

**ELK GROVE CHARTER EXPLORATORY AND ELECTION REFORM COMMITTEE
REGULAR MEETING
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY
MONDAY, JULY 23, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Committee meeting of July 23, 2007 was called to order by Chair Orrock at 6:02 p.m.

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

Absent: Committee Members – Allen (arrived at 6:03 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:

The Committee, on motion of Vice Chair Chaires, Perez second, unanimously approved the July 9, 2007 minutes as presented.

4. QUESTIONS AND ANSWERS

Follow up to July 9 presentation regarding election / selection of mayor / forms of city government

Richard Miadich, Associate with Olson, Hagel & Fishburn, reported that a lawsuit had been brought against the City of Vista challenging the city's ability to avoid paying prevailing wages on public works projects, as was stipulated in its charter.

There were no questions from Committee Members regarding the July 9 presentation.

5. PRESENTATION

Topic: District v. At-Large Elections (at-large; by/from district; Voting Rights Act issues)

Richard Miadich distributed and reviewed a document entitled, "Outline and Notes for Presentation on At-Large, District, and Mixed Elections Systems" (filed).

Vice Chair Chaires asked how much the population of Elk Grove would increase after the Madiera development is complete, to which Deputy City Manager Tubbs answered that 7,700 homes are anticipated to be built, with an estimated population of 21,000. Ms. Chaires stated that it would be helpful to the Committee to have a

demographic profile of Elk Grove and information related to the last redistricting effort; otherwise, she pointed out that Committee discussion about the advantages and disadvantages of various types of elections would be merely theoretical, rather than specifically addressed to the needs of Elk Grove.

Member Perez suggested that it would also be useful to review and compare demographic information obtained from the Community Services District, Elk Grove Unified School District, and Sacramento County.

Member Allen expressed his opinion that there currently is adequate diversity on the Elk Grove City Council, fairly representing the makeup of the residents of the city.

Member Loveland reiterated the importance of knowing whether there are particular difficulties that Elk Grove is facing, in order for the Committee to effectively identify possible solutions.

Lucy Eidam, President of Lucy & Company, displayed the following “characteristics” of General Law and Charter cities and asked for feedback from Committee Members regarding their advantages or disadvantages, to which responses are indicated below.

General Law Cities

- *State law fixes the powers of elected mayors in General Law cities.*

Advantage: Public knows what the mayor can do and the mayor understands his/her authority.

Disadvantage: No flexibility.

- *The only additional power a General Law elected mayor has is the power to make appointments to boards, commissions, and committees subject to approval by the City Council.*

Advantages: Three votes are needed for concurrence; allows for greater checks and balances.

- *Procedures for establishing an elected mayor system in a General Law city are fixed by state law.*

Advantages: Rules are already tested; defined; no ambiguity; in a city growing rapidly, it is advantageous to have established General Law procedures that voters are familiar with.

Disadvantage: No flexibility.

- *Voters in General Law cities establish a directly elected mayor system by holding an election for that purpose.*

Advantages: Clear; people know what to expect and what outcome will be.

Disadvantage: Could be substantial cost if special election were necessary.

- *At that election (see above) voters determine whether the mayor serves a two or four year term.*

Advantage: It is good that voters make the decision and that more than one issue can be brought before them to decide at one time.

Disadvantage: Could be confusing to voters if perceived as too much information to decipher and might be a cause of voter apathy.

- *Mayor is typically elected in an at-large election, meaning all of the city's voters can cast a vote.*

Advantages: It is an important position, so it is good that voters would have a choice; elected mayor is less likely to have a myopic view and would be more accountable to residents.

- *State law provides that the only qualification for an elected mayor in a General Law city is that he or she be a city resident.*

Advantage: Everyone has opportunity to serve.

Disadvantages: Low threshold for qualifications; too easy to meet; should be higher standard.

- *In addition to election costs to decide if a mayor should be elected, there may be costs to redraw remaining Council districts unless city decides at same election to eliminate districts and elect members at-large.*

Disadvantages: Voters in districts could send conflicting messages to City leaders about what course of action to take; potential of additional costs.

- *General Law city's ability to have a selected mayor is provided by state law; State law requires selected mayors be selected by city council; State law requires selected mayor be a city council member.*

Disadvantages: Pool of candidates is reduced; public may not know how Council reached decision; perception of vote trading, back room deals, skirting around issues; takes power away from voters on making decision regarding who should serve as mayor; when voters vote for a council member they may not necessarily believe the individual would be well qualified to serve as mayor.

- *State law sets the powers that a selected General Law city may exercise; Powers of selected mayors in General Law cities:*
 1. *Preside at council meetings;*
 2. *Make or second any motion and present and discuss matters as member of council;*
 3. *Direct a sufficient number of peace officers to attend / keep order at any public meeting at which in his or her opinion a breach of peace may occur;*
 4. *Sign warrants drawn on city treasury written contracts and conveyances made or entered into by city and all instruments requiring city seal;*
 5. *He or she may administer oaths and affirmations and certify affidavits and/or acknowledge documents executed by city and required to be acknowledged.*

Advantages: It is clear who is in charge; easy to understand mayor's role.

Disadvantages: No flexibility to create additional powers; well defined but limited; essentially only a ceremonial position.

Charter Law Cities

- *Under home rule authority Charter cities may choose to have elected or selected mayors.*

Advantage: Provides citizens with choices.

- *Charter cities may establish elected or selected mayor system through its Charter or by ordinance.*

Advantages: More flexibility; careful crafting of Charter could allow for addressing certain issues more expeditiously through ordinances.

- *Charter cities may grant mayor any degree of power desired (provided powers do not violate state or federal constitution) including the power to establish a strong mayor system.*

Advantage: Greater flexibility to shape powers of mayor to best fit the community.

Disadvantage: Powers could possibly lead to being legally challenged.

6. NEW BUSINESS / CLOSING

Mr. Miadich reported that the topic of the August 13 meeting would be primary and general elections and asked whether Members had specific questions they would like addressed, to which the following requests for additional information were made:

- How voter turnout is effected in cities with both primary and general elections;

- Obtain past election results from Elk Grove Unified School District, Community Services District, and Sacramento County Board of Supervisors; and
- Research whether other jurisdictions have considered ranked choice, preferential, instant run-off, or 50% plus 1 voting and what conclusions they reached; and whether the outcome of elections was affected due to the complexity of these methods.

7. **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 8:18 p.m.

ATTEST:

/s/ Susan J. Blackston
Chief Deputy City Clerk