

**ELK GROVE CHARTER EXPLORATORY AND ELECTION REFORM COMMITTEE  
REGULAR MEETING  
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY  
MONDAY, JULY 9, 2007**

**1. CALL TO ORDER / ROLL CALL**

The Regular Committee meeting of July 9, 2007 was called to order by Chair Orrock at 6:00 p.m.

Present: Committee Members – Chaires, Loveland, Orrock, and Perez

Absent: Committee Members – Allen (arrived at 6:10 p.m.)

*(Assigned staff/Presenters)*

Also Present: Lucy Eidam, Richard Miadich, and Susan Blackston

**2. PUBLIC COMMENT (on non-agenda items)**

None.

**3. APPROVAL OF MINUTES**

MOTION/VOTE:

Committee Member Perez made a motion, Loveland second, to approve the June 28, 2007 minutes as presented. The motion carried by the following vote:

Ayes: Committee Members – Chaires, Loveland, Orrock, and Perez.

Noes: Committee Members – None

Absent: Committee Members – Allen

**4. QUESTIONS AND ANSWERS**

***Follow up to June 28 presentation regarding overview of General Law and Charter City Forms of Government***

Lucy Eidam, President of Lucy & Company, provided a recap of the June 28, 2007 meeting.

Deputy City Manager Cody Tubbs offered an analogy to better explain the Committee's objective (*i.e. to research and enumerate the advantages and disadvantages of General Law and Charter forms of government and study election reform issues*). He used the example that, if he were to devote considerable effort in describing the benefits of a certain meal choice at a restaurant, he would be making a de facto recommendation. He suggested that the Committee would, in essence, be doing the same by enumerating advantages and disadvantages of various topics to the City Council. He commented that legislative analysis provides objective information to readers regarding the impacts of voting in favor or against a particular issue.

Member Loveland recalled hearing two Council Members use the term “recommendation” in referring to what they expected from the Committee.

*Note: Committee Member Allen arrived at 6:10 p.m.*

Vice Chair Chaires noted that no prohibition, per se, exists against the Committee providing Council with a recommendation.

Ms. Eidam reported that Mayor Cooper had acknowledged he misspoke at the June 28 meeting when he used the term “recommendation”. She explained that a “parking lot” would be used at all Committee meetings, upon which ideas regarding other topics of interest would be documented for possible future discussion. Topics from the June 28 meeting included street racing and the position of City Prosecutor. She distributed revised guidelines entitled, “Roles and Responsibilities” (filed).

Richard Miadich, Associate with Olson, Hagel & Fishburn, reported that the following questions were posed following the June 28 meeting, to which he provided responses as noted below:

Question: “. . . what would be the cost of putting the issue of charter city on the ballot in Elk Grove.”

Answer: A report by the City of Vista, the most recent city to become a charter city, estimated that the preparation of ballot materials and election to adopt the charter would cost between \$250,000-300,000. In December 2006, the Sacramento Registrar of Voters Office estimated that a special election to consider one item would cost \$236,824.50. A special election in Elk Grove is defined as any election held on any other date other than in November of even-numbered years. For a regular election the estimated cost is under \$1,000 to place an additional contest on the ballot.

Question: “Would it make the election more expensive for the city?”

Answer: If the election to become a charter city were combined with a previously-scheduled City election, it would mitigate some of the costs associated with holding the election.

Question: “Also, what would be a reasonable cost associated with creating the charter?”

Answer: The question of costs associated with drafting the charter itself is a more difficult question because it depends on how the City ultimately decides to go about drafting it. As a general matter, it is probably more costly to have a charter commission draft it than for the City Council to do it themselves. However, if the City Council appointed an advisory committee to do the drafting, the costs may end up being comparable. It also depends on how detailed or novel of a charter the City wants. There are model charters that contain boilerplate language concerning the powers of the City and offices, etc. that the City could rely on to expedite the drafting process.

Question: “Are there examples of other cities that have gone from General Law cities to Charter cities recently?”

Answer: The most recent city to adopt a charter is the City of Vista (San Diego County), which adopted its charter June 5, 2007. The charter, argument in favor, an independent analysis, and other information is available from the Vista City Website.

Question: “And on the other hand are the cities that have attempted and failed the process of converting to a charter city?”

Answer: We have not been able to identify any recent examples of where a city attempted, but failed to obtain charter approval.

In reference to the issue of street racing, Mr. Miadich stated that cities cannot regulate it because it is a matter of statewide concern. Instead, some cities have attempted to address it by regulating the gathering of individuals on sidewalks, etc. Regarding the position of City Prosecutor, Mr. Miadich stated that a Charter city could establish such a position.

## **5. PRESENTATION**

### ***Topic: Election / Selection of Mayor / Forms of City Government***

Richard Miadich distributed and reviewed two documents entitled, 1) “Election / Selection of Mayor; Forms of Internal City Governance Structure”, and 2) “The Council-Manager Form of Government” (both filed).

Member Allen inquired what the cost would be to conduct the redistricting process, to which City Clerk Peggy Jackson reported that in 2003 the cost was approximately \$50,000.

Member Perez surmised that other cities changed from General Law to a Charter form of government, due to problems such as corruption, citizen distrust, partisan interests, etc. He asked what problems Elk Grove was trying to resolve, noting that if the Committee had this information it could be more effective.

Member Allen recalled that, at the last reorganization of the City Council, the Mayor was essentially selected by the audience, who was opposed to the original nomination that had been made. Following shouts from the audience, the Council recessed and returned to open session with a substitute nomination. This resulted in further accusations from the public that back room deals were being made by Council.

Member Loveland agreed with Mr. Allen’s interpretation of events that occurred at the December 13, 2006 City Council meeting. Further, he stated that there is a general feeling that Council is not responsive to the public and citizens want more involvement.

Ms. Eidam displayed the following “characteristics” of General Law and Charter cities and asked for feedback from Committee Members on whether they deemed them to be either an advantage or disadvantage, to which responses are indicated below.

### **General Law Cities**

- *Derive their power from the state Constitution and the state legislature*

Response: Could not categorize as either an advantage or disadvantage.

- *Are organized under existing state “general laws,” which provide uniform rules for general law city organization and operation*

Advantages: Cities can fall back on General Law; it establishes clarity.

Disadvantages: Restricts ability of local government to respond to local issues; because of its boilerplate nature, it is restrictive.

- *May not deviate from general law rules for organization/operation unless permitted by general law – e.g., general law cities with an elected mayor may only provide for a city council consisting of four, six or eight seats*

Response: Could not categorize as either an advantage or disadvantage.

- *Powers are subject to state “general law,” meaning that if a conflict exists between a city ordinance and state law, state law prevails (This is true even if the matter being regulated is of local concern)*

Disadvantages: “Father knows best” scenario may not be advantageous for cities; does not allow freedom to deal with issues specific to Elk Grove.

- *Powers can also be reduced (or expanded) by the state legislature*

Advantage: The state level addresses broader issues and regional needs are considered, allowing for greater flexibility.

Disadvantages: State could take away powers relied on by the City.

### **Charter Law Cities**

- *Derive their power from the state Constitution, but not from the state legislature*

Advantages: It is clear where authority is; it is defensible; more protected from encroachment than a General Law city.

- *Are organized under a city charter which acts like a constitution for the city*

Advantages: It is derived from local people dealing with local issues; freedom to customize it as needs dictate.

Disadvantages: The more unique it is, the more likely it would be challenged in court.

- *The city charter is proposed by the city council (itself or through a commission) and then adopted by majority vote of the city's voters*

Advantages: Open to local control; would have buy-in from voters and support from citizenry; the process itself is beneficial because it requires voter involvement.

Disadvantages: Could contribute to voter fatigue; if very detailed it might overload voters with information; if too specific/complex it increases controversy and is more likely to fail; if not approved, it would be a waste of resources.

- *City charters may be altered or repealed in the same way they are proposed/adopted, as well as by initiative*

Advantages: Elk Grove citizens could adopt and amend the City's Charter, which is less difficult than lobbying the legislature for change.

Disadvantages: Special interest groups would be making changes, rather than having elected officials make the tough decisions; the difficulty in making changes to Charters is a barrier to flexibility; no amendments can be made without voter approval.

- *Possess "home rule" authority, meaning that charter cities have plenary and exclusive power to regulate the "municipal affairs" of the city, subject only to the restrictions imposed by the state and federal constitutions*

Advantages: Allows for Elk Grove citizens to define the City's needs and create its own rules; makes it clear who is responsible.

- *The laws/actions of a charter city are only trumped by a conflicting state law if the matter being regulated is a "statewide concern" and the state law is both reasonably related to the statewide concern and narrowly tailored to avoid undue interference with city power*

Advantages: Local control; State would have high burden in order to interfere with local issues.

- *There are costs associated with holding the election to change from a general law city to a charter city. The extent of those costs will vary depending on*

*whether the question is added to the ballot of an already scheduled municipal election and whether the city opts to form a charter commission.*

Advantages: Costs are lower with scheduled elections; process requires public involvement which in and of itself might help solve problems in the City.

Disadvantages: Costs are increased with special elections; if charter commission was used instead of being directly proposed by Council it would increase costs.

When Ms. Eidam asked the Committee if it would be supportive of a special election for this purpose, Chair Orrock, Vice Chair Chaires, and Member Loveland were opposed due to the high cost, and Members Allen and Perez held a neutral stance, explaining that it would depend on the situation.

## **6. NEW BUSINESS / CLOSING**

Ms. Eidam asked whether Committee Members preferred to simply reach consensus on ranking each characteristic as either an advantage or disadvantage, or to list the reasoning behind each determination, to which Members concurred with the latter.

Mr. Miadich announced that the topic of the next meeting would be district elections and asked whether Members had specific questions they would like addressed, to which the following requests for additional information were made:

- Chair Orrock – sizes of districts;
- Vice Chair Chaires – high growth areas;
- Member Loveland – costs, whether there would tend to be polarization of issues if by district rather than citywide; trends or indicators from other cities;
- Member Allen – provide examples of citywide to district elections; and
- Member Perez – would changing to district elections create more continuity or greater turnover in council members.

Deputy City Manager Tubbs asked whether the Committee would like to be provided with an overview of the Elk Grove system as it exists today, to which Members replied in the affirmative.

## **7. ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 8:48 p.m.

ATTEST:

/s/ Susan J. Blackston  
Chief Deputy City Clerk