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## MEASURE A

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### PROPOSAL TO ADOPT AUBURN CHARTER 2012 FOR THE CITY OF AUBURN

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Shall the Home Rule for Auburn Charter of 2012 be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

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#### IMPARTIAL ANALYSIS BY AUBURN CITY ATTORNEY

**Introduction.** Measure A asks whether voters wish to adopt a charter. California law recognizes two kinds of cities — general law and charter. Of California’s 482 cities, 120 or 25% have charters. Nearby charter cities include Grass Valley and Roseville. Measure A would convert Auburn from a general law to a charter city; the charter would be the City’s Constitution and allow the City to control its municipal affairs without interference from the State Legislature. The City would remain subject to state laws on matters of statewide concern.

**Background.** Auburn is now a general law City and draws its power from laws of the State Legislature. The California Constitution allows charter cities to control municipal affairs according to local charters and ordinances and exempts them from contrary State laws. All cities must comply with constitutional requirements and state laws on matters of statewide concern. Municipal affairs include election procedures, bidding for contracts, and rules for use of City property. Matters of statewide concern include open meeting and public records, environmental protection, and bargaining with employee associations.

**The Proposed Charter.** Key provisions of the proposed charter are:

Sections 100, 101 and 500 provide the City all powers over municipal affairs a charter city can legally have.

Section 200 preserves the existing Council-Manager form of government and Section 202 preserves the current elected offices: 5 Councilmembers (including a Mayor and Vice Mayor), Clerk and Treasurer. Section 202 limits Councilmembers’ pay to what state law allows for general law cities and says no Councilmember may receive a pension or unemployment insurance. Whether or not voters adopt the charter, the City Council sets pay for the Clerk, Treasurer and City employees. Section 203 says elections will continue to be governed by state

law and protects voter powers of initiative, referendum and recall.

Section 300 requires an annual Performance-Based Budget stating objectives and measurable levels of service to residents and businesses and requires the City to post it on the internet. Section 301 requires the City to promote economic and community development and to preserve Auburn’s small-town and historic character. Section 302 requires the City to comply with state laws requiring competitive bidding, but Section 303 exempts it from prevailing wages for construction projects unless state or federal law or the City Council requires otherwise. Section 304 allows a limited bid advantage for local businesses. Section 305 supports the use of volunteers to build community projects. Section 306 says adoption of the charter will give the City no new power to impose taxes and fees; state law will require voter approval for all new taxes and many new fees.

Sections 400 and 401 are intended to protect Auburn’s money from the State.

Section 501 preserves the rule that the City’s zoning ordinance must be consistent with its general plan.

If approved by Auburn’s voters, the Charter will take effect when filed with the Secretary of State and only voters can amend or repeal it. The charter and more information are available at <http://www.auburn.ca.gov/services/Clerk/cCharter.html>.

Michael G. Colantuono  
Auburn City Attorney

March 8, 2012

The above statement is an impartial analysis of Measure A. If you desire a copy of the charter, please call the City Clerk’s office at (530) 823-4211 x112 and a copy will be mailed at no cost to you.

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## ARGUMENT IN FAVOR OF MEASURE A

### Vote Yes on Measure A

The Home Rule for Auburn Charter of 2012 will give Auburn residents more local control over how their city is run, save money for Auburn residents and businesses, and permanently guarantee support for volunteers working on projects to improve the quality of life in our small, historic town.

### More Local Control

For decades, Sacramento politicians have imposed expensive mandates on our local government and dictated how we spend our tax dollars. This must stop. The Auburn Charter will allow our locally elected officials to craft policies to enhance police protection, prevent a catastrophic fire from destroying our town, support the creation of private sector jobs, and fix our roads and sewers.

### Save Money

Mandates from Sacramento politicians increase your sewer bills. This must stop. The Auburn Charter will save ratepayers at least \$2 million over the next six years by allowing the city to contract with local contractors that pay local wage rates to repair our sewers and ensure the

environmental protection of the Auburn Ravine. The Auburn Charter will help keep sewer rates as low as possible for seniors on fixed incomes, small businesses and others struggling to pay their bills.

### Supporting Volunteers

According to state law, on January 1, 2017, the city will be prohibited from supporting volunteer projects unless the volunteers are paid the prevailing wage. The Auburn Charter will permanently exempt the city from this crazy state law so that Auburn volunteers can continue to organize community events that spruce up our town, support events like the Tour of California Bike Race, or help protect our residents and firefighters from a catastrophic fire with a Project Canyon Safe.

Yes on taking control of Auburn's future. Yes on the Auburn Charter

Robert Snyder, Former Mayor & McCann Award Winner  
Wayne E. Manning, President-elect, Auburn Chamber of Commerce  
Cheryl Maki, Small Business Owner, Former Mayor  
Barbara Jicha, CPA  
Richard Hall, President, Auburn Chamber of Commerce

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## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

Proponents of Measure A claim that radically changing city government will save money, but they provide NO hard evidence or independent research and don't acknowledge their plan allows the city to pay politicians more while giving away taxpayer funds with no strings attached.

- According to the City Attorney, the promised savings on future sewer improvements was an unverified "estimate" from a single, local politician. The legal precedent used as the basis for this estimate is also the subject of pending litigation.
- The City Attorney has warned that a Charter could expose city taxpayers to more costly lawsuits, and more costly elections.
- Measure A could actually INCREASE the cost of city contracting, by allowing the City Council to award public works contracts to firms that are NOT the lowest qualified bidder.

We don't need to rush passage of a City Charter in order to support community volunteers. The current state law,

passed UNANIMOUSLY, specifically exempts volunteers from prevailing wage rules.

While the potential benefits of Measure A remain unclear, the risks are well documented.

- Measure A includes NO PROTECTIONS from the abuses that similar Charter proposals brought to cities like San Francisco, Bell, and Vallejo---including higher fines, deficit spending, corruption, and even bankruptcy.
- Instead of enhancing public safety services and protecting our quality of life, Measure A allows the city to prohibit implementation of existing laws that protect policemen, firefighters, seniors and children.

Auburn is working fine. VOTE NO on this risky, unnecessary City Charter.

VOTE NO on Measure A.

Hank Gonzales

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## ARGUMENT AGAINST MEASURE A

Measure A is a hastily written City Charter that would dramatically reshape local government and grant broad new powers to the City Council. It's being rushed to the ballot by local politicians without meaningful public review. An independent analysis of the measure would show that:

- According to the City Attorney, a Charter could lead to more costly lawsuits, more costly elections, and more special interests meddling in our local affairs.
- Measure A allows City Council members to pay themselves thousands of dollars in extra compensation.
- Measure A enables the city to prohibit implementation of certain state laws that protect firefighters, police officers, children, seniors, and victims of domestic violence.
- Measure A lets the City Council give taxpayer funds to individuals and organizations with no strings attached - just like Placer County's controversial "Revenue Sharing" program.
- Measure A allows the City Council to impose higher fines and penalties on taxpayers than under current law.
- According to the City Attorney, Charters have led other cities to hire less qualified contractors for city projects.

For nearly 125 years, like almost every other small town in California, Auburn has been a "General Law" city. By transforming Auburn into a Charter City, Measure A would make our local government more like San Francisco, Bell, Vernon and Vallejo - where similar proposals opened the door to higher taxes, deep financial deficits, political corruption and even bankruptcy.

Our city leaders should focus on creating jobs, strengthening schools, fixing roads and keeping neighborhoods safe - not radical changes to local government.

Civic leaders and taxpayer advocates oppose Measure A because of the costs and consequences this rash and unnecessary proposal could invite to our city.

Preserve Auburn. Vote No on Measure A.

Learn more: [www.PreserveAuburn.com](http://www.PreserveAuburn.com)

Wally Reemelin, Former President, League of Placer County Taxpayers  
Hank Gonzales, Business Owner, Former Auburn Councilman & Mayor  
George Beland, Former Auburn Mayor, Former Placer County Supervisor  
OC Taylor, Former Auburn Mayor  
Bud Pisarek, Former Auburn Mayor

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## REBUTTAL TO ARGUMENT AGAINST MEASURE A

The author of the "Argument against Measure A" is the Executive Director of a big Sacramento lobbyist group called the "California Alliance for Jobs," which is funded by large corporations and unions.

Sacramento lobbyists want pliable state legislators from around the state to keep their control over Auburn's laws and finances.

### Local Control for Auburn Residents

Measure A would shift the responsibility to solve local problems back into the hands of Auburn residents, who can hold members the Auburn City Council accountable for their actions (Section 100).

### Enhances Public Safety

Measure A gives the city the ability to remove flammable wood fuels quickly to help prevent a catastrophic fire in Auburn (Section 100).

### Saves Money & Local Jobs

Measure A will save sewer ratepayers money by allowing the city to contract for sewer repairs using Placer County wage rates rather than wages set by Sacramento politicians and lobbyist groups (Section 303).

Measure A allows for a "Think Local First" ordinance to

support local jobs (Section 304).

Measure A requires an annual "Performance-Based Budget" to ensure more transparency and accountability for how your tax dollars are spent (Section 300).

Measure A prevents the city from imposing new taxes and fees (Section 306).

Measure A restricts councilmember pay and prohibits them from giving themselves a pension or collecting unemployment insurance (Section 202).

### Supports Auburn Volunteers

Measure A permanently guarantees that Auburn will benefit from the great work of volunteers without mandates from the state (Section 305).

Vote Yes

[www.auburnhomerule.org](http://www.auburnhomerule.org)

Kathy Sands, Retired Mayor of Aub  
Steven Galyardt, Chamber Volunteer of the Year, Insurance Agent  
Bonnie McAdams, Retired Co-founder Boys & Girls Club  
Liz Briggs, Treasurer Think Auburn First  
Valerie E. Harris, Retired Auburn Police Dept

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**RESOLUTION 11-105**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATE PRIMARY ELECTION, AND REQUESTING SERVICES FROM THE PLACER COUNTY CLERK WITH RESPECT TO THAT ELECTION

THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE:

WHEREAS, the City Council has proposed that the voters of the City consider adoption of the Home Rule for Auburn Charter of 2012, the text of which is on file in the office of the City Clerk; and

WHEREAS, the City Council has determined it appropriate to call a special municipal election of the City of Auburn to consider that proposal on June 5, 2012; and

WHEREAS, the interests of efficiency call for the consolidation of that election with the state primary election to be held that same date; and

WHEREAS, the City Council requests services from the Placer County Clerk for the conduct of that election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds and determines that each of the findings set forth above is true and correct.

SECTION 2. Pursuant to the California Elections Code, there is hereby called and ordered to be held in the City of Auburn, California, on Tuesday, June 5, 2012, a special municipal election.

SECTION 3. Pursuant to California Elections Code Section 9222, the City Council hereby orders the following question to be submitted to the voters at the June 5, 2012 Special Municipal Election:

Shall the Home Rule for Auburn Charter of 2012 be adopted?

SECTION 4. The City Council hereby declares its intent to consolidate this special election with the Statewide Primary Election to be held on June 5, 2012. This resolution shall constitute the request for consolidation required by Elections Code Section 10403 and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Placer County Board of Supervisors not later than 88 days prior to June 5, 2012.

SECTION 5. That the ballots to be used at the special election shall be in form and content as required by law.

SECTION 6. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the special election, in time, form and manner as required by law.

SECTION 7. That in all particulars not recited in this resolution, the special election shall be held and conducted as provided by law.

SECTION 8. The City Clerk is hereby authorized, instructed and directed to procure and furnish (or cause to be procured and furnished) any and all official ballot notices, printed matter and all other supplies, equipment and paraphernalia that may be necessary to prepare and lawfully conduct the special election.

SECTION 9. The City Clerk is hereby authorized to utilize the services of the Placer County Clerk for the conduct of the special election. The City of Auburn hereby agrees to pay the costs of those services as outlined by current policy of the Placer County Elections Division.

SECTION 10. The City Clerk is authorized to canvass the returns of the Special Election and to certify the same to City Council at the time and in the manner provided by law.

SECTION 11. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 12th day of SEPTEMBER 2011.

William Kirby, M.D., Mayor

ATTEST:  
Amy M. Lind, Deputy  
Joseph G. R. Labrie, City Clerk

I, Joseph G.R. Labrie, City Clerk of the City of Auburn hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on September 12, 2011, by the following vote on roll call:

Ayes: Powers, Hanley, Holmes, Nesbitt, Kirby  
Noes:  
Absent:  
Abstain:

Amy M. Lind, Deputy  
Joseph G.R. Labrie, City Clerk

**[If you desire a copy of the city charter, please call the Auburn City Clerk at 530-823-4211 to have one mailed to you or visit the City of Auburn website at [www.auburn.ca.gov](http://www.auburn.ca.gov)]**