neighborhood Association and he and Chair Allen attended the Laguna Rotary Sunrise meeting. He stated that approximately 35 responses were received from the two meetings and they were two to one against prevailing wage, in favor of a seven member City Council, “by” district elections, to hold a runoff election if no candidate receives a majority vote in the Primary, and that the two-thirds votes remain in the charter as originally proposed by the Charter Commission, with the exception of the vote required to remove Council appointed officers, where the response was split 50/50 between majority and two-thirds votes.

6. Adjournment

There being no further business to come before the Charter Commission, the meeting was adjourned at 8:10 p.m. in memory of military service personnel who have died in the line of duty during the Second Gulf War.

ATTEST:
/s/ Susan J. Blackston,
City Clerk