
MEASURE M

PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

Shall Section 3.09 be revised to: create a vacancy when a councilmember moves out of their district; allow Council to initiate filling a vacancy prior to a vacancy occurring; outline the process for filling vacancies by appointment or election; specify a person appointed shall hold office until the next election; specify a person elected to vacant seat shall hold office for the unexpired term; require vacancies for mayor and vice mayor be filled by rotation?

YES _____

NO _____

IMPARTIAL ANALYSIS BY THE ROSEVILLE CITY ATTORNEY

The City Council has placed before the voters the question whether to repeal and replace Section 3.09 of the City Charter entitled "Councilmember vacancies."

Currently, Section 3.09 provides that the grounds for determining the existence of a vacancy on the Council are the same as those grounds set forth in State law for general law cities. Any vacancy on the Council must be filled by appointment by the remaining Councilmembers within thirty days. If the Council fails to fill such vacancy within that time period, the Council shall call an election to fill such vacancy.

This Charter Amendment would repeal and replace Section 3.09. The grounds for determining the existence of a vacancy would continue to be as set forth in State law for general law cities. However, this Measure would add as a ground for vacancy the termination of a residency in an electoral district by a councilmember unless a substitute residence within the district is immediately established within thirty days. In addition, this Charter Amendment adds in an anticipated vacancy provision to allow the Council to initiate the process to fill a vacancy prior to the actual vacancy occurring. However, the vacating Councilmember may not participate in the selection of a replacement.

Vacancies on the Council would be filled either by Council appointment within sixty days after the vacancy occurs or by an election called by the Council. No person may be appointed to the Council more than once.

This Charter Amendment specifies that persons appointed to fill a vacancy shall hold office until the next feasible election. Those elected to fill a vacancy shall hold office for the remainder of the unexpired term.

In the event of a vacancy in the office of mayor, the vice mayor shall be seated as mayor. In the event of a vacancy in the office of vice mayor, a new vice mayor shall be seated from the district next in rotation.

A "Yes" vote is a vote in favor of this Charter Amendment. A "No" vote is a vote against this Charter Amendment. This Measure will be approved if it receives a simple majority of "Yes" votes.

Robert R. Schmitt
Roseville City Attorney

The above statement is an impartial analysis of Measure M. If you desire a copy of the measure, please call the Elections Official at 916-774-5263 and a copy will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE M

The City of Roseville knew months before the November 2018 election that one of our councilmembers was leaving office. But residents weren't given the opportunity to vote on a replacement.

While the council ultimately appointed a well-qualified person to fill the vacancy, there was considerable public outcry over the process, or lack thereof. Many members of the public expressed their frustration and anger at multiple council meetings and remain disenfranchised.

There was no plan in place to deal with anticipated vacancies, despite this not being the first time we've seen this situation play out.

The issue was compounded when there was no process in place to deal with selecting who would serve as mayor - *again because there was no established process in place.*

Measure M is based upon provisions recommended by the citizen's led Charter Review Commission and subsequent public input.

Measure M establishes a fair, impartial, community-focused process for determining and filling vacancies on the city council.

Measure M ensures voters will have a voice to choose who will represent them at city hall. This is critically important now that councilmembers are no longer elected citywide and will instead represent individual districts.

Measure M is about good government. This measure puts residents and taxpayers first.

Join a bipartisan group of residents committed to ensuring that it's the voice of voters that choose our elected councilmembers.

Vote Yes on Measure M.

Pete Constant, Vice Chair, Roseville Charter Review Commission

Eric Eisenhammer, President, Gold Country Taxpayers Association

David Breninger, Sun City Resident

Rebekah Rook, CPA / Roseville Resident

NO ARGUMENT AGAINST MEASURE M WAS SUBMITTED

PROPOSED CHARTER TEXT REVISION

Sec. 3.09 Councilmember vacancies.

~~The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the council shall be filled by a majority vote of the remaining councilmembers within thirty (30) days after the vacancy occurs. If the council fails, for any reason, to fill such vacancy within said thirty (30) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the council to fill a vacancy shall hold office until the General Municipal Election and until a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.~~

a. An office becomes vacant on the happening of any of the following events before the expiration of the councilmember's term:

1. Upon any of the grounds listed in Section 1770 of the California Government Code as it now exists or may hereafter be amended.
2. Upon termination of residency in an electoral district by a councilmember elected or appointed to that district unless a substitute

residence within the district is immediately declared and established within thirty (30) calendar days after the termination of residency.

b. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the council shall initiate the appointment or election process in anticipation of the vacancy. The councilmember who will be vacating the seat may not participate in the process.

c. Any vacancy on the council may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once.

d. If the council fails, for any reason, to fill such vacancy within the sixty (60) day period set forth in subsection c, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.

e. In the event of a vacancy in the office of mayor, the vice mayor shall be seated as mayor and shall hold office for the remainder of the unexpired term being assumed. In the event of a vacancy in the office of vice mayor, a vice mayor shall be seated from the electoral district next in rotation and shall hold office for the remainder of the

unexpired term being assumed. The filling of vacancies pursuant to this subsection, however, shall not disrupt the normal mayoral and vice mayoral rotation and shall not result in reducing a mayor's or vice mayor's scheduled term.