MASTER WORKING DRAFT

6/5/26

THE CHARTER OF

THE CITY OF SANTA CLARA

CALIFORNIA

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Group Two City Council: Elections, Powers and Conduct of Meetings	Steve Kelly Mark Boeckman Eric Crutchlow Holly Roberts Susan Peters
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PREAMBLE

We, the people of the City of Santa Clara, pursuant to our authority under the laws of the State of California, hereby adopt this Charter to be the rules for the governance and operations of our City in an open, fair and effective manner.

Article One
~~I.~~ Foundational Terms ~~Name of City~~

Section 100 Name, Incorporation and Charter City Status.

The City of Santa Clara ("City") is a chartered municipal corporation of the State of California ("State"). The City's official name is "Santa Clara" but it may be referred to from time to time as the "City of Santa Clara." The City was incorporated in July of 1852 under the name "Santa Clara." City records indicate that previous Charters were adopted for the "Town of Santa Clara" in 1927 and for the "City of Santa Clara" in 1951. ~~now existing and known as the "City of Santa Clara" shall remain and continue to be a municipal body politic and corporate, as at present, in name, in fact, and in law.~~

Commented [GG1]: Not legally required, but thought to be a good presentation and framing of what a Charter is, consistent with the purposes of the Charter Project

Commented [GG2]: Article One aggregates Old Articles I through V, eliminating unnecessary terms and adding language to inform the public on certain Charter essentials.

Commented [GG3]: Section revised to indicate "official name" as "Santa Clara," and that it can be referred to as the "City of Santa Clara." Language regarding incorporation and previous Charter adoption not legally required, but thought useful for historical context and framing

~~Sec. 200~~

~~Article II. Boundaries~~

Section~~.~~ 101~~200~~ City Boundaries.

The territory of the City over which it shall exercise lawful jurisdiction shall be ~~that~~ the territory contained within its ~~present~~ boundaries as ~~now~~ established under State Law.~~, with the power and authority to change the same in the manner provided by law.~~ City boundaries may be modified, but only in accordance with State Law requirements and procedures.

~~Article III. Succession~~

~~Sec. 300 Rights and liabilities.~~

~~The City of Santa Clara shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, liabilities, debts and duties that now exist against this municipality.~~

~~Sec. 301 Ordinances.~~

~~All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.~~

~~Sec. 302 Continuance of present officers and employees.~~

~~The present officers, boards, commissions, and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by ordinances, resolutions, rules, or laws, until the appointment and qualification of their successors under this Charter and subject to such removal and control as is herein provided.~~

~~Sec. 303 Continuance of contracts and public improvements.~~

~~All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws or charter provisions existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions or may be continued or perfected hereunder.~~

~~Sec. 304 Pending actions and proceedings.~~

~~No action or proceedings, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another office, department or agency, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.~~

~~Article IV. Powers~~

Section~~.~~ 102~~400~~ ~~General grant of power~~ Charter City Authority.

102.1 In General. The City, ~~of Santa Clara,~~ by and through its City Council and other officials, shall have and may exercise all powers lawfully available ~~necessary and appropriate~~ to a chartered municipal corporation in the State for ~~and~~ the general welfare of its inhabitants which are not prohibited or otherwise limited by the

Commented [GG4]: Improved wording with explicit reference to State Law.

Note: Under final review by CAO to determine if reference instead should be to "Applicable Law" to include both federal and local laws.

Commented [GG5]: These Sections are not legally necessary and don't appear to add value. See the sentence that addresses this in the Voter Approval/Amendment Section 104, below.

Commented [GG6]: This Section, and its subsections, is intended to state in the broadest possible terms the City's Charter City Authority to make its own laws, subject to applicable law and rules made by voters.

Constitution of the State of California, ~~or by~~ the terms of this Charter or other laws applicable to charter cities. Such general powers shall include, without limitation, the full power and authority to make and enforce all laws and regulations with respect to municipal affairs. ~~, and which it would be com-~~

~~petent for this Charter to set forth specifically, and the~~ The specification ~~herein~~ in this Charter of any particular powers of the City shall not be held to be exclusive of, or any limitation upon the general grant of powers to the City under this Section. ~~heretofore or hereafter granted to municipal corporations by the constitution or general laws.~~

102.2 Relationship with Other Laws. To the extent of any conflict between the terms of this Charter, and any laws only applicable to general law cities under State law ("General City Laws"), the terms of this Charter shall govern. To the extent of any conflict between the terms of any City ordinances, regulations or policies adopted under the authority of this Charter ("Local Laws") and any General City Laws, the terms of such Local Laws shall govern. To the extent there is no Charter provision or Local Law prohibiting or regulating the conduct of the City, any City official or employee, or any business or individual acting within the City, then the laws governing such conduct shall be those set forth in General City Laws. City reserves the right to adopt as its laws any General City Laws it may specify, either through the provisions of this Charter or the enactment of Local Laws, provided that such laws are consistent with the terms of this Charter.

Commented [GG7]: Section changes include language modernization/clean up, with an added explicit reference to "municipal affairs" as provided in the State Constitution

Commented [GG8]: This Section added for CAO/general interpretation purposes to make explicit the relationship of the Charter, and any Local Laws enacted to implement the Charter to State Laws. State laws can govern if incorporated, or in the absence of local laws in the area. See also new Section 905 on this subject, below

~~Section~~ 102.3 Voter Approved Limitations on City Authority.

In addition to the limits on City Authority contained in Applicable Laws and set forth in other Sections of this Charter, the following voter approved limitations shall apply:

(a) **Disposal of ~~p~~Public ~~u~~Utilities.** ~~-~~ No public utility service owned by the City shall be sold, leased or otherwise transferred for operation by a third party~~-~~ unless authorized by the affirmative vote~~s~~ of two-thirds of the Qualified ~~e~~Electors voting on such proposition at a City Election. ~~any election at which the question of such disposal is submitted to the electors~~ This requirement for voter approval shall not apply to the disposition of public utility real or personal property determined by the City Council as no longer necessary for public utility use.

(b) **Disposal or ~~c~~Change of ~~u~~Use of ~~c~~Certain City ~~p~~Park ~~l~~Land.**

~~(a)~~ (1) Neither the Ulistac Natural Area, the Santa Clara Youth Soccer Park nor any other real property owned or controlled by the City that is presently listed or hereafter listed by ordinance in the inventory of parks and recreation facilities contained in Appendix Eight of the City of Santa Clara 2010-2035 General Plan, or any subsequent General Plan (collectively, "Dedicated Parklands"), shall be sold, leased or otherwise disposed of for a period of one hundred eighty (180) days or more, nor shall ~~its~~ the use of any such Dedicated Parklands be changed, abandoned or discontinued for a period of one hundred eighty (180) days or more without such sale, lease, disposal or changed use having been first authorized or ratified by a two-thirds (2/3) majority vote of the Qualified Electors ~~electorate,~~ voting at a General City Election ~~general municipal election~~ for that purpose.

~~(b)~~

~~(c)~~ (2) No substantial building, construction, reconstruction or development upon or with respect to any ~~lands so dedicated~~ Dedicated Parklands shall be made except ~~pursuant~~ as may be approved by the City Council by~~to~~ ordinance subject to referendum.

(3) The provisions of this Section ~~714.1~~ shall not apply to real property owned or controlled by the City that is subject to the CityPlace Master Community Plan originally adopted by the City Council by Resolution No. 8339.

(4) The provisions of this Section shall not apply to dispositions or changed uses of Dedicated Parklands that are strictly limited to uses that are secondary to, **and will not adversely impact,** any underlying parks and recreation uses. Any such proposed dispositions or use(s) must be approved by five affirmative votes of the City Council. Further, any net revenues to the City generated by any such approved use(s) must be used exclusively for parks and recreation purposes within the City. -

102.4 Powers of Initiative, Referendum and Recall. There are hereby reserved to the Qualified Electors of the City the powers of initiative and referendum and of the recall of Elected Officials as provided in General City Laws.

~~**Sec. 401 Disposal of public utility.**~~

~~**Article V. Form of Government**~~

~~**Sec. 500**~~

Section 103 City Council-Manager Form of ~~government~~Government.

The City shall be governed under what's commonly known as the ~~municipal government provided by this Charter shall be known as the~~ "Council-Manager" form of government, where the City Council is responsible for City law making and major policy decisions, and a professional manager, appointed by and serving at the pleasure of the City Council, is responsible for implementing Council policy and managing day-to-day operations. This Charter sets forth the basic terms for how this form of government is structured and will operate in the City of Santa Clara.~~.~~

Commented [GG9]: This Section is intended to house these and any future voter approved limitations on City conduct so that they are easy to find all in one place.

Commented [GG10]: Per input from Group One, revisions as proposed intended to clarify that voter approval requirement doesn't apply to sales of no longer needed utility property (e.g., the Loyalton property) or an internal City restructuring of utility ownership by creation of a separate, City-controlled entity

Related Issue:
See Section 805.4, below containing the following limitation on City's use of revenue bond financing:

This section (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an election. (Amendment ratified 11-3-81)

Although it could be argued this limit is outdated, because ownership/use of nuclear power is a highly sensitive area, and SVP has indicated not urgent need to finance any such access to nuclear power, the CRC has recommended to keep this limitation in place.

Commented [GG11]: Language changes throughout intended to make provision more clear and contemplate any General Plan updates as a reference point for the now defined "Dedicated Parklands"

Level 3 Alert:
A more substantive proposed change, suggested and supported by both Planning Commission and Parks and Recreation is for Subsection (b)(4) regarding allowance for "secondary" uses on the terms presented without requiring a vote.

Both Group Two and the full CRC view this addition to be a useful clarification/modification, especially in light of requirements for a super majority City Council and dedication of any revenues for parks purposes, but recognizes that for some this may be a "hot button" issue that pushes it to Level 3. If that's the case, not clear if it would be worth it to have it be its own measure given the cost.

Commented [GG12]: Language added to explain what a "Council-Manager" form of government actually is. The addition of clarity here is based on a number of sources, including the following:

The International City/County Management Association (ICMA), a professional organization for city managers, has listed at least three defining characteristics that distinguish a true council–manager government:

- All governmental authority rests with the council or other elected body, except for certain executive or administrative duties that are assigned to the manager. However, the manager always is employed at the pleasure of the elected body.[9]
- The manager is allocated their functions in codified form by the city charter or other law, not assigned them *ad hoc* by a mayor.[10]
- The manager must be responsible to, hired by, and can be dismissed only by the entire council, not one individual, such as a mayor or chairperson.[10]

Section 104 Effective Date; Amendment

This Charter was amended by the approval of City voters of Measure ___ ("Measure __ Amendments.") at the November 4, 2026, City Election. The Measure ___ Amendments went into effect upon their filing with the Secretary of State on _____, 2026 ("Effective Date"). No provisions of the Measure __ Amendments shall have any effect upon the validity of any City action, or any business or individual rights obtained under the terms of the City Charter prior to this Effective Date. The Charter may be further amended, but only with the approval of a majority of **voters** casting ballots at a **General** City Election validly conducted under the terms of the Charter.

Section 105 Use and Definitions of Capitalized Terms.

Capitalized terms used in this Charter shall have the meanings ascribed thereto in Article __, Section __, of this Charter, below. To the extent of any conflict between the definitions of capitalized terms provided in Section __, and any other common understandings or definitions of such capitalized terms, the definitions in Section __ shall govern.

Article ~~VI~~Two. ~~The Elective Officers~~Elected Officials

Section~~.~~ ~~600~~200 ~~City elected officers~~In General.

The City shall have the following elected officials: the Mayor (who shall also be considered a City Council Member), six City Council Members, one for each of the six City Council districts (each a "District Council Member," and collectively the "District Council Members") the Chief of Police, and the City Clerk (collectively, "Elected Officials"). Elected Officials shall be chosen by election, except in certain interim circumstances where they may be chosen by City Council appointment. The processes for City elections and appointments are set forth in Article Three of this Charter, below.

Section 201 Qualifications

~~Section~~ 201.1 Requirements for All Elected Officials.

~~No person shall be eligible to hold the elective office of Mayor, Chief of Police Department or City Clerk,~~

a. To be an Elected Official ~~unless he or she is a~~ a person must be a resident ("Resident") and ~~a qualified~~ registered ~~elector~~ voter ("Qualified Elector") of the City. ~~No person shall be eligible to hold the elective office of City Council Member, excepting the Mayor, unless he or she is a qualified registered elector of the City and a~~ District Council Members must also be Residents of their respective Council district (each a "District" and collectively "Districts"). ~~resident in the district represented by the Council Member office~~.

b. All persons seeking to be Elected Officials ~~In order to hold the elective office of Mayor, Chief of the Police Department or City Clerk a person~~ must have been a R~~r~~esident of the City, and, in the case of a District Council Member, of their District, ~~of Santa Clara for~~ commencing at least thirty (30) days immediately preceding the last day specified ~~by law~~under the Elections Code for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

c. Whether or not a person is a Resident shall be determined in accordance with State Law. Qualified Elector status shall be determined by the Santa Clara County Registrar of Voters ("ROV"). The City Clerk shall administer these requirements as provided in Section 302, below.

~~In order to hold the elective office of Council Member, excepting the Mayor, a person must have been a resi- dent of the City of Santa Clara and of the District represented by the person as a Council Member for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.~~

~~The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The Mayor and the Chief of the Police Department and the City Clerk shall be elected from the City at large at the times and in the manner provided in this Charter.~~

~~Section~~ ~~701.1~~
201.2 Special Requirements for the Chief of Police.

Commented [GG13]: Language proposed to put this major Charter update in context, and to make clear the effective date by operation of law and the requirement for voter approval of any amendment. Blanks to be filled in upon assignment of letter and voter approval

Commented [GG14]: This is an important Charter-wide convention: the addition of the concept of Capitalized Terms being formally Defined Terms under the Charter.

The process is ongoing among the CRC and CAO to make sure the correct defined term is being used in each case, and to make sure the Definitions Section at the end includes all the capitalized terms and the definitions are what they should be.

Commented [GG15]: This Article aggregates in one place the list of elected officials, all of their common and unique qualifications, their terms, compensation and events triggering vacancy/forfeiture from office. Depending upon the Section(s) involved, Group One, Two and Three were assigned working groups

Commented [GG16]: Section added to have an enumeration of all the City's Elected Officials all in one place with clarity and defined terms. Previously this was addressed in one paragraph in a string of paragraphs in Old Section 600 (now deleted, see below)

Commented [GG17]: This timing was discussed but is not proposed to be changed. This is the requirement for General Law Cities and is consistent with federal law statutes and cases that have found constitutional issues with time period requirements any longer than 30 days

Commented [GG18]: What constitutes residency was discussed but not proposed for change. Standard practice is to defer to State Law, which provides for voting purposes that your voting residence is your domicile: the one place you treat as your permanent home and where you intend to return whenever you're away. The standard approach among City Clerks is to rely on a (often sworn) statement of the candidate of their residency, which is then checked and confirmed with the ROV along with "Qualified Elector" status.

In addition to the requirements for all Elected Officials set forth in Section 201.1, above, persons running for and holding Candidates for the office of Chief of Police shall (1) meet the minimum eligibility and qualification requirements imposed by Sstate Llaw upon candidates for the office of sheriff; and (2) have achieved the rank and have the experience necessary to qualify for a Management Certificate from the State of California Commission on Peace Officer Standards and Training (commonly known as "POST"), as provided in California Code of Regulations 11 CCR Section 1202 as of the Effective Date of this Charter ("POST Management Certificate Standard"). . (Added by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Section 201.3 Challenges to Qualifications.

Any Qualified Elector of the City or the City Council may challenge the qualifications of an Elected Official as provided under State Law.

Section 202 Powers and Duties

Sec. 704.3 Mayor—Powers and duties.

202.1 Mayor [Powers and Duties]

a. In General. The Mayor shall have the following powers and duties:

(1) The Mayor shall be the political leader within the community by providing guidance and leadership to the City Council, by expressing and explaining to the community the City's policies and programs and by assisting the City Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activ- ity programs.
(2) The Mayor shall be the presiding officer at City Council meetings. In such capacity the Mayor shall have authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any meeting of the City Council for disorderly conduct, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council.
(3) The Mayor shall have a voice and vote in all City Council proceedings as a member of the City Council; the Mayor shall have no veto power.
(4) The Mayor shall be the official head of the City for all ceremonial purposes.
a. (5) The Mayor shall have the power to may make recommendations to the City Council on matters of policy and programs which require City Council decision; provided, that if he/she recommends any increases in the City budget, he/she shall recommend the method of financing such expenditure; and provided, further, that if he/she proposes curtailment of service, such recommendations and The Mayor's his/her reason therefor shall be specific.
(a) (6) The MayorHe/she may also, on his/her their own account, inform the community on matters of policy or program which he/shethe Mayor believes the welfare of the community make necessary.

b. The Mayor shall preside at meetings of the City Council and shall have the vote as a member of the City Council. He/she shall have no veto power.

c. The Mayor shall have authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any meeting of the City Council for disorderly conduct, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council.

(7) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the City Council, provided that the same are not inconsistent with this Charter.

b. Limitations on Authority. Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as theChief Administrative Officer and head of the executive and administrative branch of the City government as prescribed provided in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as he/she the Mayor possesses as one member of the City Council..

Commented [GG19]: Level 3 Alert:

This provision was discussed extensively by Group Two and the full CRC with the consensus being that adding to the qualification requirements as proposed makes sense (the current standard is very low (not many total years of law enforcement experience required, with no management level experience), and all of the Chiefs over the past 30 plus years have met the proposed requirement (the equivalent of a Lieutenant with 2 years experience). At the same time, it is recognized that the sensitivity of this area presents challenges to any proposed modifications, no matter how reasonable.

As a result, the CRC recognizes this proposal to be, at a minimum, a Level Three proposal. They are also concerned about further limiting who might qualify to run for Chief of Police in light of the existing requirement for residency. As a result, the CRC recommends it might be worth exploring the pros and cons of removing or modifying the residency requirement for the Chief of Police. They recognize, however, that any such proposal would be a Level 4 proposal.

The following information is provided for context:

Qualifications of sheriff: Gov Code 24004.3

(a) No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:
(1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
(2) One year of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university.
(3) Two years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.
(4) Three years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have be ... [1]

Commented [GG20]: This Section replaces the provision that the City Council "judges" the qualifications of elected officials contained in former Section 711. How this process would work was explained in the report to Council when they certified the City's 2024 election results

Commented [GG21]: This new Section isn't intended to substantively increase or decrease the Mayor's authority; instead, its intended to consolidate the Mayor's authority set forth in various Sections of the Charter all in one place.

Commented [GG22]: CRC consensus was to delete this limiting provision. The Mayor doesn't really have any greater power here than a Councilmember (i.e., anyone can do this), and the limits on such power where there are budget implications seem unnecessary/difficult to fulfill.

See Section 202.2.b.3, below where this authority to recommend was included as a general City Council member power.

c. Vice Mayor. During the Mayor's absence or disability, the Mayor's duties shall be performed by the Vice Mayor. The Vice Mayor shall be a City Council Member appointed by and serving at the pleasure of the City Council.

~~Sec. 706~~

202.2 City Council [Powers and Duties].

a. In General. All powers of the City shall be vested in the City Council, subject to the provisions of ~~the~~ this Charter and ~~to the Constitution of the State of California~~Applicable Law. Such powers shall include: (1) the certification of City Elections as provided in Section ; (2) the declaration of Elected Official Vacancies and appointment of Elected Officials to fill any such Vacancies as provided in Section ; (3) the appointment of the City Manager, City Attorney and City Auditor as provided in Article ; (4) appointment of members of City boards and commissions as provide in Article ; (5) adoption of ordinances, resolutions and policies as necessary for the determination of land uses, the governance of City operations, the delivery of City services, and the regulation of conduct of persons and businesses within the City [as provided in Article ; (6) actions on fiscal matters, including the approval of budgets, the issuance of debt, the levying of taxes, fees and assessments, and the awarding of contracts [as provided in Articles], (7) the ability to conduct investigations and to subpoena witnesses in personnel matters involving City Council appointees, in City Council quasi-judicial proceedings and where otherwise expressly provided under General **City** Law; and (8) such other powers as may be reasonably necessary to advance City interests, provide for the efficient and effective delivery of City services and to maintain the overall public health, safety and welfare of the City, its residents, businesses and visitors.

b. Individual Council Members. City Council members (including the Mayor) shall have the following powers and duties in their conduct of City business:

(1) Prepare for, attend and participate in, meetings of the City Council, Council subcommittees, and such other State or regional boards or commissions to which they are appointed;
(2) Solicit and give due consideration to input from residents and businesses within the City, City staff and consultants, and other stakeholders with interests in City matters,
(3) Make recommendations on matters of policy and programs which require City Council action;
(4) Comply with all Applicable Laws, including the provisions of this Charter, the City Code and all adopted City policies;
(5) Place the interests of the City above their own personal interests; and
(6) Report to the City Council on the occurrence of any event listed in Section of this Charter which may result in their disqualification from office no later than fifteen (15) days after the date of such occurrence.

In addition, in all interactions with each other, City staff and the public, City Council members (including the Mayor) are expected to conduct themselves in a professional and courteous manner.

~~(1)~~c. Limitations on Authority. Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or ~~his/her~~ any person's removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, or as may be expressly approved by the City Manager, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. Any City Council ordinance or resolution that permits or takes any of the actions prohibited in this Section shall be void. ~~Any City Council member violating the provisions of this Section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a Council Member.~~

Commented [GG23]: This Section is included here in lieu of old Section 705 which essentially says the same thing.

Commented [GG24]: This power is taken from Section 712. Based on discussions in CAO and consultations with outside counsel, the resulting language is intended to put appropriate boundaries around a power that is necessary, but could be subject to abuse. Listed are the typical/appropriate areas for use, with a reference to General Laws to make sure the list of powers in the Charter is not too limiting. Here's the original language from Section 712

"It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor."

Note: The "punishment" part of this is now addressed in the general "Violations; Enforcement" Section (902), below.

Commented [GG25]: Intended to provide a "catch all" provision, but within "good government" parameters.

Commented [GG26]: This non-exclusive list of City Council authority is not legally necessary, but is intended to be informative and tie into various aspects of City Council authority provided throughout the Charter and in City Code Section 2.10. Section references will be filled in once all the formatting is settled.

Commented [GG27]: It was noted that all key senior positions included some statement of duties and responsibilities, but not individual City Council members. This Section is intended to fill that "gap". Thought also was that this was a good opportunity to reflect a Group Two and CRC consensus that good, ethical City Council conduct was important to emphasize at the Charter level.

Note: given the subjective nature of this last identified "standard of conduct" for professional and courteous conduct, to mitigate concerns about being unfairly prosecuted for this as a criminal Charter violation resulting in removal, it was agreed that this standard be presented as an "expectation" as opposed to an obligation.

Commented [GG28]: This language is from old Section 807, Prohibitions against Councilmanic interference.

This remedy as drafted is overly broad and lacks appropriate calibration to the severity of any particular offense. Accordingly, it is proposed that this sentence be deleted and a violation of this Section be treated within the general "Violations; Enforcement" Section (902), below.

The sentence added making any such action void has veen added to emphasize the importance of this limitation on City Council authority.

~~Sec. 906~~ ~~Section~~ 202.3 Chief of ~~the~~ Police ~~[Powers and Duties] Department.~~

The elected Chief of Police shall serve as the head of the Police Department of the City of Santa Clara ("Police Department") responsible for the supervision, management and administration of the affairs of such department in accordance with the terms of this Charter and Applicable Laws. In this role, the Chief of Police shall have the power and be required to:

(a) Preserve the public peace;

(b) Execute and return all process issued to ~~him/her~~the Chief of Police by legal authority; and

(c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State.~~. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

(d) Update and advise the City Council and the City Manager, in their professional discretion, on matters relating to public safety and law enforcement.

~~(e)~~

~~Sec. 903~~
~~Section~~ 202.4 City ~~C~~clerk ~~[:~~ ~~P~~powers and ~~D~~duties~~]~~

a. City Clerk. The City Clerk, as an Elected Official, shall have the power and be required to:

~~(1) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records; and~~

(1) Act as the City's "Elections Official" with administrative authority over all City Elections in accordance with the terms of this Charter and Applicable Law. ~~Have charge of all City elections.~~

Be the custodian of the City seal

and oversee the use of the City seal to certify official City actions and records; and

(2) Administer oaths for Elected Officials, ~~or~~ and issue required affirmations, and ~~take~~ affidavits ~~and depositions~~ pertaining to official City business~~and certify copies of official records~~ .

~~(2)~~
The City Clerk shall consult with the Assistant City Clerk in their conduct of these duties and, with the concurrence of the Assistant City Clerk, may authorize the Assistant Clerk to assist with the performance of such duties.

b. Assistant City Clerk. The Assistant City Clerk, who shall be appointed by the City Manager, shall have the power and be required to:

~~(3)~~ (1) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council ~~in books that shall bear appropriate titles and be devoted to such purposes;~~

(1)

Commented [GG29]: **Level 3 Alert:**
Given the subject matter, it was agreed by Group Three and the full CRC that any modifications in this area, no matter how sensible they might seem, should be considered as "Level 3".

Chief as Head of the Dept.
That being said, designating the elected Chief of Police as the head of the police department is consistent with both the provisions of the City Code (Section 2.80.010 which places the department under the Chief's "direct supervision") and best practices for elected sheriffs and appointed Chiefs of Police.

Duties of the Chief.
While vague, the existing list of the duties of the Chief were viewed as generally okay, with changes not necessary.

The addition of (d) was thought important to connect the elected Chief's duties to the rest of the City. The current Chief is supportive of this addition, and all additions in this Section.

Other Changes.
The City Manager and the Chief of police discussed potential terms for clarifying the allocation of duties between them with respect to appointments and discipline with the department and presented to Group Three on this issue. Ultimately they agreed that the existing cooperative arrangement was working, and a formal resolution with Charter language, while helpful, would prove challenging and might needlessly distract from other good, agreed upon, changes. Group Three and the full CRC agreed.

Commented [GG30]: Proposed changes clarify and formalize at the Charter level the current allocation of duties implemented by the City Council by ordinance in 2018 (See City Code Chapter 2.20) and agreed by the current elected City Clerk/Assistant City Clerk to be a good practice.

(4)(2) Maintain separate books, in which shall be recorded respectively certified copies of all ordinances and resolutions with proof of publication where required by this Charter or Applicable Law , with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(5)(3) Maintain copies separate books, in which a record shall be made of all written contracts and official bondsdocuments;

(4) Keep all aforementioned such books records properly indexed and open to public inspection when not in actual use;

(5) Administer oaths for appointed City officials;

(6) Administer filing requirements imposed on Elected Officials and certain appointed officials under State and local conflict of interest and gift laws; and

(6)(7) In the event of a Vacancy in the City Clerk's office, the City Clerk's extended absence or an urgent necessity where the City Clerk is unavailable to act, take action with respect to elected City Clerk duties as necessary for continuity of City operations, the conduct of City Elections, or compliance with Applicable Law.

The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.

Commented [GG31]: This provision appears to be a hold over from 1951 when the elected City Clerk position was created. It doesn't make sense to have an elected City Clerk with no duties. Instead, consistent the City Council's action in 2018 by ordinance, there is now a logical allocation of duties between the elected City Clerk and the CM appointed Assistant City Clerk.

Section 203 Terms of Office

203.1 In General. Except as otherwise oth- erwise herein provided in this Charter, a person elected to an office an Elected Official's for other than an unexpired term, shall be serve a term of for a period of four years, and shall serve until a successor is elected and qualified. The Elected Official's term shall commence on the date the City Council certifies the canvass of the election returns the results of their election and they are officially sworn in by the City Clerk, and shall terminate on the date the City Council certifies the election of their successor and their successor is sworn in.

Commented [GG32]: In general, revised/added language in this Section (most taken from Old Sections 600 and 701) is clarifying and non-substantive.

203.2 Term Limits.

a. Mayor and Council Members. No person elected as a member of the City Council or as Mayor, shall be eligible to serve in such position , or servefor, for more than two (2) full terms in their lifetime ("Lifetime Term Limit"); but such provided, however, no amount of Council service occurring prior to the commencement of the Council term resulting from the November December 1, 2016 election, shall be counted towards this Lifetime Term Limit. not disqualify any person from further service as a member of the Council. If a member of the City Council or Mayor serves a partial term in such position in excess of two (2) years, it shall be considered a full term for the purpose of this Section. provision. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and solely for the purpose of this term limit disqualification, is not a Council office or the Council. Consequently, For the avoidance of doubt, time served as in such office of elected Mayor shall not treated as is not time served on the Council, and time served on the Council shall not be treated is not as time served in the office ofsuch office of elected Mayor.

Commented [GG33]: Again, clarifying, especially on two key points. Two four year terms is a "Lifetime Term Limit" and years served in one office don't count as years served in a different office.

b.
Chief of Police and City Clerk. There are no Lifetime Term Limits applicable to the positions of Chief of Police and City Clerk. submitted to it by the CTounty Registrar of Voters.

Commented [GG34]: This is intended to be a direct statement of fact that the current Charter doesn't impose any term limits on these offices.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

Commented [GG35]: This deletion is not intended to change this. Its just that the statement in this way is not necessary and is covered in other Sections

203.3 Additional Rules for Elected Official Candidacies and Holding Office.

a. No person shall be a candidate for more than one Elected Official position ~~both Mayor and a City Council office at~~in the same election.

b. ~~However,~~ During their term, an incumbent ~~member of the City Council~~ Elected Official may run for a different Elected Official position if they are otherwise qualified to do so. ~~the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office~~.

c. ~~However, a~~At no time shall any Elected Official ~~a member of the Council, including the Mayor,~~ hold more than one City elective office. If an Elected Official prevails in an election for a different Elected Official position, upon being sworn in for that position, they immediately forfeit their previous Elected Official seat.

d. ~~Except as otherwise provided elsewhere in this Charter, n~~No incumbent ~~member of the~~ District City Council Member while serving in such office with an unexpired term of more than six months shall be a candidate for any other District Council office other than the one which such District City Council Member ~~he or she~~ holds.

~~Sec. 702~~

Section 204 Compensation.

~~Commencing on July 1, 2017, each member of the City Council, other than the Mayor, shall receive as compensation the sum of two thousand dollars ($2,000) per month. The Mayor shall receive as compensation the sum of two thousand five hundred dollars ($2,500) per month.~~

204.1 In General. Since ~~Commencing on~~ July 1, 2019, the salary and benefits (collectively, "Total Compensation") of all Elected Officials has been determined by ~~and every two years on July 1 thereafter, the compensation of the City Council and Mayor shall be set by a~~ Salary Setting Commission. The composition and operations of the Salary Setting Commission, and the manner in which they determine the Total Compensation for all such Elected Officials are set forth in Section 604.5 of this Charter, below. ~~consisting of five members to be appointed by the Civil Service Commission from the qualified electors of the City for a term of four years. The first members shall be appointed for a term commencing January 1, 2019. Initially, the Commissioners shall be appointed in a manner so that two are appointed for two-year terms and three are appointed for four-year terms. On or before March 15 of every odd year, the Salary Setting Commission shall establish the salary of the Mayor and members of the City Council for the period commencing July 1 of that odd year and ending two years there- after. Salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the pre- vious figure.~~

204.2 Reductions for Unexcused Absences. If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to such City Council Member ~~him/her~~ for such month shall be reduced by the sum of twenty-five dollars ($25.00) for each meeting or study session not attended unless ~~he/she is~~their absence is excused ~~t with the consent of or on order of the~~ by action of the City Council.

~~Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so~~ absent. ~~(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 17 of the State *Statutes of 2017*)~~

Commented [GG36]: The provisions in this Section are taken from old Section 600.

Pending formatting issues: should these paragraphs be all in one Section or broken up into lettered paragraphs as currently proposed

Commented [GG37]: CAO and Clerk believe this is likely a holdover/pre-District election concept when Councilmembers were elected at large. How can you hold a District seat where you must be a resident of that District and then also be a candidate for a different District seat where you must be a resident of that District to run?

Even if it can't realistically apply, It doesn't need to be deleted (no need to create controversy or to inadvertently miss a scenario where it might still be meaningful), but a carve out of the Mayor would be appropriate as that appears to be the original intent.

Commented [GG38]: Proposed changes viewed as clarifying of fact that Elected Official compensation has a salary and a benefits component. The details of this have been moved to Article Six., in the Section added regarding the Salary Setting Commission "powers and duties" (Section 604.5)

Commented [GG39]: CAO did the research on what Council salaries were at the time this $25 amount was established

Current salaries (per measure O)
Mayor: 2500/mth 2.5% is 62.50
Council: 2000/mth 12.5% is 250.00 2.5% is 50

1980 – first mention of the $25 charge for missed meetings (unexcused)
Mayor: 1000/mth = 2.5%
Council 200/mth = 12.5%

Group Two (and CRC) consensus was, in light of most absences being excused anyway, and any increase (even if doubled), not likely to be significant, the attention/further study any proposed change to this provision might require was not worth it in light of other more important issues.

Commented [GG40]: This was moved to Vacancy Section 205, below

Sec. 600.01

~~(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)~~

~~**Sec. 600.01 Municipal elections.**~~

~~(Amendment ratified 4-5-77; Amendment ratified 11-6-79; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 600.02 Consolidation of elections.**~~

~~Any special election may be consolidated with a general municipal election and any municipal election may be consolidated with any State, County, or School District election held in the City or part thereof, in which case only one ballot need be printed for such consolidated election. (Amendment ratified 4-5-77)~~

~~**Sec. 600.1 Time of taking office. Term.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 601 Eligibility.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Section 205 Vacancies.

205.1 What Constitutes a Vacancy. An Elected Official shall be deemed to have vacated their office and no longer be qualified to hold such office as of the date such Elected Official:

(1) no longer meets the qualifications necessary to hold their position under the terms of this Charter;
(2) is convicted of (1) any felony, or (2) any misdemeanor involving moral turpitude or misconduct in office under Applicable Law.
(3) is recalled from office by vote of the people;
(4) resigns from office;
(5) is sworn into to an office or position requiring the surrender of the City office (for example, an office that is determined to be an "incompatible office' under State Law);a
(6) is removed from office by judicial procedure or other State Law proceeding;
(7) for the Mayor or City Council, is absent, without approval by City Council, for five consecutive convened regular meetings;
(8) is judicially determined to be physically or mentally incompetent.
(9) becomes permanently disabled so as to be unable to perform their assigned duties as determined by an affirmative vote of at least five Council members, based on competent medical evidence, and after compliance with Applicable Law with respect to the provision of reasonable accommodations.
(10) dies.

205.2 Process for Filling Vacancies.

~~1.~~ a. By Appointment. As soon as practical, but not later than thirty (30) calendar days after receiving notice of the occurrence of a vacancy in an elected office, the City Council shall adopt a Resolution declaring the existence of such vacancy ("Declaration of Vacancy"). Thereafter, in accordance with procedures adopted by the City Council, the Council shall solicit interest from qualified individuals in the vacant position, and from those qualified individuals expressing interest, appoint one individual to fill the vacancy. Such appointment shall be made~~A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council~~ by a four-fifths (4/5) vote of the remaining Council M~~m~~embers.

b. By Election. In the event the City Council shall fail to fill a vacancy by appointment within forty-five ~~thirty~~ (~~30~~45) days after ~~such office shall have been declared vacant~~the City Council's Declaration of

Commented [GG41]: NOTE: Section deleted here and moved to Section 301 and revised as shown.

Commented [GG42]: NOTE: Section deleted here and moved to Section 301 and revised as shown.

Commented [GG43]: Current Charter talks about what happens if there is a CC member vacancy, but doesn't define what that means. Recommending a list of events that result in a vacancy, ranging from the obvious (death) to the more nuanced (conviction of a crime of moral turpitude or assumption of an "incompatible" office

Commented [GG44]: Based on research into moral turpitude (see below), and group consensus that ANY felony should be disqualifying, but only certain misdemeanors, this is the language Group Two and the full CRC was comfortable with

Commented [GG45R44]: Under California law, a crime of moral turpitude is conduct that reveals dishonesty, fraud, a general readiness to do evil, or moral depravity, determined by examining the minimum statutory elements of the offense rather than the specific facts of a particular violation. California courts apply the "least adjudicated elements test," which requires that from the elements of the offense alone, without regard to the facts of the particular violation, one can reasonably infer the presence of moral turpitude (People v. Aguilar, 245 Cal.App.4th 1010 (2016))[1], (People v. Bedolla, 28 Cal.App.5th 535 (2018))[2].
Definition and Core Principles
California decisional law establishes that moral turpitude includes fraud and that any crime in which an intent to defraud is an essential element constitutes a crime involving moral turpitude (In re Hallinan, 43 Cal.2d 243 (1954))[3]. The related group of offenses involving intentional dishonesty for purposes of personal gain are also crimes involving moral turpitude (In re Hallinan, 43 Cal.2d 243 (1954))[3], (Mataxky v. Board of Medical Examiners, 79 Cal.App.3d 293 (1978))[4]. Moral turpitude is not limited to dishonesty but extends to crimes involving other sorts of moral depravity and a "readiness to do evil," such as child molestation and crimes of violence, torture, or brutality (People v. Castro, 38 Cal.3d 301 (1985))[5].

Moral Turpitude: See Elections Code 20: (a) A person shall not be considered a candidate for, and is not eligible to be elected to, any state or local elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.
(b) For purposes of this section, "conviction of a felony" includes a conviction of a felony in this state and a conviction under the laws of any other state, the United ... [2]

Commented [GG46]: Note: This is the existing standard in the Charter, moved here from old Section 702. For comparison, the general law standard for vacancy is this circumstance is an absence from all regular meetings for 60 consecutive days since the last regular meeting attended.

Commented [GG47]: Because it will take some time to organize this, including the solicitation of interest, the process for narrowing down the applications submitted and the scheduling of the Council meeting (per the Assistant City Clerk), the CRC is recommending an additional 15 days be added to this process.

Vacancy, the City Council shall take such steps as are necessary to ~~it shall forthwith~~ cause an election to be held to fill such vacancy at the next scheduled state-wide election.~~.~~

205.3 Term for Appointed/Elected Council Members Filling Vacancies. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least one hundred thirty (130) days prior to the next G~~g~~eneral ~~municipal~~ E~~e~~lection, the person appointed to fill the vacancy shall hold office until the next G~~g~~eneral ~~municipal~~ E~~e~~lection that is scheduled one hundred thirty (130) or more days after the date the City Council is notified of the V~~v~~acancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified by City Council certification of the election and their swearing in. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. ~~(As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Sec-~~

Commented [GG48]: The current Charter currently doesn't specify any terms for when a special election must be called versus waiting for a general election. However, it does say "forthwith" which may suggest the thought was call a special election. Per the ACA, this was not what was done in the recent past, however. The arguments for a special vs. general requires a balancing of interests. From a cost standpoint, it makes sense to wait for the general election. And this seems consistent with the rules regarding the terms of an appointed City Council person, that it should probably be voted on at the next general election no matter what. But if a vacancy and an appointment occurs early in the term, it could be a long time for a general election to again present itself. The compromised recommendation of the CRC is to have this occur at the next state-wide election, which could be sooner then a regular General, but would allow for consolidation with other matters on the ballot to save costs.

Santa Clara City Code Sec. 704.3

retary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 19 of the State *Statutes of 2017*)

Sec. 704 — Presiding officer — Mayor.

The Mayor shall be the presiding officer. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. (As amended by the electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 704.2 — Mayor — Political position.

The Mayor shall be the political leader within the community by providing guidance and leadership to the City Council, by expressing and explaining to the community the City's policies and programs and by assisting the City Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activity programs. (Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with Secretary of State January 15, 1969)

Commented [GG49]: See updated Section 202.1, which incorporates this language into a Section aggregating all the Mayor's roles and authority

Article Three

City Elections VII. The

Council

Sec. 700 — Term – Method of holding elections.

Commented [GG50]: This old Section 700 was broken up, with most moving to a new Article Three, City Elections, and the provision regarding power of referendum moved to consolidated Article One under New Section 102.4

Section 300 — In General.

City Elections for (a) Elected Officials (b) proposed amendments to this Charter, or (c) for other matters requiring a vote of the electorate, shall be conducted in accordance with the terms of this Charter and the State Elections Code. Except as specifically provided otherwise in this Charter with respect to City elections, tThe provisions of the State Elections Code, as amended from time to time, that are consistent with the terms of this Charter are hereby adopted. To the extent of any conflict between the terms of this Charter and the State Elections Code, the terms of this Charter shall govern; provided, however, in the event that it is necessary for the ROV to comply with a provision of the State Elections Code in order to administer a City Election, and such State Elections provision is inconsistent with a provision of this Charter, the necessary State Elections Code Section shall govern. The City expressly reserves its rights with respect to the conduct of City elections pursuant to Section 5 of Article XI of the California Constitution. Any changes made by the Any policies or procedures adopted by the City Council or the City Clerk to implement City elections shall in the City elections procedure shall be by ordinance and shall not be in conflict with any other sections be consistent with the terms of this Charter.

Commented [GG51]: This "proviso" is added to address any circumstance where our Charter inadvertently contains a provision that is, or becomes, out of alignment with State Law and the ROV needs to follow State law in order to implement our election.

There are hereby reserved to the electors of the City, the powers of the initiative and referendum and of the recall of municipal elective officers.

Commented [GG52]: This Section has been moved to new Section 102.4, above

Section 301 — Regular and Special Elections.

Commencing with the year 2000, a A regular election shall be held in the City of Santa Clara on the first Tuesday following the first Monday in November of even numbered years to align with the regular elections of the State. The regular election shall be held for the election of each municipal elective officer Elected Official whose term of office regularly expires at that time, and for such other lawful purposes as the City Council may prescribe or as may be

required by law. Each such regular election shall be known as ~~the~~ a "~~g~~General City~~municipal~~ E~~e~~lection." ~~of the City, and shall be in lieu of all others previously so called~~. ~~All~~ Any other City Election~~municipal elections~~ that may be called under the authority of this Charter, or the ~~California~~ State Elections Code, shall be known as a ~~special elections~~"Special City Election". Any Sspecial City ~~e~~Election may be consolidated with a Ggeneral City Eelection and ~~an~~either type of~~y~~ City Election may be consolidated with any State, County, or School District election held in the City, or part thereof, in which case only one ballot shall be printed for such consolidated election. No primary election shall be held for any City ~~municipal~~Election. ~~officers.~~

Section 302 Administration and Determination of Election Outcomes.

302.1 In General. City Elections shall be administered in accordance with the terms of this Charter by the County Registrar of Voters ("Registrar") and the City Clerk, in consultation with the Assistant City Clerk as provided in Section 202.4, above. If an incumbent City Clerk is running for re-election, all matters relating to that City Clerk Election shall be administered by the Senior Appointed Clerk. No error, omission or defect in the notice of elections shall be cause to invalidate any election held under the provisions of this Charter.

302.2 Election Outcomes. For election contests for all Elected Officials the winner shall be the person receiving the most votes cast as determined by the ROV. In the event of a tie, the City Clerk shall administer a process to determine the winner by lot. Elections for other matters shall be determined in accordance with the requirements of State Law.

302.3 Role of City Council. The City Council shall be responsible for certifying the outcome of all City Elections in accordance with the State Elections Code. ~~judge the qualifications of its members as required by the Charter and shall judge all election returns.~~

~~(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 700.1 Offices separately filled.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Commented [GG53]: Added language clarifying and incorporating new defined terms

Commented [GG54]: This Section is mostly a statement of how things currently work, with a reference to the now more clearly defined relationship between the elected City Clerk as the "Elections Official" and the Assistant City Clerk on the front line. Adds a provision to remove the City Clerk from administration duties with respect to their own election.

Commented [GG55]: A consolidation of existing process, with better language.

Commented [GG56]: This is the existing language modified to change the City Council from "judging" all elections to "certifying" them. Balance between deference to County Registrar on outcome and City Clerk's office on administration (so outcomes are determined based on state mandated procedures versus political considerations), with some level of Council authority/right to challenge still retained.

Here's a summary of what CAO advised Council about their role in certifying the election and the available paths to challenge election results or candidate eligibility/qualifications in the report to Council for certifying the results of the 2024 election:

"Legal Requirements and Effects of the Election Certification Process

Under the City Charter, unless an express provision of the Charter provides otherwise, City elections are governed by the California Elections Code [Charter Section 700]. With respect to election certification, there are no Charter provisions providing otherwise.
Under the Elections Code, section 10262 requires the elections official to conduct the canvass of votes (i.e., count the votes cast in the election), pursuant to its sections 15302 and 15303. "Upon the completion of the canvass, the elections official shall certify the results to the governing body." (Elec.
Code § 12062.) The canvass must be completed by the fourth Friday after the election (Elec. Code §10262, subd. (a)), and for a consolidated election, the elections official shall certify the results to the
governing body, and the governing body *must* certify the election results in compliance with section 10263 by its next regularly scheduled meeting after the 28-day canvass or at a special meeting called
for that purpose. (Elec. Code § 10262, subd. (b).) Elections Code section 10263 requires the governing body to adopt a resolution reciting "the fact of the election and the other matters that are enumerated in section 10264." The governing body must also "declare the results and … install the
newly elected officers." (Ibid., subd. (a).)
Although the certification process described above, is mandatory, election certification does not definitely decide the outcome of every election contest. Even after "certification" there are separate legal processes for challenging the outcome of an election, or the qualifications of an elected
candidate to hold office. The first such process is contained in Elections Code Section 16100. The second such process is known as a "quo warranto" proceeding.
Elections Code Section 16100. Most of the bases for challenge to an election under Elections Code 16100 relate to elections official misconduct, material vote counting errors, or the casting of illegal votes. Section 16100(b) also pr ... [3]

Sec. ~~700.1~~
Section 303 ~~Elections – City Council Districts.~~City Council Members Nominated and Elected by Districts.

303.1 In General. The six District ~~Members of the~~ City Council Members~~, excepting the Mayor,~~ shall be nominated and elected, respectively, by voters within the City's six designated geographic districts (each a "City Council District" and collectively, the "City Council Districts."~~.~~ Initially, the geographic boundaries of the six City Council Districts shall be

~~For the election to be held in November 2022 and each election thereafter, there shall be 6 (six) districts as such districts are~~ those designated on that certain map adopted by judgment of the Superior Court dated July 24, 2018, and adopted by the City Council pursuant to ~~as set forth in~~ Resolution No. 18-8585~~ of the City Council~~. These initial City Council District boundaries shall be used in each City Council election until such time that they may ~~, as the boundaries of such districts shall~~ be amended through ~~a~~ the redistricting process set forth in Section 304 of this Charter, below. ~~following each decennial United States Census.~~

303.2 Staggering of City Council District Elections.

City Council District elections shall be conducted as follows:

~~(a) Each District shall be represented by one (1) Council Member.~~

~~(b)~~(a) In the election to be held in November 2026~~2~~ and in each Council District election held every four years thereafter the Council District elections shall be conducted as follows:

1. the voters of District 2 shall ~~nominate and~~ elect one (1) Council Member for a four-year term; and
2. the voters of District 3 shall ~~nominate and~~ elect one (1) Council Member for a four-year term.

~~(c)~~(b) In the election to be held in November 2028~~4~~ and in each Council District election held every four years thereafter the Council District elections shall be conducted as follows:

1. the voters of District 1 shall ~~nominate and~~ elect one (1) Council Member for a four-year term;
2. the voters of District 4 shall ~~nominate and~~ elect one (1) Council Member for a four-year term; and
3. the voters of District 5 shall ~~nominate and~~ elect one (1) Council Member for a four-year term.
4. the voters of District 6 shall ~~nominate and~~ elect one (1) Council Member for a four-year term. ~~(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended and renumbered from section 700.2 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)~~

~~Sec. 700.2 Election Following Change of Boundaries.~~

Section 304 Redistricting

304.1 Redistricting Process. City Council Districts shall be subject to modification through a mandatory redistricting process using data obtained from each decennial federal census ("Mandatory Redistricting"). The City Council shall adopt by ordinance the terms and conditions for implementing Mandatory Redistricting. Such ordinance shall include provision for (a) the creation of an Redistricting Commission to **oversee** the process and to determine on its own, or make a recommendation to the City Council regarding any proposed City Council District boundary adjustments, (b) a timetable for completing the process that allows for implementation of any approved boundary adjustments for use at the first General City Election following the issuance of federal census data, compliance with all Applicable Laws, and (c) such other provisions consistent with this Section that the Council deems necessary and

Commented [GG57]: In general, new/modified language intended to be clarifying, with updates to reflect passage of time and new definitional structure.

Commented [GG58]: The requirement that any candidate be "nominated" added here in better context; allows for deletion, below, where it makes less sense

Commented [GG59]: While Redistricting is required based on the decennial census, having a Redistricting Commission is NOT required and the City Council could redraw the map itself so long as it follows State and Federal Law. For obvious reasons, the "best practice" however is the form a Redistricting Commission. Various levels of independence are possible, ranging from little to no City Council involvement, to City Council ultimate authority to accept or reject a Redistricting Commission's recommendation. This draft language tries to strike a balance by requiring a Redistricting Commission, but leaving the details for how its put together and its level of ultimate authority to City Council ordinance. The details for this are far too complicated to develop and resolve as part of this project.

Note: As proposed, a City Council ordinance with these details is required. To be ready for the next cycle, the Council should direct staff to start preparing such an ordinance right away.

The Secretary of Sate refers to AB 849 (2019) and has template for city council and city council redistricting commissions.... elections code 21601.

appropriate to implement the Mandatory Redistricting process ("Redistricting Ordinance"). The Redistricting Ordinance may also include provisions for redistricting in the event that the outside boundaries of the City are adjusted to add or subtract territory.

304.2 Redistricting Impact on Incumbents. Upon any redistricting pursuant to the provisions of this ~~section of the~~ Charter or ~~the~~ any Redistricting ~~o~~Ordinances enacted hereunder, each incumbent member of the City Council will continue, during the remainder of the member's term, to hold office and represent the D~~d~~istrict by which the member was elected prior to such redistricting, notwithstanding any provision of Section ~~600~~ 201.1.a requiring a member to be a R~~r~~esident of the D~~d~~istrict represented by such member. ~~(Section Number Repealed – text amended and renumbered to section 700.1 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended and renumbered to Section 700.2 by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)~~

~~**Sec. 701 Term limits of mayor and council members.**~~

~~(As~~

Commented [GG60]: NOTE: Moved to Section 203.2 and Revised.

~~amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)~~

~~**Sec. 703**~~

~~(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 704.4 Mayor – Vacancy.**~~

~~The office of Mayor shall become and be deemed vacant immediately upon the incumbent ceasing to be a member of the City Council. (Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)~~

~~**Sec. 705 Vice Mayor.**~~

~~The City Council shall designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability. The Vice Mayor shall serve in such capacity at the pleasure of the City Council. (As amended by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State, January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Article Four
City Council Meetings/Actions

~~**Sec. 707**~~ **Section 400 In General.**

The City Council shall exercise its authority under the terms of this Charter through actions taken at properly noticed and agendized public meetings held in accordance with the requirements of the Ralph M. Brown Act, California Government Code Sections 54590 through 54955 ("Brown Act"), and the terms of this Charter. To the extent of any conflict between the Brown Act and the terms of this Charter, including any implementing City ordinances, regulations or policies, the terms of the Brown Act shall govern.

Section 401 Meeting Scheduling, Location and Noticing~~Regular meetings~~.

401.1 Regular Meetings. Except as otherwise provided, below, ~~T~~the City Council shall hold regular meetings at least twice each month, at such dates and times as it shall fix by ordinance or resolution ~~and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.~~ For one month each calendar year the requirement to hold two regular meetings may be modified to require just one regular meeting [and one special meeting] in order to accommodate holidays or other scheduling requirements.

~~**Sec. 708**~~
401.2 Special ~~=~~M~~m~~eetings.

In addition to regularly scheduled meetings, ~~S~~special meetings of the City Council may be called at any time by the Mayor, or by four members of the City Council, as provided ~~pursuant to the provisions of the Ralph M.~~ under the Brown Act and any consistent Local Laws.,~~ specifically Government Code Section 54956~~ Subject to Applicable Law, except as provided in this Charter, any Council action that may be taken at a regular meeting may also be taken at a special meeting. ~~, as amended from time to time. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 709**~~
401.3 Place of ~~M~~meetings.

All meetings of the City Council shall be held within the boundaries of the City except as may be authorized under the terms of the Brown Act. ~~at the locations authorized by the Ralph M. Brown Act (com- mencing with Government Code Section 54950) as it now reads or is hereafter amended. (Amended by elec- tors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Commented [GG61]: This is covered in Section 703, above, with respect to all elected positions. Don't need a special section for the Mayor.

Commented [GG62]: This Section was absorbed into the Mayor's Section or the City Council Section. as new subsection 202.1.c

Commented [GG63]: This reorganized Article Four aggregates provisions from Old Articles VI and VII. Most changes are to provide information and clarity, with some proposed modifications as indicated below.

Commented [GG64]: Intro paragraph to summarize how the City Council "acts" and to introduce overarching Brown Act compliance obligation

Commented [GG65]: Consensus that this language wasn't necessary as its already expressly covered by the Brown Act as provided below:

The Brown Act (Cal. Gov. Code §§ 54950 et seq.) explicitly governs the adjournment of regular meetings of legislative bodies of local agencies. It permits the legislative body to adjourn any regular or special meeting, or previously adjourned meeting, to a specified time and place indicated in the order of adjournment. Less than a quorum may adjourn a meeting. When no members are present, the clerk or secretary may declare the meeting adjourned and must provide written notice of the adjournment consistent with the rules for special meetings. The order or notice of adjournment must be conspicuously posted at or near the meeting location within 24 hours following the adjournment. An adjourned regular meeting retains the status of a regular meeting for all purposes, and if the adjournment order fails to specify a time, it defaults to the time fixed for regular meetings by ordinance or resolution (California Practice Guide: Administrative Law Ch. 28-L)[3], (2 Cal. Jur. 3d Administrative Law § 139)[4], (45 Cal. Jur. 3d Municipalities § 317)[5]. Additionally, the Brown Act differentiates between adjournment—ending a meeting with intent to resume the agenda later—and continuance, which involves continuing specific agenda items to a subsequent meeting, with associated posting requirements for notices if the continuance occurs within 24 hours (California Practice Guide: Administrative Law Ch. 28-L)[3].

Commented [GG66]: This language added to give flexibility if ever needed, e.g., during the summer recess or around the Thanksgiving/Christmas holiday. Current language could be further modified to only require one meeting of any kind of the bracketed special meeting reference were to be deleted.

Brown Act requirement is as follows:
Regular meetings must be held at least monthly on a schedule fixed by ordinance or resolution, with agendas posted at least 72 hours prior containing a brief genera ... [4]

Commented [GG67]: This is a general practice, with some limitations, especially regarding ordinance adoption as provided in Section 403.1, below.

Commented [GG68]: Note:
The Brown Act requires that regular and special meetings of city councils be held within the boundaries of the territory over which the local agency exercises jurisdiction (West's Ann.Cal.Gov.Code § 54954)[1]. This is a fundamental location requirement that applies to both types of meetings. However, the statute provides several specific exceptions that allow meetings to be held outside the jurisdiction, ... [5]

401.4 Noticing.

Advance notice of all regular and special City Council meetings shall be provided as required under the Brown Act. In addition to providing Brown Act required noticing, the City shall also provide notices of City Council meetings as provided under Section 904 of this Charter, below.

Section 402 Procedures and Requirements for Action.

~~**Sec. 710**~~

402.1 Quorum.

A majority of the members of the City Council shall constitute a quorum for the transaction of City business, but ~~a~~ less ~~number~~ than a quorum may act to adjourn from time to time. For so long as the City Council is comprised of seven Council Members (the Mayor plus the six City Council Members representing Districts), four City Council Members shall constitute a quorum. The vacancy of one or more City Council seats shall not alter this quorum requirement. An abstaining Council Member who is present shall be counted towards the quorum requirement, but their abstention on any matter shall not be counted as a vote either in favor or against such matter or alter the number of affirmative votes required. (See Section 402.3, below for City Council voting requirements.)

~~**Sec. 711 Election and qualification of Council members.**~~

~~The City Council shall judge the qualifications of its members as required by the Charter and shall judge all election returns.~~

Commented [GG69]: Currently, regular meetings must be noticed and with agendas posted at least 72 hours in advance; special meetings must be noticed with agendas posted at least 24 hours in advance.

The reference to Section 904 allows for additional noticing that may be developed under the City Council "latest technology" legal noticing policy that Group One thought important to have our Charter require an effort to keep up with developing technologies that enhance outreach and transparency

Commented [GG70]: The definition of "quorum" is something the City can determine for itself (by Charter or ordinance), but this is the current practice the City follows (most recently memorialized in CC Policy 055) and is the most commonly used "best" practice. In the alternative we could refer to Council policy for how this requirement is applied (i.e., allow the Council to alter the policy).

Commented [GG71]: There is very little cross-referencing of this type in the Charter, but in this case it seems appropriate in that its easy to conflate quorum requirements (to transact business at all) with voting requirements (to act on a particular matter of business).

Commented [GG72]: NOTE: This Section was moved to new Section 302.2, above to be revised there.

~~Sec. 712~~

402.2 Rules and Records of Proceedings.

The City Council shall establish rules for the conduct of its proceedings consistent with the terms of this Charter. ~~and punish any member or other per- son for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.~~

As provided in Charter Section 202.4, above, ~~T~~the ~~City Council shall cause the City Clerk~~ Senior Appointed Clerk shall assist with the administration of City Council meetings, including the taking of votes and maintaining ~~to keep~~ an accurate record of all actions taken. ~~its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting.~~

~~Sec. 713~~

402.3 Action by Oordinance or Rresolution.

~~The~~ Unless otherwise required by Applicable Law, or another provision of this Charter, City Council actions shall require the affirmative votes of four City Council Members and ~~is hereby empowered to act by~~ shall be taken through Council adoption of an Ordinance or a Resolution. An oral motion or order duly passed by the City Council and entered in the minutes of the Council, commonly referred to as a "minutes resolution" shall have the same force and effect as a written Resolution duly introduced and passed by said City Council and shall be deemed to be a Resolution for all purposes.

Section 403 Special Rules for Ordinances.

~~Sec. 808~~

403.1 ~~Ordinances.~~Adoption

~~The enacting clause of every ordinance shall be "Be it ordained by the City of Santa Clara as follows:"~~ Ordinances are local laws enacted by the City Council. They are legally binding on residents, businesses, and visitors and typically cover issues such as zoning, building codes, public safety, and local conduct, or other actions where State Law requires an ordinance for action. In general, except for emergency ordinances as provided in Section 403.4, below, City ordinances must be adopted in a two-step process. First, the City Council must approve the introduction of an ordinance. Second, ~~No ordinance shall be finally adopted by the Council on the day of its introduction, nor within~~ no sooner than five days thereafter, the City Council shall again consider the proposed ordinance and take final action to adopt or reject it. In the event that an ordinance is modified after its initial introduction, it must again be introduced before it can be adopted. The correction of typographical or clerical errors shall not constitute the making of a modification for purposes requiring re-introduction under the terms of this Section. ~~nor at any time other than a regular meeting, nor until its publication as required in Section 812. However, ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case an ordinance is amended before its final adoption and after its publication, it shall in like manner be republished as required in Chapter Section 812, at least one day before its adoption as amended~~ City ordinances shall only be adopted at regular meetings unless such adoption at a special meeting is determined by the City Council to be of urgent necessity and is approved by five affirmative votes. ~~;~~

~~a. provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 809~~

403.2 Repeal or ~~amendment~~ Amendment ~~of ordinances~~~~Ordinances.~~

Commented [GG73]: This provision is out of date as a Charter provision. There are also now applicable state laws. CAO suggests that this is the kind of thing that is best left to implementation by City Council policy as part of its rules making for the conduct of its proceedings.

Commented [GG74]: This power and language is addressed in new Section 202.2, above and in amendments to the updated Violations; Enforcement Section in New Section 902, below

Commented [GG75]: The two step process for adopting ordinances is now explained here in relatively plain language. All of this is taken from "general law" See Govt. Code Section 36934. While its technically NOT applicable to Charter cities, its been widely adopted and is considered to be a "best practice." For flexibility and/or to address urgency situations, the last sentence has been added to allow for adoption at a special meeting (which would be noticed and open to the public per standard requirements) with a super majority vote with findings as to the urgent necessity. Other cities within our benchmarking group do have provision for ordinance adoption at special meeting if there is an urgency or emergency situation (e.g., Oakland, Hayward, Anaheim and Alameda).

The process for repealing or amending an ordinance shall be the same process set forth above for approving an ordinance. No ordinance or portion thereof shall be repealed except by ordinance. . Any ordinance amendment must clearly present any proposed changes. No ordinance shall be revised, re- enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this article for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.

Sec. 810 403.3 Effective date Date of ordinancesOrdinances.

Ordinances No ordinance shall become effective until thirty (30) days from and after their final the date of its adoption, except the following, which shall take effect immediately upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under the terms of a State Law or Local Laws ome law, or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation;, or levying the annual tax upon property; or

(d) An emergency ordinance adopted in the manner herein provided in Section 403.4, below.

Sec. 811 403.4 Emergency ordinancesOrdinances.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety-, or property or welfare, and containing a statement of the reasons for its urgency may be introduced and adopted by the City Council at the same meeting with five affirmative votes. and adopted by a five-sevenths vote of the whole Council may go into effect at the will of the Council.

Sec. 812 403.5 Posting and Publication of PAordinancesOrdinances.

The City Clerk shall cause each proposed ordinance to be posted at least three (3) days prior to its adoption in three (3) public places in the City and at least three (3) days prior to the ordinance adoption shall cause a single publication in an official newspaper to occur, setting forth the title of the ordinance, the date of its introduction, a brief summary of the ordinance and a list of the places where copies of the full text of the proposed ordinance are posted. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

After completing the ordinance approval process required in Section 403.1 above, for each adopted ordinance, the Assistant City Clerk shall prepare a notice of adoption ("Notice of Ordinance Adoption"). Each Notice of Ordinance Adoption shall contain the title of such ordinance, the date of its adoption, a brief summary of the ordinance and a statement that a copy of the adopted ordinance is available at the City Clerk's office and on the City's website for public review. Not more than fifteen (15) days after its adoption the Senior Appointed Clerk shall cause the Notice of Ordinance Adoption to be (1) posted in three public places in the City, and (2) published in an Official Newspaper. In addition, the City Clerk shall post the Notice of Ordinance Adoption on the City's website, along with a digital copy of the adopted ordinance, and have a physical copy of the adopted ordinance available for review at the Clerk's office.

Sec. 813 403.6 Codification of ordinancesOrdinances.

Any or all properly enacted and unrepealed ordinances of the City may be compiled, consolidated, revised and indexed, including such restatements and substantive changes as are necessary for clarity in a comprehensive City Code.

A City Code may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The City Code itself need not be published in the manner required for other ordinances.

Commented [GG76]: Updated to simplify language

Commented [GG77]: Current timing requirements can create a problem as this publication frequently needs to occur before its even known if the ordinance is going to be approved on first reading. The alternative language, below, sets forth the more standard requirement for publication within 15 days AFTER adoption, with the posting of the agenda for both first and second reading, and the notice of a public hearing if required, being accepted as adequate advance notice.

Note: That being said, General laws (not applicable to Charter cities) do have a "five days in advance of adoption" publication requirement under Govt. Code Section 36933. These general law provisions ALSO provide for the 15 day after the fact notice.

Prior to its adoption, The City Clerk's Office shall maintain a copy of the City Code not less than three copies of the Code shall be filed in the City Clerk's Office, and on the City's website for examination by the public. Any amendments to the City Code shall only be done by ordinance in a form that clearly indicates the changes being made and, as appropriate, the full readoption of any revised City Code section or sections. After the Code has been adopted, ordinances may be amendatory or revisory of the Code. Sections of the Code shall not be revised or amended by reference but readopted and published at length as revised or amended. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 814 403.7 Adoption of printed Printed or State aAdopted uUniform building Building codesCodes, etc.

Ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other similar work, where such rules and regulations have been printed as a code in book form or adopted by the State, may be adopted, in whole or in part, by reference by the passage of an ordinance in the same manner as other ordinances of the City. At least one physical copy of The= any code so adopted shall be made available in the City Clerk's office for public review and on the City's website. need not be published at length, provided, however, that not less than three copies of such code shall have been filed, for use and examination by the public, in the office of the City Clerk prior to the adoption thereof.

Commented [GG78]: Outdated language/practice deleted, with now only 1 physical copy of the Charter required to be maintained in the City Clerk's office, and the requirement for posting on the City's website.

Sec. 714 Power to lease, sell, or convey City property.

The City Council shall have power to lease, sell, convey, and dispose of any and all property of the City, subject to the provisions of Section 401 of this Charter, and provided further that no property exceeding five hundred dollars ($500.00) in value shall be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale. The notice of intention shall describe the property, the price theretofore offered for said property and the time and place when and where the sale will be consummated.

At the time fixed for said consummation of sale, the City Council shall call for further bids for said property and if any increased bid is received from a responsible bidder in at least five percent in excess of the original price offered for the same, then the City Council may accept the highest bid for said property or may order a new sale or may withdraw the property from sale.

Commented [GG79]: This provision is highly antiquated, and difficult and impractical to follow. (It technically even requires proposed sales to the public of a remnant no longer used easement to an adjacent property holder.) There are all sorts of state rules now requiring declarations of "surplus" land before it can be sold, and this dollar figure is so low as to cover in effect any proposed transfer.

Alternatives include modifying, including increasing the dollar amount (probably dramatically) or deleting.

Consensus of Group Two and the CRC was that this provision is too antiquated to "save." The terms for sales of property are highly negotiated, and must ultimately be approved in open session anyway.

Level 3 Alert.
Although this deletion makes sense, to the extent this change might be viewed as taking away a public right to be notified and actually bid on City property for sale, it might be viewed as a sensitive Level 3 matter. A separate ballot measure, though, would probably not be worth the cost in this case.

Sec. 714.1 Protection of parkland and public open space

Neither the Ulistac Natural Area, the Santa Clara Youth Soccer Park nor any other real property owned or controlled by the City that is presently listed or hereafter listed by ordinance in the inventory of parks and recreation facilities contained in Appendix Eight of the City of Santa Clara 2010-2035 General Plan shall be sold, leased or otherwise disposed of for a period of one hundred eighty (180) days or more, nor shall its use be changed, abandoned or discontinued without such sale, lease, disposal or changed use having been first authorized or ratified by a two-thirds (2/3) majority vote of the electorate, voting at a general municipal election for that purpose.

No substantial building, construction, reconstruction or development upon or with respect to any lands so dedicated shall be made except pursuant to ordinance subject to referendum.

The provisions of this Section 714.1 shall not apply to real property owned or controlled by the City that is subject to the CityPlace Master Community Plan originally adopted by the City Council by Resolution No. 8339. (Added by electors at an election held November 8, 2016, Charter Chapter 20 of the State *Statutes of 2017*)

Commented [GG80]: This Section has been moved to new Section 102.3.c above and modified as shown there in underline/strikeout

Sec. 715 Power to levy and collect taxes.

The City Council shall have power to levy and collect taxes, and to collect license taxes for both regulation and revenue.

Article VIII. City Manager Ordinances, Meetings

Sec. 800 Appointment

A City Manager shall be chosen by the City Council on the basis of his/her executive and administrative qualifications. No City Council member shall receive such an appointment during the term for which he/she shall have been elected, nor within two years thereafter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 801 Compensation.

The City Manager shall be paid a salary commensurate with his/her responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 802 Powers and duties.

Sec. 807 Prohibition against Councilmanic interference.

Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a Council Member. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Commented [GG81]: The power is this Section are both incorporated into broader provisions for authority in Article One and are more specifically referenced in Section 805.1, below. Provision doesn't make sense here.

Commented [GG82]: The next few Sections regarding the City Manager have been consolidated in Section 501, below

Commented [GG83]: This seems an outdated concept. It is highly likely there would ever be a City Council person that have the professional qualifications to be a City Manager of a City like Santa Clara, so contemplating this at all so long as they wait two years seems odd. Group/CRC Consensus is to delete this Section subject to review of 2000 amendment for any unique history.

Note: 2000 update didn't add or change this Section. Instead it deleted the requirement that the City Manager must live in the City.

Commented [GG84]: The CM salary and benefits is typically negotiated into the terms of a contract which is approved by Council resolution. The salary is then included in an executive salary schedule that is also approved by Council resolution per state law requirements. This concept has been integrated into new Section 501, below, with compensation approved at a public meeting.

Commented [GG85]: This provision was moved up into Section 202.2.c as a limitation on Council Member Authority

Commented [GG86]: This was also moved. See notes for Section 202.2.c, above

~~than three copies of such code shall have been filed, for use and~~ available for examination by the public, in the office of the City Clerk, ~~-~~and a digital copy posted on the City's website.~~prior to the adoption thereof.~~

~~Sec. 815 Publishing of legal notices.~~

~~The City Council shall by resolution designate one or more newspapers of general circulation in the City of Santa Clara as official newspaper for the publication of any legal notice or other matter required to be pub- lished in a newspaper of general circulation in said City. If it appears to the City Council that the rates offered are unfair, it need not designate an official newspaper. Upon making a finding to such effect, or if publication of newspapers which have been so designated are suspended, then legal notices, ordinances or other matter required to be published in an official newspaper may be published by posting copies thereof in at least three public places in the City. The places for posting of legal notices shall be fixed by ordinance of the City Council.~~

~~No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter, or law, or ordi- nance.~~

~~Article IX. Officers and Employees~~

Article Five

Structure of City Government

Section 500 In General

500.1 Organization by Departments. The City government shall be organized into departments as provided in this Article Five. In addition to those departments specifically enumerated in this Charter, the City Council may provide by ordinance for the creation, consolidation or abolishment of other City departments or offices. Unless otherwise provided by the terms of this Charter, each department shall be headed by a department head or officer appointed and supervised by the City Manager.

500.2 Administrative Code. ~~Within six months after the adoption of this Charter, the~~ The details of the City's organization and operations shall be adopted by ordinance and set forth in one or more Articles within the City Code. ~~Council shall adopt by ordinance an administrative code providing for a plan of administrative organization of the City government~~("Administrative Code"). ~~, which~~ The Administrative Code will cover all matters concerning the specific powers, duties, term of office, procedure of all the officers, boards and commissions, and employees of the City; provided, however, that the provisions of said code shall not be in conflict with any of the provisions of this Charter or other Applicable Law. This ~~A~~administrative ~~C~~code will also cover all rules and regulations relating to fiscal operations, personnel management, election procedure, and other matters concerning the operation of the functions of the City government. The Administrative Code shall be reviewed and updated from time to time to align with then current City operations and best practices.

~~Sec. 900~~Section 501 Officers to be ~~appointed~~ Appointed by the City Council ~~and by the City Manager~~

~~In addition to the City Manager, the~~ On the terms set forth in this Section, the City Council shall appoint a ~~and affix the compensation for the~~ City Manager, a City Attorney and a City Auditor (each an "Appointed Officer," and collectively the "Appointed Officers"). Each Appointed Officer shall be selected based on their professional qualifications and compensated commensurate with their respective duties on terms approved by the City Council at a public meeting. ~~who~~ All Appointed Officers shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes and subject to any process required by Applicable Law. The primary duties of each Appointed Officer are set forth below. The City Council may also assign additional duties consistent with the terms of this Charter by ordinance, resolution or contract of employment.

501.1 City Manager. The City Manager shall be chief executive officer and the head of the administrative branch of the City government, ~~. He/she shall be responsible~~ accountable to the City Council for the proper administration of all affairs of the City. ~~and to that end, subject to the personnel provisions of this Charter,~~In this role, in accordance with all Applicable Laws, the City Manager ~~he/she~~ shall have the power and ~~shall~~ be required to:

Commented [GG87]: Moved to the end as new Section 904

Commented [GG88]: This Section is new and has been added for educational purposes and context.

Commented [GG89]: This is old Section 910 with revisions as shown. The only real addition is the last sentence that contemplates the review and update of the Code from time to time to align with current City operations and best practices. Some of the current codes are way out of alignment, including, for example, the CAO provisions which don't describe the current structure of the department at all.

Commented [GG90]: This Section sets up the new Section reorganization that makes clear the distinction between City Council appointed and City Manager appointed positions

Commented [GG91]: Changes here are generally improved language and updates to align with other office obligations and current practices/nomenclature.

Note: Proposed updates are under final review by the CMO

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as the City Manager he/she may authorize delegate authority to the head of a department or office to appoint and remove subordinates in such department or office. No person related to the then currently serving City Manager by blood or by marriage shall be eligible for office or employment in with the City government.

(b) Prepare the budget annually and , submit for Council adoption and administer the City budget in accordance with the provisions of Sections of this Charter. it to the City Council and be responsible for its administration after adoption.

(c) Manage the City-owned utilities, including the water and power departments, in a business-like manner, charging equitable rates for the services furnished and building up the properties so as to conserve their value and increase their capacity as needed by the City.

(c)(d) Manage, or contract for the management of, all City enterprises, including the City's Convention Center, and any Joint Powers Authority formed by the City for the management of a City **[non regional]** function or enterprise.

(d)(e) Cause the Director of Finance to pPrepare and submit to the City Council as of the end of the fiscal year as soon as practicable following the close of each fiscal year a complete financial report on the finances and administrative activities of the City for the preceding fiscal year.

(e)(f) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations for laws, policies or other actions as may seem to him/herthe City Manager determines, in their professional judgement to be in the best interests of the City desirable.

(f)(g) Take such actions the City Manager determines necessary or appropriate, to (i) assure the high quality performance of services by every Make investigations into the affairs of this City, or any City department or division thereof, (ii) compliance with the terms or of any contract or other , or the proper performance of any obligation owed to the City, and (iii) compliance with the City Code.

(g) Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment by him/her.

(h) Perform such other duties as may be prescribed by this Charter, or required by him/her by the City Council, or deemed necessary in the City Manager's professional judgement, that are not inconsistent with this Charter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

(h)

Sec. 803 Rules and regulations.

The City Manager may pPrescribe such general rules and regulations as he/she the City Manager may deem necessary or expedi- entappropriate for the general conduct of the administrative offices and departments of the City under his/her their jurisdiction. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 804 Manager pro tempore.

The City Manager shall aAppoint, subject to the approval of the City Council, one of the other officers of the City to serve as the acting City Manager Pro Tempore during any temporary absence or disability of the City Manager; provided, however, that any such appointment expected to be longer than thirty (30) days shall be subject to City Council approval.

Sec. 805 Participation in Council action.

The City Manager and such other officers of the City as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not (k) have a vote. Attend and advise, with appropriate staff support, all City Council meetings.

Sec. 806 Removal of the City Manager.

Commented [GG92]: Discussed as possibly outdated, but ultimate consensus was that any relation of the CM in City government could create issues, even as a part time parks and recreation employee for the summer, so language to be retained.

Commented [GG93]: This does not currently happen. Instead, per other requirements in the Charter, this happens on a monthly basis.

City Manager's comment: "This feels like an outdated practice, and once we get a "open data" financial system, everything can be online without the need to put on an agenda for public review. That being said, we don't want people to feel like we're taking something away, so maybe soften the language by broadening how this can be done...or provide the Council with the ability to authorize a change to this practice by resolution."

Commented [GG94]: Current (standard) practice is for short term periods, Council authority is not obtained. They are just informed. Consensus of the group was to make approvalrequired only if the absence or disability exceeds a certain time period (e.g., 30 days)

Commented [GG95]: Replaces outdated language with a duty to attend

~~The City Council shall appoint the City Manager for an indefinite term and may remove him/her the City Manager by a majority vote of the entire Council. At least thirty (30) days before such removal shall become effective, the City Council shall by a majority vote of the entire Council, adopt a preliminary resolution stating the reasons for his/her the City Manager's removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than fifteen (15) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council by majority vote of the entire Coun- cil may adopt a final resolution of removal. By the preliminary resolutions, the City Council may suspend the City Manager from duty but shall in any case cause the City Manager to be paid him/her forthwith any unpaid balance of his/her the City Manager's salary and his/her salary for the next calendar month following adoption of the preliminary resolution. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

501.2 City Attorney

~~There shall be a~~ The City Attorney shall serve as the lawyer for the City, including all of its enterprise and authorities, and be the Director of the City Attorney's Office. In this role, the City Attorney ~~who~~ shall have the power and be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reason of ~~his/her~~their official capacity acting in good faith on behalf of the City, is concerned or is a party;~~,~~

(c) Subject to City Council approval, initiate administrative proceedings or litigation on behalf of the City in order to defend or advance City's lawful interests or objectives;

(d) Subject to City Council approval of positions and funding, and in consultation with the City Manager, ~~but the City Council shall have control of all legal business and proceedings and may~~ act as the appointing authority for unclassified employees (lawyers and other legal staff) in the City Attorney's Office and employ ~~other~~ contract attorneys as the City Attorney may deem necessary and appropriate to take charge of any litigation or other legal matter to~~or to~~ assist the City Attorney ~~therein~~in the performance of their duties;

~~(b)~~

(e) Attend and advise at all meetings of the City Council

~~(c)~~(f) Provide ~~and give his/her~~ advice or legal opinions in writing whenever requested to do so by the City Council, or as may be necessary and appropriate to advise ~~by~~ any of the boards or officers of the City;

~~(d)~~(g) Approve in writing the form of all ~~bonds given to and all~~ contracts and other binding legal documents ~~made~~ approved or entered into by the City~~, endorsing his/her approval thereon in writing~~;

~~(e)~~(h) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(i) Prosecute on behalf of the people all civil and criminal cases for violation ~~of this Charter and~~ of City ordinances;

~~(f)~~(j) Where a conflict exists, facilitate a referral to qualified outside counsel or an enforcement agency with jurisdiction; and

~~(g)~~(k) On vacating the office, surrender to ~~his/her~~the City Attorney's successor, all books, papers, files, and documents pertaining to the City's affairs.

To be eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law in ~~before the Supreme Court of the~~ State of California, and shall have been engaged in the active practice of law for at least ~~four~~ seven (7) years immediately prior to ~~his/her~~ appointment with such additional qualifications as may be approved by the City Council commensurate with the demands of the position. ~~(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Commented [GG96]: A lot of this is now negotiated via contract and/or governed by State law (at least for terminations that are "for cause"). A provision was added to Section 501, above for all appointed officials that removal could only happen if it complied with State Law. There is an existing law that gives a CM the ability to have a "name clearing" hearing, so this right isn't being eliminated by deleting this Section

Commented [GG97]: Moved up from Old Section 908

Commented [GG98]: Initiation right should be added, but always subject to approval from the City Council.

Commented [GG99]: City Attorney is proposing that this position should have appointing authority with respect to legal professionals, but any "civilian" "classified positions" would remain a CM appointment. The City Manager concurs.

This remains under discussion with Labor Group Unit 9.

Commented [GG100]: See proposed revisions to the Violations; Enforcement Section 902, below, which assign Charter violation enforcement to the DA or outside counsel

Commented [GG101]: Conflicts may arise, including an inherent conflict if called upon to prosecute or represent a matter involving a City Council person or a personal interest.. This provision would cover such contingencies.

Commented [GG102]: Four years is clearly too few years to serve in this position. Group/CRC settled on 7 years because didn't want to overly restrict the minimum qualifications

501.3 City Auditor

The City Auditor shall serve as the independent auditor of City finances, and City's performance of certain internal functions, with the goal of evaluating and ultimately improving such performance. In this role, the City Auditor shall have the power and be required to:

(a) -Aaudit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the City Attorney, advise the City's Audit Committee and the City Council as to the regularity, legality and correctness of such claims, demands or charges;.

(a) (b) Develop, using risk-based methodology, and present to the City's Audit Committee for approval, an annual work plan for the audit of internal City operations, to be submitted to the City Council ("Approved Annual Work Plan");

(b) Implement, or oversee the implementation of, the Approved Annual Work Plan, and such other performance audits as may be necessary or appropriate in the City Auditor's professional discretion.

(c) Conduct themselves in strict conformance with all applicable professional and ethical standards consistent with best practices.

In the absence of a City Council appointed City Auditor, Tthe City Council may, in its discretion, approve the assignment to appoint any other officer or employee of the City asthe duties of the City Auditor and grant approve such person additional compensation for the performance of such duties.

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager at compensation fixed by the City Council. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 901Section 502 Officers and Employees to be APppointed by the City ManagerOther appointive officers.

On the terms set forth in this Section, all department heads or division leaders of the City that are not elected or appointed by the City Council ("Senior Officials") shall be appointed by the City Manager. Subject to the terms of Article Seven, Civil Service, below, all such Senior Officials shall be in the "Unclassified Service." Each such appointive officer Senior Official shall perform the duties imposed upon him/herthat officer by this Charter, and under the terms of any by ordinance, or resolution, or and, if under jurisdiction of the City Manager, shall perform such other duties relating to his/her office City Manager policy or directive, lawfully issued as may be required of him/her by the City Manager consistent with the terms of this Charter.

The City Council may provide by ordinance for the creation, consolidation or abolishment of the City depart- ments or offices, not specifically enumerated in this Charter. Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager.

Sec. 902 Appointive officers; duties.

Each appointive officer shall perform the duties imposed upon him/her by this Charter, by ordinance, or resolution and, if under jurisdiction of the City Manager, shall perform such other duties relating to his/her office as may be required of him/her by the City Manager. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 904 D502.1 Department and Director of Finance.

There shall be a Ddepartment of Ffinance,; the head of which shall be the Director of Finance, who as determined by the City Council, shatll be, or be appointed by, the City Manager. The Director of Finance Uunder the supervision of the City Manager the Director of Finance shall have charge of the administration of all City financesthe financial affairs of the City, including the financial affairs finances of the any City-owned public utilities and other City enterprises. In this role, for the City and for all City offices, departments and agencies under City's control, the Director of Finance , and he/she shall have power and be required to:

Commented [GG103]: Moved up from Old Section 909

Commented [GG104]: Updated based upon input from the City Auditor and Finance Director. Adds responsibility for "performance audits" consistent with current practices, and with appropriate balance of independence and Audit Committee/Council oversight

Commented [GG105]: "approve the assignment to" is a better term for this in that any other officer or employee of the City would be appointed by the City Manager

Commented [GG106]: In general, language and Sections updated to improve language, update nomenclature and modernize and align descriptions of duties with current/best practices. Input from all existing Directors obtained, and they are in concurrence with proposed language.

CAO reviewing to conform no labor impact issues inadvertently created.

(a) Assist with the preparation, submittal for approval, and implementation of the City Budget as provided in Section 801 below ~~Compile the budget expense and capital estimates for the City Manager~~;

(b) Supervise and be responsible for the disbursement of all monies in conformance with the approved City Budget~~and have control over all expenditures which have been budgeted~~;

(c) Maintain a general accounting system, ~~for the City government and of its offices, departments and agencies;~~ keep ~~books~~ financial records, ~~for,~~ prescribe ~~the~~ financial forms , ~~to be used by~~ and exercise financial budgetary control ~~over each office, department or agency~~;

(d) Submit to the City Council, through the City Manager, a monthly financial report~~statement of all receipts and disbursements in~~ with sufficient detail to show the ~~exact~~ current fiscal ~~financial~~ condition of the City;

(e) Submit to the City Council, through~~Prepare for~~ the City Manager, ~~as of the end of each fiscal year,~~ a complete financial statement and report for the previous fiscal year;

(f) Collect all taxes, special assessments, utility charges, license fees, contract payments, and other revenues of the City for whose collection the City is responsible ~~except City taxes collected by the County and as provided in Section 1306,~~ and receive all money ~~receivable by the~~ to which the City is entitled or has been granted from any other ~~the State or Federal~~ government agencies, private party or from any court or awarding authority~~, or from any office, department or agency of the City~~;

(g) H~~Receive and h~~ave custody as a fiduciary of all monies receiv~~able~~ed by the City from any source and either deposit or invest such funds;~~;~~

~~(h) Deposit all monies received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds; and~~

(h) ~~Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~(i)~~ Serve as the City's Treasurer in all respects, where required in City's financial dealings, including in any public financing.

(i) Oversee the City's centralized purchasing system as provided in Charter Section 803.1, below.

All such duties shall be conducted in accordance with Applicable Law and best practices applicable to local government agency operations and finances, as determined in the professional discretion of the Director of Finance, or as may be set forth in adopted City policies.

Commented [GG107]: With input from Finance "exact" was removed as a standard hard to define and impossible to meet. After considering various replacement adjectives, and discarding as unworthy, consensus was to just remove any adjective.

Commented [GG108]: Treasurer status helpful when this is the term used for City financings

Commented [GG109]: Added language to emphasize that all applicable professional standards apply.

~~Sec. 905~~ 502.2 Department and Director of ~~City Engineer and Department of~~ Public Works.

There shall be a Department of Public Works, the head of which shall be the Director of Public Works, who shall be appointed by the City Manager. ~~Utilities~~. ~~and Utilities, who may be the City Engineer,~~ Under the supervision of the City Manager, the Director of Public Works shall have charge of the design, construction, improvement, maintenance and repair of City facilities and infrastructure, including related engineering functions and approvals. In this role, in addition to the aforementioned duties, the Director of Public Works shall have the power and be required to: ~~and utilities, as are or may be from time to time designated by the City Council~~.

(a) Where outside contractors are necessary or desirable for the implementation of Public Works, oversee the City's Public Works procurement process in accordance with Charter Section 803.2, below; and
(b) Serve as, or in consultation with the City Manager appoint, the City Engineer, to oversee all necessary and appropriate City engineering services, including the approval of engineering maps, surveys, designs and permits; any City Engineer must be a registered professional engineer in the State of California.

~~(1) City Engineer. The City Engineer shall be a Registered Professional Engineer in the State of California, and he/she shall have the power and be required to:~~

~~(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs;~~

~~(b) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution; and,~~

~~(c) On vacating the office, surrender to his/herthe Director of Public Work's successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to the Director of Public Work'shis/her office and the work thereof.~~

~~(2) Director of Public Works and Utilities. The Director of Public Works and Utilities, who may be the City Engineer, shall, under the supervision of the City Manager, be in charge of the administration of such departments of the City, including engineering and utilities, as are or may be from time to time designated by the City Council. (As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 907~~
502.3 Chief of the Fire Department.

There shall be a Fire Department, the head of which shall be the Chief of the Fire Department ("Fire Chief"), who shall be appointed by the City Manager. Under the supervision of the City Manager, the Fire Chief shall have the power and be required to:

(a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of ~~all~~ property ~~impaired thereby~~from fire risks and damage;

~~(a)~~(b) Supervise all matters relating to emergency medical response and transportation services, including coordination with regional and local public and private agencies to assure high quality and efficient delivery of such services ; ~~and~~

(c) ~~Make frequent~~ Develop and administer programs for inspection of ~~all~~ property within the City to enforce fire prevention and related safety regulations; and

~~(b)~~(d) Develop and administer such other services or programs as may be approved and funded by the City Council consistent with a modern "all risk" fire service, including, without limitation, mutual aid services, hazardous materials regulation and response, and rescue operations.

~~Sec. 908 City Attorney~~

Commented [GG110]: Reviewed and approved by Group Three at May 13 meeting.. DPW has also reviewed and approved. Changes reorganize and update language to reflect that there are now separate Utility Depts that the PWD does not oversee. Also reflects PWD role to implement and oversee public works procurement

Currently being reviewed by CAO to confirm no impact on labor groups

Commented [GG111]: Presented to and approved by Group Three. Language reviewed and approval by the Fire Chief. Revisions conform language with all CM appointed officers, and to update the description of the Fire Chief's duties to align with a "modern" Fire Service

Commented [GG112]: Moved to New Section 501.2

~~Sec. 909 City Auditor~~

~~Sec. 910 Administrative Code.~~

~~Within six months after the adoption of this Charter, the Council shall adopt by ordinance an administrative code providing for a plan of administrative organization of the City government, which will cover all matters concerning the powers, duties, term of office, procedure of all the officers, boards and commissions, and employees of the City; provided, however, that the provisions of said code shall not be in conflict with any of the provisions of this Charter. This administrative code will cover all rules and regulations relating to fiscal operations, personnel management, election procedure, and other matters concerning the operation of the functions of the City government.~~

~~Sec. 911~~
Section 503 ~~Official~~ Employee Performance ~~b~~Bonds.

503.1 In General. The City Council may approve by ordinance or resolution a policy requiring the posting of faithful performance bonds with respect to certain officers and employees within the City ("Employee Performance Bonds"). Any such policy shall, at a minimum, include provision for (1) the City positions covered, (2) the amount and required terms for bonds, and (3) the standards for any issuer of such bonds. Any premiums for Employee Performance Bonds shall be paid by the City.

503.2 Form and Filing. All Employee Performance Bonds s~~The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety,~~ shall be approved as to form by the City Attorney, and shall be filed with the City Clerk, except ~~the~~ that any bond required of the City Clerk or any employee of the City Clerk's office~~'s bond which~~ shall be filed with the City Manager.

503.3 ~~Premiums on official bonds shall be paid by the City.~~Limited Liability of Supervisor.

In all cases wherein an officer or employee of the City is required to furnish an Employee ~~faithful p~~Performance ~~b~~Bond, there shall be no personal liability upon, or right to recover against, ~~his/her~~ that person's supervisor ~~,superior officer,~~ or the bond of the ~~latter~~bonded officer or employee, for any wrongful act or omission of the ~~former~~supervisor, unless ~~such superior officer~~the supervisor was a party to, or conspired in, such wrongful act or omission. ~~(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

503.4 Relationship to State Law. In the absence of a City Council approved policy with respect to Employee Performance Bonds, the provisions of General City Laws shall apply.

~~Sec. 912~~
~~Official Oaths of Office.~~

~~**Each member of the C**ity Council,Elected Official, of every member of a City bBoard and Ccommission, and each officer City Council appointed official, and each and department head, before entering upon the discharge of the duties of his/her office shall take, subscribe to and file with the City Clerk the following oath of affirmationoffice: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter." (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Article X Appointive~~
Article Six
Boards and Commissions

Commented [GG113]: Moved to New Section 501.3

Commented [GG114]: Moved up as new Section 500.2. Changes shown there in underline/strikeout.

Commented [GG115]: There was discussion on need for this language in the Charter at all, with a possible option to radically reduced to a sentence or two calling for rules to be adopted by ordinance. Current recommendation is to retain provisions, but to update to make more clear and better align with State law.

California law establishes comprehensive requirements for city employees who must obtain and furnish faithful performance bonds or other forms of bonds in connection with their official duties. These requirements are governed primarily by the California Government Code, which sets forth the conditions, obligations, and payment provisions for official bonds of municipal officers and employees.
Statutory Framework for Official Bonds
The fundamental condition of an official bond is established by California Government Code § 1501, which provides that "the condition of an official bond shall be that the principal will well, truly, and faithfully perform all official duties then required of him by law, and also all such additional duties as may be imposed on him by any existing law of the State or law enacted subsequently to the execution of the bond" (West's Ann.Cal.Gov.Code § 1501)[1]. This statutory language ensures that bonds cover both current and future duties imposed by law.
California Government Code § 1504 further specifies that every official bond executed by any officer pursuant to law "is in force and obligatory upon the principal and sureties therein for" both "any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office" and "the faithful discharge of all duties which may be required of such officer by any law enacted subsequently to the execution of the bond" (West's Ann.Cal.Gov.Code § 1504)[2]. The statute includes important limitations on personal liability for officers whose sole compensation is a fixed salary, providing that they shall not be personally liable for negligent acts or omissions of deputies or employees unless the officer failed to exercise due care in selection, appointment, or supervision (West's Ann.Cal.Gov.Code § 1504)[2].
Charter City Authority Over Bond Requirements
California Constitution Article XI, § 5 grants charter cities plenary authority to provide for "the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation" (West's Ann.Cal.Const. Art. 11, § 5)[5 ... [6]

Commented [GG116]: To be moved to the End in Legal/Miscellaneous Article.

Commented [CM117R116]: Moved!

Commented [GG118]: This Article was updated with substantial input from the existing Boards and Commissions listed.

Note: "Commissions" are generally understand to mean groups that are permanent with some independent authority or ongoing subject matter jurisdictions. "Committees" are almost always advisory, and sometimes are of limited duration. "Subcommittees" are always subordinate bodies to the primary Council or Commission. "Board" appears ... [7]

~~Sec. 1000~~

Section 600 In general.

600.1 Chartered Boards and Commissions. The City ~~re~~ shall ~~be~~ have the following ~~enumerated~~ boards and commissions: Planning Commission, Parks and Recreation Commission, Board of Library Trustees, Civil Service Commission, and the Salary Setting Commission (collectively, the "Chartered Boards and Commissions"). Chartered Boards and Commissions ~~which~~ shall have the powers and duties (1) set forth in this Article, ~~herein stated,~~ and (2) such ~~other~~ additional powers and duties, consistent with the terms of this Article, as the City Council may assign by ordinance. ~~be conferred by the City Council. which are not incon- sistent herewith. In addition, it~~

600.2 City Council Created Boards and Commissions. The City Council may also create, by ordinance ~~such~~ additional boards or commissions as in its judgment are required or useful, ~~and may grant to them~~ with such powers and duties Council may assign, ~~as~~ are consistent with the provisions of this Charter and Applicable Law ("Council Created Boards and Commissions"). Unless the City Council otherwise provides by ordinance all terms and conditions of this Charter applicable to Chartered Boards and Commissions shall also apply to Council Created Boards and Commissions.

600.3 Qualifications.

a. To be qualified all members of Chartered Boards and Commissions shall be Qualified Electors and Residents of the City. No member of any Chartered Board or Commission shall simultaneously be a paid employee of the City.

b. Unless otherwise specified by the City Council by ordinance, members of Council Created Boards and Commissions need only be residents of the City and 18 years of age or older.

600.4 Compensation. The members of boards and commissions shall serve without compensation for their services ~~as such~~, but may receive reimbursement for necessary traveling and other expenses when on official duty in accordance with an approved budget and policies and procedures approved by ~~on order of~~ the City Council.

600.5 Rules of General Application. Where terms of this Charter are intended to apply to both Chartered Boards and Commissions and City Council Created Boards and Commissions, such boards and commissions shall be collectively referred to as "City Boards and Commissions" and the members thereof as "Board and Commission Members."

600.6 Conflict of Interest Rules. City Boards and Commissions members shall be subject to all Applicable Laws regarding conflicts of interest and gifts, including any Local Laws.

~~Sec. 1001 Appropriations~~

Section 601 Funding and Staff Support ~~.~~

The City Council shall ~~include~~ provide ~~in~~ in the City's ~~its annual~~ budget sufficient ~~appropriations of~~ funds and staffing resources necessary for the efficient and proper functioning of all City Boards and Commissions ~~such boards and commissions.~~

~~Sec. 1002~~

Section 602 Appointments; T~~t~~erms and Vacancies.

Section 602.1 Appointment; Removal. Except as otherwise provided in this A~~a~~rticle, the members of ~~each of such bo~~ City Boards or C~~c~~ommissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes. The decision to appoint, reappoint, or remove any board or commission member shall be in the sole discretion of the City Council. Consistent with the requirements of State Law and the terms of this Charter, the City Council shall approve policies for the appointment, reappointment and removal of Boards and Commission Members in an orderly and transparent

Commented [GG119]: Note: consensus of the Groups Two and Four was to move the details of the Salary Setting Commission composition and role and function (previously described in Old Section 702) to this Article. See new Section 604.5, below.

Commented [GG120]: Here are the current Code Sections for both Charter created and City Council created Boards and Commissions. Revised language requires any further implementing details be approved by ordinance (not resolution)

§ 2.120.010**Names, membership, qualifications and terms of office.**
There shall be and there is established within the City the following boards, commissions, and committees:
(a) Planning Commission. (SCCC § 2.120.050)
(b) Parks and Recreation Commission. (SCCC § 2.120.060)
(c) Civil Service Commission. (SCCC § 2.120.070)
d) Board of Library Trustees. (SCCC § 2.120.080)
(e) Historical and Landmarks Commission. (SCCC § 2.120.100)
(f) Senior Advisory Commission. (SCCC § 2.120.110)
(g) Youth Commission. (SCCC § 2.120.130)
(h) Cultural Commission. (SCCC § 2.120.140)
(i) International Exchange Commission. (SCCC § 2.120.150)
(j) Housing Commission. (SCCC § 2.120.160)
(k) Bicycle and Pedestrian Advisory Committee. (SCC ... [8]

Commented [GG121]: Group Four discussed extensively the pros and cons to proposing for inclusion in the Charter provision for the requirement of an Ethics Commission. They ultimately decided (and the full CRC concurred) that while this could be suggested as a **Level 4** idea for a future CRC, they were not going to recommend at this time as part of the Charter project. Their decision was based, among other things on the following: ... [9]

Commented [GG122]: Qualified Elector Status. The need for "qualified elector" status as a qualification was discussed extensively in light of BOLT request that the qualified elector status requirement be removed. The Group/CRC ultimately decided that for the Charter created boards and commissions, qualified elector status and consistency were important. They also note that non-Qualified elector residents still have a lot of opportunities to serve on C ... [10]

Commented [GG123]: From City Code Section 2.120.010

"All members of boards, commissions, and committees, except for members of the Youth Commission and Bicycle and Pedestrian Advisory Committee, shall be eighteen (18) years of age or older and residents of the City. All members of boards and commissions established by City Charter (i.e., Planning Commission, Parks and Recreation Commis ... [11]

Commented [GG124]: This section was modified and moved here. Its old Section 1004 (see below)

Commented [GG125]: CAO noted that bodies that only make recommendations are not required to file Form 700s under State Law, and this language wouldn't change that.

Commented [GG126]: Group Four discussed extensively options for making more transparent any decision not to reappoint or remove a board or commission member "for cause" other than the referenced "vacancy" provisions below. Ultimate decision was to require the CC to make rules that allow for appointment and removal "in an orderly and transparent" manner but not to attempt to make such rules. Charter is not place for that level of detail and ... [12]

manner].

Section 602.2 Terms of Service; Term Limits. Except as otherwise provided in this Aarticle, the members of such boards and commissions City Boards and Commission Members terms shall beserve for a term of four years, commencing upon their appointment and swearing in, and continuing until their respective successors are appointed and qualifiedsworn in. ; provided, however,For any newly created City Board or Commission, the members first appointed to those boards and commissions shall so classify themselves by lot in order to stagger their terms such that each succeeding July 1st the term of at least one of their number members shall expire. Unless otherwise provided by City Council ordinance the Lifetime Term Limit rules applicable to Elected Officials shall also apply to City Boards and Commission Members; provided, however, time served on one City Board or Commission shall not count towards any time served on any other City Board or Commission.

Section 602.3 Vacancies. A City Boards and Commission Member's seat shall be considered "Vacant" upon the occurrence of any "Event of Vacancy" provided in Charter Section 205, above. In addition, Iif a member of a board or commission member is absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of excused by such board or commission expressed in its official minutes in accordance with policies that shall be approved by the City Council, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office that member's position shall be considered Vvacant and shall be so declareduponon declaration of by the City Council. Except as otherwise herein provided, a

Section 602.4 Filling of Vacancies. Any vacancies in any board or commission position from whatever cause arising, shall be filled in the same manner as provided for the original by appointment of such position by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

(a) If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be so declared by the City Council.

See 1003

Section 603 Conduct of Meetings; Chair.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission.

603.1 Meetings. Each board or commissionCity Board and Commission shall hold regular meetings as required by ordinance or resolution of the City Council, and such special meetings as it may require to perform its assigned duties. All proceedings shall be conducted in accordance with (1) the Brown Act and shall be open to the public unless otherwise permitted under the Brown Act, and (2) any other meeting requirements adopted by the Council from time to time consistent with the terms of this Charter and Applicable Law.

603.2 Chair. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members as "Chair" to serve as its presiding officer for that year at the pleasure of such board or commission. unless, the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefor are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting.

603.3 Actions. The affirmative or negative vote of a majority of the entire membershipauthorized number of members of City Board or Commission such board or commission shall be necessary for it to take action. Each board or commission shall keep a record of its proceedings and transactions.

603.4 Additional Rules and Procedures. Consistent with the terms hereof, the City Council may adopt additional rules and procedures for the conduct of meetings and the taking of actions by City Boards and Commissions.

Commented [GG127]: Group/CRC consensus was okay to include reference to "lifetime" term limits. The only current authority for this is set forth in the Boards and Commissions handbook. It is a matter of practice as opposed to formally adopted policy. An option could be to not include this requirement and instead allow the City Council to establish terms limits by ordinance/policy.

Commented [GG128]: Parks and Recreation Commission and others suggested adding some clarity around what criteria and process is for excused vs. unexcused absences. Per Assistant City Clerk, there are currently no policies. She has proposed and would like there to be for both City Council and Boards and Commissions. Ultimate decisions was to not try to make such rules, but to require that they be made.

Commented [GG129]: Consensus was to tie into the "vacancy" standard for CC members, while preserving, appropriately given the different meeting cadence, the unique Boards and Commissions standard for vacancies resulting from missed meetings.

Commented [GG130]: Moved from old Section 1004, below

Commented [GG131]: Updated generally to improve language, emphasize application of Brown Act and any City Council approved rules, and to eliminate provisions that conflict with the Brown Act.

Commented [GG132]: This phrase "entire membership" needed clarification. Proposed revisions reflects the current rule and practice for the City Council. But with Boards and Commissions that have vacancy problems or attendance problems, this strict rule could block or delay action. Options include allowing majority votes of the number of filled seats and/or members in attendance so long as quorum requirements are met. The general consensus, though was that consistency of rules was the better "default" provision.

~~Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Commented [GG133]: Regarding Boards and Commissions making their own rules, this is not current practice, and is not recommended. There is a need and real value in consistency, especially with need for compliance with Brown Act. The current City Council Policy for "Meeting Management Protocols" will apply to Boards and Commissions when it converts from a "pilot program" to a permanent policy and it allows for some variation on rules at the Boards and Commissions level so long as rules are consistent with the protocols or approved by the Council.

Commented [GG134]: Discuss. This power is extraordinary and really doesn't apply to the roles and functions of any of the Boards, save maybe Civil Service Commission. See similar note, below, regarding Section 1005 and the power to conduct "investigations". Consensus of Group/CRC for deletion as a "general power."

~~Sec. 1004~~

~~Sec. 1004 Compensation, vacancies.~~

~~The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty on order of the City Council.~~

~~Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be so declared by the City Council. (As amended, 1967 Statutes, Senate Concurrent Resolution No. 35; Chapter 61; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)M~~

~~Sec. 1005 Oaths; affirmations.~~

~~Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.~~

~~Sec. 1006~~

Section 604 Composition, Powers and Duties of the Chartered Boards and Commissions.

The Chartered Boards and Commissions shall be composed and have the powers and duties set forth below. The City Council may assign additional powers or duties not inconsistent with this Charter as may be prescribed by ordinance.

604.1 Planning Commission ~~– Generally.~~

a. Composition. ~~There shall be a City~~ The Planning Commission ~~consisting~~ shall consist of seven members to be appointed by the City Council from the Qqualified Eelectors of the City.~~, none of whom shall hold any paid office or employment in the City government except that the City Manager, and the Director of Public Works and Utilities, or their designated representatives, shall serve as ex officio members of the commission. (As amended, 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101)~~

~~Sec. 1007 Planning Commission – Duties and powers.~~

b. Powers and Duties. The Planning Commission shall have power and be required to:

~~(a)~~ (1) Long Range Planning. Review and make recommendations ~~After a public hearing thereon, recommend~~ to the City Council regarding any proposed ~~the~~ adoption, amendment, or repeal of all or any portion of the City's General Plan or any other master plan ~~or any part thereof~~ for the physical development of the City;

(2) Zoning. Review and make recommendations to the City Council regarding the City land use and zoning regulations;

~~(b)~~ (3) Permits and Approvals. Exercise such functions as the City Council may prescribe by ordinance with respect to land subdivisions, precise plans, specific plans, zoning modifications, conditional use permits, variances, or such other land use or development permits required or available under the City Code ("Project Permit or Approval") ~~planning, and zoning as may be prescribed by ordinance~~; ~~and~~

(4) Environmental Policies and Impacts. Exercise such functions for recommendations or determinations regarding City environmental policies or programs, and the environmental impacts of proposed projects under the California Environmental Quality Act ("CEQA") as the City Council may prescribe by ordinance or as required by Applicable Law;

Commented [GG135]: Moved to Section 1002, above

Commented [GG136]: Planning Commission okay with maintaining a seven member Commission, with the existing qualifications

Commented [GG137]: Planning Commission and staff input intended to fully describe duties, with alignment to updated City Code provisions (see below).

Planning commission took this up at two PC meetings and a designated representative made a presentation to the Group Four meeting on April 16, 2026. A particular interest was shown in adding reference to advanced planning work, environmental impacts and solicitation of public input.

Relevant City Code Sections:

§ 2.120.050**Planning Commission. [1]**
The Planning Commission shall be primarily responsible for and have the following duties:
(a)
The establishment, acceptance and continued supervision of a long-range master plan for the future development of the City.
(b)
The proper application and preservation of the zoning and land use regulations of the City and recommending such revisions and amendments as may be deemed necessary.
(c)
The processing of subdivision tract maps and property development applications in accordance with prescribed standards.
(d)
Serve as a correlating agency for the capital improvement program of the City.

(5) Solicitation and Consideration of Public Input. In accordance with City policies and Applicable Law, solicit and give due consideration to public input regarding any proposed land use policy change, project or permit before the Planning Commission; and make recommendations to the City Council regarding City policies for the solicitation of public input;

(6) Other. Perform such other related duties or functions as may be required by Applicable Law or assigned by the City Council by ordinance consistent with such planning, zoning, environmental or other function as now or may be hereafter authorized by the State of California in so far as they do not conflict with the provisions of this Charter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

(e) c. City Council Deference. The City Council, in its consideration of any appeal of a lawful determination by the Planning Commission with respect to a Project Permit or Approval shall give due consideration to the Planning Commission determination.

See, 1998

604.2 Parks and Recreation Commission.

There shall be a City

a. Composition. The Parks and Recreation Commission consisting shall consist of seven members to be appointed by the City Council from the Qqualified Eelectors of the City., none of whom shall hold any paid office or employment in the City government.

See, 1999 **Parks and Recreation Commission—Powers and duties.**

b. Powers and Duties. The Parks and Recreation Commission shall have power and be required to:

(1) Act in advisory capacity to the City Council and staff regarding major improvements in all matters pertaining to public parks, recreation, playgrounds, and sports/recreation facilities;

(a) and entertainment;

Commented [GG138]: This was important to the Planning Commission. They even proposed a provision that would require and City Council decision to overturn a Planning Commission decision on appeal require a super majority vote. While both Group Four and the full CRC were sympathetic, there was sensitivity to how this may be received by the City Council. Such a modification is lawful, but not typical, and may be a matter of substantial debate at the Council level since it proposes to reduce their discretion on appeals.

The CRC ultimately concluded it should not recommend this change. This conclusion was helped by the fact that the CAO confirmed that the commission has an inherent right to designate a PC member to represent their position at the City Council should they elect to do so with respect to any particular item.

Commented [GG139]: Parks and Rec okay with existing composition and qualifications

Commented [GG140]: Parks and Recreation Commission and staff provided support for updating Charter language to align with current/best practice duties as an advisory board, not one that manages programs or contracts (as currently suggested by some outdated provisions in the Charter and the City Code.

§ 2.120.060**Parks and Recreation Commission. [1]**
The Parks and Recreation Commission shall be primarily responsible for the following:
(a)
The establishment, acceptance and continued supervision of a long-range parks and recreational program for the City.
(b)
Planning and implementing an annual program of recreational and cultural activities for all age groups.
(c)
Recommending and supervising all the City's contractual relationships with other agencies in the recreational field.
(d)
Serve as a correlating agency between the City and other units of government on recreational undertakings.
(e)
The planning and supervision of the City cemetery.

Commented [GG141]: Changes made are designed to be consistent with both input from the Parks and Recreation Commission and City staff to reflect what goes on now and what they believe is a full and accurate description of their appropriate scope

(b) (2) Review anyConsider the annual proposed operations and capital budgets of for the Parks and Recreation Department during the process of its their preparation and make recommendations on such budget(s)with respect thereto to City staff the City Manager and the City Council; and

(3) Review any proposed Parks and Recreation Master Plan, or any amendments thereto, and make recommendations on such plan or amendments to City staff and the City Council Assist in the planning and supervision of a ;

(4) Review and provide input to City staff on plans for City-wide recreation programs for the inhabitants of the City and ways to , promote and stimulate public interest thereinin such programs;
(5) When requested by City Council or staff, provide input on proposals for City-wide events using City parks and recreation facilities or resources;

(c) (76) and to that end, solicit to the fullest extent possible Assist with and encourage the development of the cooperation of with school authorities and other public and private agencies entities interested in parks and recreation facilities and programs therein. (Amended by electors at an elec- tion held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1010

604.3 Civil Service Commission.

There shall be a
a. Composition. The Civil Service Commission consisting shall consist of five members to be appointed by the City Council from the Qqualified Eelectors of the City., none of whom shall hold any paid office or employment in the City government.

Sec. 1011 Civil Service Commission – Powers and duties.

The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City.
(a) b. Powers and Duties. All appointments in the classified public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate test of qualifications, without regard to partisan politics, and in a non-discriminatory manner. race, color or religious belief In furtherance of this purpose, the Civil Service Commission shall:.

(1) Perform those functions and duties as required und the Civil Service Rules and Regulations.

(b) (2) Act as Board of Review to hear petitions by classified civil service employees, and applicants for classified civil service positions, and to grant or deny such petitions pursuant to the Civil Service Rules and Regulations and to adopt and amend procedures for conduction hearings on such positions.

(c) (3) Act to appoint and remove members of the Salary Setting Commission. Perform such other duties as may be required by the civil service rules and regulations. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1012

604.4 Board of Library Trustees.

There shall be a a. Composition. The Board of Library Trustees (BOLT) consisting shall consist of seven five members to be appointed by the City Council from the Qqualified Eelectors of the City. below. and no member of said Board shall hold any paid office or employment in the City government.

Sec. 1013 Board of Library Trustees – Powers and duties.

b. Powers and Duties. With respect to the Santa Clara Library System, Tthe BOLT Board of Library Trustees shall have charge of the administration of the Santa Clara Free Public Library and shall have power and be required to:

Commented [GG142]: Per Parks and Rec staff: as noted above, programming has not (in the last many years) gone to Commission for input. Nor has there been any direct role in "soliciting cooperation" from schools and other public and private agencies. This as been a staff function.

Commented [GG143]: Non-substantive changes presented reviewed and approved by the Civil Service Commission.

Alert:
A number of Labor Groups have objected to changes in this Section and in the Civil Service Article, below. The CRC's position is that while it recommends these changes, unless such objections can be resolved with labor groups, the Council should consider not including any such changes in its proposed ballot measure. The meet and confer process has been ongoing for a number of months and might not be resolvable.

Commented [GG144]: BOLT met a number of times to consider proposed/desired changes. The BOLT president presented their input to Group Four at the their March 12th Subcommittee meeting.

Comments/proposals regarding BOLT composition included:
--Expand number of members from 5 to 7: expands diversity of representation; bring in line with other Boards, minimize cancellation due to lack of quorum; increase sub committee flexibility and reach (I.e., don't have enough members now to get everything done to advance Library services, including connections/relationships with other City constituencies and Boards (e.g., Cultural Arts Commission).
—Changing "qualified electors" to "residents" in line with library mission to expand participation to all residents, including non-citizens; increases diversity of board
—Note: "standard" appointment process to be maintained, with entire Council given an an opportunity interview and appointing all members. "at large"

Commented [GG145]: BOLT comments/proposals on powers and duties included:
--Desire to primarily advisory (guide and recommend), but don't want to abdicate "accountability".
--This can be achieved by requiring them to be part of certain Library administrative processes. E.g., Library budget needs to come to BLT for review and recommendation before it goes to City Council. (e.g.'s Anaheim and Chula Vista); annual report to City Council on Library activities (Anaheim).

For reference, current City Code provisions provide as follows:

§ 2.120.080**Board of Library Trustees. [1]**
The Board of Library Trustees shall be primarily responsible for the following:
(a)
Establishing, accepting and supervising a significant public library program.
(b)
Providing for balanced library collections and service ... [13]

Commented [GG146]: This is name now recognized by the California State Library (and federal govt.) as official name. This name change will facilitate flow of state and federal funds to the officially named designated recipients. Under state law, all Californians entitled to "free access" to the library. Cerritos example, they charge non residents for a library card, and as a result are not entitled to state funding. Another example is San Leandro.

~~(1) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City library;~~

(1) Approve or disapprove the appointment of a librarian- who shall be the Director ~~department head~~of the Santa Clara City Library system (Library Director) in accordance with a selection process developed and administered by the City Manager in consultation with the BOLT;

(2) In consultation with the Library Director (1) assist with the development of ~~and enforce rules and regulations~~ policies for library operations with approval rights over policies regarding collection development, materials reconsideration, materials lending, patron conduct, and use of meeting rooms and grounds, subject, however, to compliance with Applicable Law and City-wide facility operations requirements ~~as it may deem necessary for the administration and protection of the City library;~~(2) consider and make recommendations to the City Council regarding any library facilities or operational master or strategic plan; (3) consider and make recommendations to the City Council regarding the library budget; and (4) ~~Accept into the library fund and administer~~make recommendations regarding the proper allocation of "significant donations" (as may be defined by City Council policy) of money, personal property or real estate ~~donated~~ to the City earmarked for library purposes.~~otherwise acquired for library purposes subject to the approval of the City Council;~~

(3) Provide/present an annual report to the City Council as an agendized item at a City Council meeting regarding the state of the Santa Clara Library system; and

~~(3) Contract with school, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~3

604.5 Salary Setting Commission

a. Composition and Appointment. The Salary Setting Commission shall consist of five members to be appointed by the Civil Service Commission from the Qualified Electors of the City. The City Manager and the City Attorney, or their designees, shall provide support for this Commission as necessary and appropriate.

b. Power. The Salary Setting Commission shall have the power and be required to establish the salary and benefits ("Total Compensation") of the Mayor, the City Council, the Chief of Police and the City Clerk (collectively, the "City Elected Officials"). They shall do so in accordance with the following process:

(1) On or before March 15 of every odd year, the Salary Setting Commission shall meet as necessary to evaluate the existing Total Compensation of the City Elected Officials and determine what, if any adjustments should be made to such compensation.
(2) Salaries established by the Commission as part of the Total Compensation shall not exceed one hundred ten percent (110%) of the previous salary figure.
(3) The Salary Setting Commission determination of Total Compensation for the City Officials shall go into effect for the period commencing July 1 of that odd year and ending two years thereafter.
(4) All determinations shall be final, with City Council action limited to ratification of such determinations as required by Applicable Law.

c. Special Rules for Benefits for Part Time Officials. Any "benefits" established by the Commission for the Mayor, City Council and the City Clerk be limited to (1) health benefits, including medical, dental and vision (collectively, "Health Benefits"); and (2) retirement benefits on an opt-in basis in accordance with the City's then in effect retirement system. In no event shall any Health Benefits provided be convertible to cash.

Section 605 Committees. The City Council may also create by resolution (a) subcommittees of the City Council, or (b) committees of limited duration (not to exceed 24 months) comprised of a combination of Council Members and private individuals, or solely private individuals, in each case that are advisory to the City Council. The composition and role and function of such committees shall be as set forth in the enacting resolution. Any such committee must be formed and operated in accordance with all Applicable Laws including the Brown Act.

Commented [GG147]: This retains an existing BOLT power, but integrates it with the City Manager hiring process

Commented [GG148]: This update recommended by Group Four and CRC incorporates substantially all BOLT requests for retention of key aspects of authority, with addition of more clarity on the types of polices that the BOLT will reserve the power to "approve." Proposed language reflects a list of types of polices, with some protections added to make sure any policies comply with law and City wide facility requirements

Commented [GG149]: BOLT requests this to be modified to keep but reduce direct involvement. "Significant" is intended to have both a quantitative and qualitative component.

Commented [GG150]: BOLT and Group Okay with deletion of this

Commented [GG151]: This is a new Section that takes the role and function content from old Section 702 (now 204.1) and moves it here.

Notes/considerations from discussion
--Salary question: Proposed language eliminates ambiguity regarding extent to which Charter language dictates terms for salary only or other forms of compensation
—Current benefits that have been discussed by the Commission include pensions (currently offered as an option, five years to vest) and medical benefits (currently not offered but discussed at last Salary Setting Commission meeting.
--Benchmarking included information from 5 area cities, with most providing a medical benefit, and Sunnyvale, notably, recommending a salary increase from $38K to $72K for City Councilmembers)

Consensus not to change compensation mechanism or amount (was just changed 7 years ago to a benchmark amount with increases not to exceed 10% every two years as determined by SSC, now $30K for Mayor and $24K for City Council members), but to clarify that benefits can also be provided, including medical if SSC determines, provided that no health benefits can be converted to cash.

Commented [GG152]: Changing this compensation standard was discussed, but group recognized that any such change would be **Level 4**

Commented [GG153]: Moved this to its own subsection to make it easier to distinguish for "part time" officials (i.e., not the Chief of Police)

Commented [GG154]: This Section is intended to contemplate other advisory bodies that are intended to be purely advisory and/or temporary in nature, with some flexibility to Council on how to form.

Article ~~XI~~Seven. Civil Service

Sec. ~~1100~~700 Civil service; merit principle.

Appointments and promotions in the classified service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination, and shall be subject to the provisions of the Civil Service Rules and Regulations duly adopted by the City Council.~~.~~

Sec. ~~1101~~701 Classified service.

The civil service of the City shall be divided into the unclassified and classified service.

(a) The unclassified service shall comprise the following offices and positions:

(1) All elective officers and all members of boards, commissions and ~~;~~committees;

(2) City Manager;

(3) City Attorney;

~~(4) City Clerk;~~

~~(5)~~(4) City Auditor;

~~(6)~~(5) The head of each department or department director, assistant department head or assistant department director, deputy department head or deputy department director, program manager or division manager, and executive assistant. , ~~including but not limited to, the Director of Finance, Director of Pub- lic Works and Utilities, City Engineer, Chief of the Police Department, Chief of the Fire Depart- ment;~~

~~(7) The Assistant City Manager, Assistant City Attorney, and Assistant Department Heads, whenever so designated by the City Council;~~

~~(8) All members of boards and commissions;~~

(6) Except as provided in an applicable Memorandum of Understanding, all ~~Persons~~ persons employed:

a. on a temporary basis, other than permanent,
b. less than full time,
c. for a special purpose,
d. on and as-needed basis
e. on a seasonal basis,
f. for intermittent service, or
g. other non-permanent appointment;

~~(9) for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work shall not be performed by employees in the classified service;~~

(7) Except as provided in an applicable Memorandum of Understanding, all ~~P~~persons employed to render professional, scientific, technical or expert service~~ of an occasional and exceptional character~~s;

~~(10)~~(8) Except as provided in an applicable Memorandum of Understanding, all persons employed in positions falling within the definition of Confidential, Management, or Professional Employee as set forth in the Employer-Employee Relations Resolution;

Commented [GG155]: The proposed Changes in this Article (Old Article XI, New Article Seven) are the product of (1) initial input from HR and CAO, with the objective to align the language with current laws and existing City/best practices, (2)discussions with the Civil Service Commission and Group Five, (3) action/direction by the full CRC, and (4) CAO/Meeting and Conferring with Labor Groups.

Alert:
As of the CRC's June 3rd meeting, certain labor groups continued to have issues with some of the proposed language.
Like with the Civil Service Commission proposed changes, above. the CRC's position is that while it recommends these changes, unless such objections can be resolved with labor groups, the Council should consider not including any such changes in its proposed ballot measure. The meet and confer process has been ongoing for a number of months and might not be resolvable.

~~(11)~~(9) Volunteers including volunteer-members of the Fire Department and Police Reserve; and,

~~(12)~~(10) Upon the recommendation of the City Manager and City Attorney, ~~T~~the City Council by ordinance may add new positions (or classifications) to the unclassified service, or modify existing classified positions to move such position into the unclassified service, in accordance with applicable laws, policies, and rules. ~~divide or separate any department of the City into divisions and by ordinance may provide that the employee selected to be the head of any such division shall be in the unclassified service.~~

(b) The classified service shall comprise all positions not specifically ~~included in~~ designated either by this section or by action of the City Council in the unclas- sified service. ~~(As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Sec. ~~1102~~702 Appointments from classified to the unclassified service.

In the event an officer or employee of the City holding a position in the classified service voluntarily accepts appointment ~~is appointed~~ by the Appointing Authority to a position in the unclassified service, and should subsequently be removed therefrom within two years of appointment to unclassified service, ~~he/she~~the officer or employee shall revert to ~~his/her~~the officer or employee's former position in the classified service without loss of any rights or privileges and upon the same

terms and conditions as if ~~he/she~~ the officer or employee had remained in said position continuously, unless the officer or employee is dismissed from the unclassified City service for cause or resigns in lieu of termination. ~~Should such person be eligible for retirement under the retirement system at the time of such subsequent removal, upon recommendation of the City Manager, he/she shall be retired in lieu of being restored to his/her former position. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Sec. ~~1103~~703 Classification.

The City Manager shall prepare and submit to the City Council a plan of classification and grading of all positions in the City Service according to similarity of authority, duties and responsibilities. Such classification plan shall take effect when adopted by the City Council. Additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

Sec. ~~1104~~704 Pay plan.

The City Manager shall prepare and submit to the City Council a standard schedule of pay for each position in the classified service. Such pay plan when adopted by the City Council shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

Sec. ~~1105~~705 Civil service rules and regulations.

The City Council shall adopt civil service rules and regulations governing the administration of the City civil service system to implement the provisions of this Article.

Sec. ~~1106~~706 Reserved.

Code reviser's note: At an election held on November 7, 1972, the electors repealed former section 1106 containing provisions prohibiting persons in the classified service from engaging in certain political activities. Said former section was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951. The repeal of said section 1106 was approved by Senate Concurrent Res–olution (1973 Stats., Res. Ch. 10).

Sec. ~~1107~~707 Prohibitions.

No person shall willfully ~~or corruptly~~ make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made ~~under the personnel provision of~~ pursuant to Article XI of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of the provisions of this Article XI.~~such personnel provisions or rules and regulations made hereunder.~~

Any person who ~~by himself/herself~~individually or with others willfully ~~or corruptly~~ violates any of the provisions of this Article shall be guilty of a misdemeanor and the penalty therefor shall be the same as established for misdemeanors under general law. ~~and shall upon conviction thereof be punished by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.~~ Any person convicted hereunder, or any person found by the Civil Service Commission to have violated the provisions of this Article XI, shall be ineligible for a period of five years for employment in the City service and shall, if ~~he/she~~that person is an officer or employee of the City, immediately forfeit ~~his/her~~that person's office or position. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. ~~1108~~708 Contract for administrative services.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city, or county within this state, or with any state department, or with any private or governmental agency for the furnishing of administrative, fiscal, or personnel services.

Sec. 1200

Section 709~~Article XII.~~ Retirement

709.1~~Sec. 1200~~ State system.

The State "Public Employees' Retirement Law," ("Retirement Law") as it now exists or may hereafter be amended, is hereby adopted for the City ~~of Santa Clara,~~ and plenary authority and power are hereby vested in ~~said~~ the City, ~~its~~ the City Council and its several officers, agents and employees at their discretion to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of ~~said~~ the Retirement Law, to enable ~~said~~ City to become or continue as a contracting City participating in the Public Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinance~~s~~ adopted by a majority vote of the Qualified Electors ~~electors of the City of Santa Clara,~~ voting on such proposition at an election at which such proposal is presented. ~~(As amended by electors at election held November 7, 1972, approved by Senate Con- current Resolution (1973 Stats., Res. Ch. 10))~~

Article ~~XIII~~8. Fiscal Administration and Procurement

~~Sec. 1300~~Section 800 Fiscal year.

Unless otherwise provided by ordinance, the fiscal year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year. ~~(As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

~~**Sec. 1301 Annual budget; preparation by the City Manager.**~~
Section 801 Budget Preparation, Approval and Implementation

801.1 In General. The City shall have in effect, at all times, an approved budget, setting forth the City's program for expenditures for the then applicable fiscal year ("City Budget").

801.2 City Manager to Prepare. The City Budget shall be prepared by the City Manager and approved by the City Council every year (annually) or every two years (biennially) as determined by City Council policy. The City Manager shall cause the preparation of the City Budget in consultation with the Director of Finance and all other City departments in consideration of their requests for expenditures and projected revenues in the upcoming fiscal year(s). The City Budget may be comprised of an operating budget and a capital budget approved in alternating biennial budget cycles.

801.3 Budget Contents. The City Budget shall contain provisions to fund (1) City operations, programs and services; (2) City facility and infrastructure improvements, maintenance and repair; (3) reserve accounts to cover future anticipated or unexpected operational or capital needs ("Reserve Accounts"); and (4) such other lawful projects or programs approved by the City Council. Reserve Accounts shall be funded at levels determined by the City Council, in accordance with adopted City Council policies, and in consideration of recommendations by the City Manager and Director of Finance regarding best practices and available funds. To the extent required by Applicable Law, Applicable Government Accounting Standards, or as otherwise determined necessary or appropriate by City Council policy, the City Budget shall also include separate accounts tracking revenues and expenditures for certain City functions or enterprises, including City utilities. Additional provisions for the accounting and use of utilities revenues are set forth in Section 804, below. ~~At such date as he/she shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditure for such office, department or agency, detailed in such man- ner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he/she may deem advisable. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 1302 Budget – Submission to City Council.**~~

801.4 Budget Approval Process.

Commented [GG156]: CAO to review and confirm that this minor clean does not require any formal process with the Labor Groups.

Commented [GG157]: This Article presents both substantive and non-substantive updates to finance and procurement provisions, with most substantive proposal regarding Public Works (Section 802.2)

Substantial input in both areas was provided by the Finance Dept. and Public Works Dept., with the Public Works director presenting to Group Four on March 17 and the Finance Director on April 6 and May 11th.

Commented [GG158]: This is a new Section that aggregates old language and provides a framework to allow for the current practice of biennial budgeting with the operating and capital budgets in alternating years

Commented [GG159]: This Section replaces detailed sections regarding certain types of required funds, now deleted (see below), more a more general list using more contemporary language and nomenclature.

Most of the Group Six discussion centered around their shared concerns regarding City budgeting for future capital and other needs through maintenance of adequate reserves. The Group even considered proposing specific reserve standards. Because this is the Charter, and that exercise would be complicated and changing over time, the ultimate consensus (consistent with the Finance Director's preference) was to call for Reserves, but continue to have this set by Council policy. Additional language for "consideration of recommendations by the City Manager and Director of Finance regarding best practices and available funds." was intended to set at least general standards upon which City Council policy would be based.

a. **Proposed** Budget Submittal by the City Manager.
At least thirtyforty-five (3545) days prior to the beginning of each fiscal year, or at such prior date thereto determinedear by the City Council, the the City Manager shall submit to the City Council the proposed budget for their consideration and input. as prepared by him/her.

b. City Council Proposed Revisions and Notice of Public Hearing. After reviewing the same proposed budget and making proposing such revisions or recommendations as it may deem advisable, the City Council shall determine set the time and date for the holding of a public hearing thereon on the proposed budget. and shall cause to be published a notice thereof Nnot less than ten 10 days prior to the date of said such hearing, the City Manager shall (1) cause notice of the hearing to be published , by at least one insertion in an Oofficial Nnewspaper ,and distributed as provided in Section 904.2, below; and (2) make.

cCopies of the proposed budget shall be available for inspection by the public in the office of the City Clerk and accessible on the City's website. at least ten days prior to said hearing. (As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chap- ter 121; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1303 Budget Public hearing.

c. Public Hearing and Adoption. At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hear and give due consideration to all testimony presented by City staff and the public. hold a public hearing on the proposed budget, at which interested persons shall be given an opportunity to be heard.

Commented [GG160]: 45 days before is consistent with current practice (initial budget proposed in early March), with idea that provides greater opportunity for meaningful public/stakeholder input.

Commented [GG161]: Consistent with other "legal notice" requirements, this Section now includes cross-reference to the "modern technology" noticing policy in Section 904.2, below.

~~**Sec. 1304 Budget - Further consideration and adoption.**~~

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any final revisions ~~thereof~~ that it may deem advisable~~, and o~~ On or before June 30 ~~it~~ of each year in which the previous approved City Budget is expiring, the City Council shall adopt the new City ~~b~~Budget ~~with revisions, if any,~~ by majority vote ~~the affirmative votes of at least four members~~. Upon final adoption, the budget shall be in effect for the ensuing fiscal year (or years for a biennial budget. A copy ~~thereof~~of the approved City Budget, certified by the City Clerk, ~~-~~shall be posted on the City's website, and ~~filed with the City Man- ager and a further copy shall be placed and shall remain~~ maintained on file in the office of the City Clerk where it shall be available for inspection. ~~The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City. (As amended, 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

~~**Sec. 1305 Budget - Appropriations.**~~

801.5 Budget Implementation. ~~From~~ Upon the July 1 effective date of the adopted City ~~b~~Budget, the ~~several amounts stated therein as~~ proposed expenditures set forth therein shall be ~~and become~~ **A~~a~~ppropriated t**o the several funds, departments, offices and agencies for the ~~respective objects and~~ purposes specified ~~therein named~~. The City Manager shall have the authority and responsibility to administer the approved City Budget in accordance with its terms. The City Manager's administrative authority shall include the authority to reallocate money within the several funds, departments, offices and agencies; provided, however, any proposed reallocation of Appropriated funds from one department to another, or from one fund to another (including out of existing reserves or fund balances), shall require City Council approval of a budget amendment. At the end of each fiscal year, ~~A~~all A~~a~~ppropriations that have not been expended or encumbered (through a commitment to a future expenditure as part of an approved Capital Improvement Project or under contract with a third party), shall lapse. ~~at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.~~ Funds with lapsed appropriations may not be expended until the City Council takes action to reappropriate such funds.

801.6 Budget Amendments.

~~At any meeting~~ A~~a~~fter the adoption of the City B~~b~~udget, the City Council may amend ~~or supplement~~ the City ~~b~~Budget. Any budget amendment ~~by motion adopted by the affirmative votes of at least five members so as~~ to authorize the ~~transfer~~ reallocation of funds from one department to another or from one fund to another (including out of existing reserves or fund balances) shall require five affirmative votes. Budget amendments ~~unused bal- ances appropriated for one purpose to another purpose, or~~ to A~~a~~ppropriate ~~available~~ revenue not previously included in the adopted budget, [to reallocate funds no longer needed for their original Appropriated purpose], or to reduce a an appropriated expenditure based on projected reduced revenues, or to realize projected savings, shall only require four affirmative votes.

~~**Sec. 1306 Tax system and collection of taxes.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 1306.5 Budget and levy of taxes for interim period between fiscal years.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 1307 Tax limits.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~**Sec. 1308 Tax liens.**~~

~~(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 1309 Bonded debt limit~~

~~The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation of property within the City, exclusive of revenue bonds or any indebtedness that has~~

Commented [GG162]: This generally aligns with current practices, but with better terms and clarity. The one addition is for the provision of carryforward of multi-year capital projects. This is consistent with current best practices, including the City of Sunnyvale as provided in their Charter.

Commented [GG163]: The Finance Director requested a review of legal requirements for budget amendments to see if certain more technical amendments could be approved by a simple majority vote. He pointed out that there are hundreds of appropriation amendments that are brought forward each year during the monthly financial report and year-end processes. Many are technical in nature (e.g. grant carryover, reconciling fund balances to actual performance), and that there's no operational reason these changes should be held at a higher standard.

CAO research suggests the City Council vote required to amend the budget is something the City can determine as a Charter City. I.e., there is legally no 5 vote requirement for any type of Charter amendment.

With Group Six and CRC concurrence, the proposed language still requires 5 votes to shift money from one department or fund to another, but only requires 4 votes for "new money" or if a certain use no longer requires that money (e.g., a contract uses less money than originally allocated).

Language under final review with Finance Director.

~~been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.~~

Commented [GG164]: This Section has been moved to the Finance Section, below

~~**Sec. 1310 Contracts on public works.**~~

Section 802 Purchasing and Procurement

802.1 Goods and Services

A centralized purchasing system shall be established for all City Departments, offices, and agencies. The City Manager, in consultation with the Director of Finance, shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for services and the purchasing, ~~storing~~ storage, distribution, or disposal of all supplies, materials and equipment, required by any department, office or agency of the City government.

OPTION A: PREFERRED BY CITY STAFF AND RECOMMENDED BY GROUP SIX

Commented [GG165]: Level 3 Alert:
The changes proposed with respect to the City's public works procurement process are substantive. The existing process and dollar threshold is clearly outdated, and the proposed changes are very consistent with the kind of change contemplated by the Charter Project. But if the Council was concerned that voters might not be accepting, it might consider, and would be worth it, to present changes to this Section as a separate ballot measure.

This OPTION A sets for parameters and checks and balances for public works procurement, but provides that the details of this be implemented by ordinance. OPTION A is preferred by staff and recommended by Group Six. Its considered superior to OPTION B, below, because it doesn't try to define dollar thresholds in the Charter itself as these may change over time and a major increase in the number (which is what is needed) may not be well-received by voters (e.g., a proposal to increase the threshold for Council approval/formal bidding/use of City forces from $1,000 to just $50K back in 2000 was voted down)

802.2 Public Works

a. **Rules to be Implemented by Ordinance**. The City Council shall, by ordinance, adopt specific policies and procedures for the award of contracts for the construction, reconstruction, renovation, alteration, improvement or demolition of public buildings, streets, drains, sewers, utilities, parks, playgrounds and similar public facilities (each a "Public Work" and collectively, "Public Works").

Commented [GG166]: An ordinance implementing this Section is required. This will need to be acted on right away. Some good models exist, however (e.g., Chula Vista). Section 905, below provides that General City Laws would apply pending the City's enactment of its local ordinance.

b. **Required Provisions.** The City's implementing Public Works ordinance ("Implementing Ordinance") shall, at a minimum, contain provisions for the following:

1. City Council to retain approval rights over what it defines as "major project" contracts (based on factors such as contract cost, project value, or other relevant considerations), with "minor project" contracts approved by the City Manager
2. Competitive bid processes for all contracts, with formal advertisement for bids and sealed bids required for all "major" contracts.
3. In general, except as provided below, the award of contracts to the lowest responsive and responsible bidder.
4. The ability to reject any and all bids, to re-advertise for bids, or to waive minor defects in any bid if determined by the designated contract-approving authority that such action is necessary or appropriate for the benefit of the public;
5. Emergency authority to waive the applicable competitive bid process requirements if the approving authority determines that the work required is of urgent necessity for the preservation of life, health or property.
6. The ability of the City to implement Public Works using City employees upon a determination by the approving authority (the City Council for major projects, the City Manager for minor projects) that the work can be performed better or more economically by City employees;
7. Defined terms, including definitions for what types of maintenance, repair, restoration, minor improvements, and equipment installation and equipment acquisition, which shall not considered "Public Works" for purposes of this Section, but shall remain subject to City's general competitive procurement standards.
8. Such other provisions consistent this this Section as may be necessary or appropriate to implement the City's Public Works procurement process.

Commented [GG167]: Note: language from the previous subsection d., "Maintenance, Repair and Certain Minor Improvements Excluded" was deleted as redundant of this Section, which has been slightly modified in this draft to incorporate some of the deleted elements.

c. **Procurement Alternatives**. The City's Implementing Ordinance may also provide for one or more alternative Public Works procurement processes to those described in Subsection b, above. Such alternatives may include, without limitation: (1) sole source or limited bid contracts where it is determined by the approving authority that the work required can only be performed by one contractor, or a limited group of contractors; (2) "best value" or other alternative procurement mechanisms, including but not limited to: progressive design-build, construction manager at risk, fixed-price design-build, and design-build-operate

contracts; and/or (3) such other alternative procurement mechanisms currently provided under State Law, or that may be provided under State Law in the future. The City's Implementing Ordinance for any such procurement alternatives shall include standards for solicitation, evaluation and selection of qualified proponents. No such exception or alternative process shall be applied to a Public Work unless it is part of a City-wide policy or program approved by the City Council by ordinance and the approving authority has determined that its application to that Public Works is in the best overall interests of the City.

d. **Relationship with Other Laws.** To the maximum extent allowed by law, the provisions of this Charter Section, and any Implementing Ordinance or policy consistent with the terms of this Section, shall supersede all inconsistent State Laws or regulations that may otherwise be applicable to the City's Public Works procurement processes.

OPTION B – Modify existing language to increase the dollar threshold and add alternative procurement options

a. Every contract involving an expenditure of more than two hundred fifty~~-~~ ~~one~~ thousand dollars ($250,000~~1,000.00~~) for the construction or improvement, ~~(excluding maintenance and repair),~~ of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds (each a "Public Work" and collectively "Public Works") shall be let to the lowest responsive and responsible bidder after notice by publication in an official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids, and as provided in Section __, below.

"Major Public Works," defined as projects costing greater than $250,000, shall be subject to approval by the City Council. "Minor Public Works," defined as projects costing $250,000 or less, shall be subject to approval by the City Manager.

Commented [GG168]: The Public Works Director presented extensively to Group Six on the value of adding this provision to give the City additional public works procurement tools it currently doesn't have but that are used successfully throughout the State. Design build and related mechanisms for certain types of projects can be used to great effect to manage costs, improve quality and shorten bid and construction time frames. This could be especially important/valuable to the City as a tool with a number of the Measure I projects (e.g., Fire Station rebuilds) considered to be great candidates for this. The complicated projects required by SVP are also good candidates and the SVP director also strongly supports the addition of these tools. If the Charter amendment is approved, an ordinance would need to be developed to set out the best practices for how this would work

~~Sec. 1311~~

The City Council or the City Manager, whichever is the approving authority, may reject any and all bids presented and may re-advertise in its discretion.

~~The City Council~~Such approving authority, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and upon such declaration ~~after the adoption of a resolution to this effect by at least four affirmative votes, it~~ may proceed to have said work done in the manner stated, without further observance of the provisions of this S~~s~~ection. Such contracts likewise may be let without advertising for bids, if such work shall be ~~deemed~~ declared by adopted resolution of the City Council to be of urgent necessity for the preservation of life, health, public safety or property, ~~and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the~~ including a statement of the facts constituting such urgency.

The City Council shall adopt an ordinance to implement the terms of this Section. Such ordinance may include limited exceptions to the bid solicitation and award provisions set forth above, including, without limitation: (1) sole source or limited bid contracts where it is determined by the approving authority that the work required can only be performed by one contractor, or a limited group of contractors; (2) "best value" procurement mechanisms, including but not limited to: progressive design-build, construction manager at risk, fixed-price design-build, and design-build-operate contracts. The City's Implementing Ordinance for any such procurement alternatives shall include standards for solicitation, evaluation and selection of qualified proponents. No such exception or alternative process shall be applied to a Public Work unless it is part of a City-wide policy or program approved by the City Council by ordinance and the approving authority has determined that its application to that Public Works is in the best overall interests of the City.

For purposes of this Section "Public Works" shall not include maintenance, repair, or restoration of City facilities or infrastructure, any minor improvements required for workspace modifications or installation of equipment, or the purchase of equipment when segregated from the Public Works contracting process.

802.3 Franchises.

~~a.~~ The City Council may by ordinance provide a procedure for the granting of franchises for the provision of City services or grant franchises pursuant to the procedure provided by the State L~~l~~aw. Franchises may be granted for the use by any public utility or other City service provider of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may be prescribed by ordinance, or in the terms of a negotiated franchise agreement, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred. In accordance with applicable City ordinances or State Law, S~~s~~uch franchises may be granted exclusively, or non-exclusively, either for a fixed or an indeterminate ~~period~~term.

Commented [GG169]: No substance changes proposed. Just some clean up and flexibility consistent with current practices.

~~**Sec. 1311 General fund.**~~

~~The City Council shall maintain a General Fund for the purpose of accounting for the general government revenue and the expenditures of the various City departments resulting from the provision of general government services.~~

~~The City Council shall maintain a General Contingency Reserve Fund. A reserve shall be built up in this fund from any available sources including any excess of revenues over expenditures in the General Fund during any fiscal year.~~

~~W~~

~~The City Council may establish reserve accounts in the General Contingency Reserve Fund as needed to segregate monies for particular purposes. Transfers may be made by the City Council from the General Contingency Reserve Fund to any other fund or funds, of such sum or sums as may be required for the purposes Council deems appropriate. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

Commented [GG170]: Group Six discussed whether all of these listed funds and requirements were necessary. With the recommendation of the Finance Director and CAO, the Group's Consensus by the Group and the CRC was that the Sections were too detailed and not necessary. What's essential in these Sections has been boiled down and included in the Budget Contents Section, 801.3, above.

~~Sec. 1312 — Capital project funds.~~

~~Capital Project funds shall be created and maintained as necessary to segregate and account for specific capital improvement project transactions and appropriations shall be included in the Capital Improvement Project Budget. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 1313 — Department funds.~~

~~The City Council shall maintain separate accounting records for the collection of revenues and disbursement of expenditures that are related to specific functions as determined by federal, state, other agency laws or City Charter provisions and regulations or as determined by Council action. These specific functions include, but are not limited to: the various City utilities whose operations are funded by user charges; grant programs; and trust funds established by bequest. Separate funds or accounts shall be maintained such that proper reporting can be made at any time. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 1314 — Petty cash funds.~~

~~The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise. The City Manager, and such department heads, shall account to the City Council for all disbursements made therefrom when making demand for replenishment of the same and at such other times as the Council may require and the amounts shall thereupon be charged against the proper appropriations.~~

Sec. 1315 Presentation of demands.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1316 Registering warrants.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1317

Legal Actions against the City.

No suit or action for money or damages, whether sounding in tort, contract or some other theory, may be brought against the City, or any board, commission, agency or officer, agent or employee thereof, until a claim has been filed with the City, and either the City acts on the claim or it is deemed denied by operation of law. The procedures prescribed by State law Law governing the presentations, consideration and enforcement of claims against cities and its officers, agents and employees shall apply to the presentation, consideration and enforcement of claims against the City or its officers, agents and employees. Claims for money or damages which are excepted from or not covered by State Llaw may be governed by the procedures established by City ordinance. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1318 Centralized purchasing.

A centralized purchasing system shall be established for all City Departments, offices, and agencies. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for purchasing, storingstorage, distribution, or disposal of all supplies, materials and equip- ment, and services required by any department, office or agency of the City government.

Sec. 1319

Independent audit.

Section 803 Audit Requirements

803.1 In General. The Council City shall employ, at the beginning of each fiscal year, an independent Ceertified Ppublic Aaccountant ("Independent Accountant") who shall conduct an audit, at least annually, of the booksfinancial accounting, records for and accounts of all City operations, capital expenditures and enterprises. all officers and employees of the City who receive, admin- ister or disburse public funds, and such other officers, employees, departments and agencies as the Council may direct. Such audit shall be conducted in accordance with generally accepted auditing and accounting principles applicable to government agencies. Such audit shall be made at such times as may be prescribed by the City Council but shall be at least annually.

803.2 Reporting. As soon as practicable after the end of the fiscal year, a final audit and report ("Final Audit") shall be submitted by such the Independent Accountant inde- pendent accountant tto the Council, the City Manager , and the City Attorney and the City Audit Committee for review at a public meeting. The City Audit Committee may be a subcommittee of the City Council or an independent body appointed by the City Council. The Audit Committee shall review the Final Audit, hear public testimony, and cause the Final Audit to be transmitted to the City Council for action at a public meeting. At that time,Three (3) copies one physical copy of the audit Final Audit shall be placed on file in the City Clerk's office where they it shall be available for public inspection, and an electronic version shall be posted on the City's website. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1320 Utilities fund.

Section 804 Special Rules for Utilities Expenditures and Revenues

Receipts Revenues from the utilities operated by the City shall be paid into the City Treasury and maintained accounted for in a sepa- rate utilities separate funds for each such utilitiesutility. Expenditures from such funds shall be made only

Commented [GG171]: This Section was updated and moved below as New Section 901

Commented [GG172]: This Section moved above to new Section 803.1

Commented [GG173]: This Section was updated based upon input from the Finance Dept. and the current City Auditor to be consistent with current and best practices.

Commented [GG174]: The contract with the independent auditor will be procurement using City standards for approval authority, currently any contract of $250K or above goes to City Council

Commented [GG175]: Audit process requires some form of engagement between the auditor and a public body. Currently this happens with the Audit Committee. This leaves it to Council discretion (recommended) on how that Audit Committee is formed.

for lawful purposes related to utility operations and capital requirements, including adequate reserves in accordance with the standards set forth in Section 801.3, above. In addition, as previously approved by the voters on November 8, 2022, for the following purposes only for such utilities in the order named, viz.:

(a) For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish;

(b) For repairs and maintenance;

(c) For the payment of interest and sinking funds on bonds issued for acquisition, construction or extensions;

(d) For the payment of five per cent of the gross receipts from such utilities shall be remitted to the general fund of the City to be used for general City purposes approved by the City Council; the use of such funds shall be subject, however, to such any limitations as may be contained in any resolution or indenture heretofore adopted prior to such voter approval.

Commented [GG176]: Per request from Finance, this Section revised to eliminate specific allowed expenditures and instead to refer to applicable law.

Commented [GG177]: Language added for clarification only, that monies put into the general fund can be used for general fund purposes

providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture;

(e) For extensions and improvements;

(f) For the establishment of a sinking fund within the utilities fund for the replacement of utilities property in the minimum amount of two million five hundred thousand dollars ($2,500,000.00).

The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned utilities fund. The City Council may, however, order expenditures from the utilities fund for any utility even though that utility has no credit in the utilities fund, provided only that the balance in the utilities fund is greater than the proposed expenditure. (As Amended, 1967 Statutes, Senate Concurrent Resolution 35; Chapter 61; Amendment ratified 11-4-80; Amended by electors at an election held November 8, 2023, Charter Chapter 18 of the State *Statutes of 2023*)

Section 805 Finance and Tax Authority

805.1 Taxes, Assessments and Fees. Subject to and as authorized by all Applicable Laws, the City, with the approval of the City Council, shall have power to levy and collect taxes, either for regulation or revenue generating purposes, and impose assessments and fees to recover the costs of providing City services. The City may also charge rents and/or fees for the use of City property at market or negotiated rates, or for other purposes that may be unrelated to costs recovery.

Sec. 1309
Bonded debt limit.

805.2 Issuance of Debt. Subject to and as authorized by all Applicable Laws, the City, with the approval of the City Council, shall have the power and authority to issue debt in order to finance City operations, programs, facilities and infrastructure. Types of allowed debt financings include, without limitation: general obligation bonds, lease revenue bonds, utility revenue bonds, certifications of participation, letters of credit, infrastructure and maintenance bonds, and other similar finance mechanisms consistent with best practices. The City Council reserves the right by ordinance or resolution, to implement specific local policies and procedures for the issuance of debt.

805.3 Limits on Indebtedness. The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation of real and personal property within the City. For purposes of this Section, "bonded indebtedness" means general obligation bond indebtedness of the City payable from the proceeds of Ad Valorem Property Taxes levied upon taxable real and personal property within the City., exclusive of revenue bonds or any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

805.4 Voter Approval Required. Whenever Applicable Law requires voter approval for any actions contemplated by this Section, the City shall seek and obtain such voter approval in advance of taking any such action. In addition, Tthis Ssection 805 (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an electionthe voters. (Amendment ratified 11-3-81)

Sec. 1321 Revenue bonds.

(a) The City Council, when authorized at an election as hereinafter provided, shall have power to issue revenue bonds for the purposes authorized by the general laws of the State of California including the issuance of refunding revenue bonds and also shall have power to borrow money and incur indebtedness for any and all

Commented [GG178]: Proposed for deletion. Per Finance Director, this amount is way too small for our electric utility, but way to high for other utility operations. Proposing to replace (see above) with a reference to the reserve account standards set forth in Section 801.3, above.

Commented [GG179]: These Sections were reviewed with Finance, Bond Counsel, and special finance counsel, with the overall objective to allow City to tax and finance in all ways available to Charter and General Law cities, but without deleting any clearly intended limitations reserved to the voters under State Law, or restricted by the City's voters in the existing Charter language.

Commented [GG180]: This is a statement of current law.

Commented [GG181]: This Section is intended to reflect the City's broad authority to issue debt per existing law and best practices. Local implementation language suggested by outside counsel in case a finance opportunity or limitation arises that the City needs to address.

Commented [GG182]: This Section under final review by outside counsel for compliance with State law requirements.

Commented [GG183]: Although it could be argued this limit is outdated, because ownership/use of nuclear power is a highly sensitive area, and SVP has indicated not urgent need to finance any such access to nuclear power, the CRC has recommended to keep this limitation in place.

Commented [GG184]: These detailed provisions regarding Revenue Bonds are considered to be outdated, and limiting in ways that go beyond current state law limitations/best practices which have evolved over time. Accordingly, bond counsel has proposed for deletion.

~~revenue producing works, undertakings, enterprises and utilities (hereinafter in this section referred to as "works") to the end that, as far as practicable, all such works shall be self sustaining and shall be paid for directly out of the revenues therefrom. Such works may be financed through the issuance of revenue bonds.~~

~~(b) Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such revenue bonds, and the interest accruing thereon, shall be a charge solely upon such of the revenues of the works on account of which they are issued as by the terms of their issuance are so charged therewith, but shall not be a charge, lien or encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any income, receipts, revenues, funds, or property of the City, other than such charge upon such revenues of the work on account of which they are issued, and neither the credit nor the tax-ing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of such taxing power.~~

~~(c) The City Council may avail itself of any of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of revenue bonds or the City Council may, by ordinance or resolution effective upon adoption set up and establish a procedure for the issuance of such revenue bonds, the calling and holding of elections therefor, and all matters pertaining to the issuance and sale of such bonds; provided, however, that the issuance of said revenue bonds shall be submitted to the electors at an election and the votes of a majority of all those voting on the proposition shall be required to authorize the issuance of the bonds.~~

~~(d) Nothing in this section or elsewhere in this Charter, shall preclude the issuance, when authorized by two-thirds vote of the duly qualified electors of the City voting upon the proposition, of bonds of the City, for the purposes of any works, pursuant to proceedings therefor taken in accordance with the Constitution and general laws of the State. It is nevertheless the intention of this Charter that all principal and interest accruing on such bonds of the City if any, shall be provided currently out of the revenue fund pertaining to the works on account of which such bonds of the City shall have been issued, so far as it is practicable to make such provisions after the payment of all costs of operation and maintenance of said works and of all principal and interest on revenue bonds of the City issued on account of said works, and that so far as such current provision is not practicable, the general funds of the City shall be reimbursed out of said revenue fund, as soon as practicable, for all moneys paid from such general funds on account of such bonds of the City.~~

~~(e) The City Council shall have power to issue revenue bonds to finance the generation, production, transmission and distribution of electric energy, including the acquisition and/or construction of lands and facilities~~

therefore, without authorization at an election. The City Council may avail itself of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of such revenue bonds or the City Council may, by ordinance or resolution effective upon adoption, set up and establish a procedure for the issuance of such revenue bonds and all matters pertaining to the issuance and sale of such bonds. This section (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an election. (Amendment ratified 11-3-81)

Article XIV. Franchises

Sec. 1400 Procedure; terms.

The City Council may by ordinance provide a procedure for the granting of franchises or grant franchises pur- suant to the procedure provided by the State law. Franchises may be granted for the use by any public utility of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may be prescribed by ordinance, but no franchise shall be granted without reserving to the City adequate com- pensation for the privilege conferred. Such franchises may be granted either for a fixed or an indeterminate period.

Commented [GG185]: Moved and revised (with minor changes) to new Section 802.3, above.

Article XV. Reserved

Code reviser's note: At an election held on November 7, 1972, the electors repealed former Art. XV, section 1500 - 1505, pertaining to the police court. Said former article was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951. The repeal of said Art. XV was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

Article XVI. Reserved

Code reviser's note: At an election held on November 7, 1972, the electors repealed former Art. XVI, section 1600, pertaining to the school department. Said former article was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951, and amended by the State legisla- ture (1957 Stats., p. 4459). The repeal of said Art. XVI was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

Article XVII. Reserved Powers, State Election Code and Amendments to State Elections Code

Sec. 1700 Reserved powers.
(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1701 State Elections Code.
(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 1702 Amendments to State Elections Code.
(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article Nine XVIII.
Miscellaneous and Legal Provisions

Commented [GG186]: Proposed changes to this Section improve language and add helpful "boilerplate" provisions

Sec. 1800

Section 900 Definitions Mandatory and Permissive.

Unless the provision or the context otherwise requires, as used in the Charter :

(a) "sShall" and "must" are is mandatory, and "may" is permissive.

~~(b) "City" is the City of Santa Clara and "department," "board," "commission," "agency," or "employee," is a department, board, commission, agency, officer or employee as the case may be, of the City of Santa Clara.~~

~~The masculine and feminine gender include the neuter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 1317~~
Section 901 Legal Actions A~~a~~gainst the City.

No suit or action for money or damages of any kind ~~, whether sounding in tort, contract or some other theory,~~ may be brought against the City, and City agency or enterprise, or any Elected Officer, Board or Commission Member, ~~board, commission, agency or~~ officer, agent or employee thereof (collectively, "City Entities and Persons"), until a claim has been filed with the City by service upon the Office of the City Clerk, in the manner established by City ordinance, and either the City acts on the claim or it is deemed denied by operation of law. The procedures prescribed by State Law shall apply to the presentation, consideration and enforcement of claims against ~~the City or its officers, agents and employees~~City Entities and Persons. Claims for money or damages ~~which are excepted~~exempt from or not covered by State Law may be governed by ~~the~~ procedures established by City ordinance.

~~(c) INSERT OLD SECTION 1317 "ACTIONS AGAINST THE CITY" HERE WITH CORRECT NUMBERING TO FIT IN.~~

~~Sec. 1801~~
Section 902 Violations; Enforcement.

902.1 Charter Violations. Depending upon the severity of the offense, as determined in the discretion of the prosecuting authority, ~~T~~the violation of any provision of this Charter ~~shall~~ **may** be prosecuted as ~~deemed~~ a misdemeanor ~~and be punishable upon convic- tion by a fine of not exceeding one thousand dollars ($1,000.00) or by imprisonment for a term of not exceeding one year or by both~~or as an infraction, subject to associated fines and/or imprisonment as provided under State law for such offenses ~~such fine and imprisonment.~~ If an Elected Official is convicted of a misdemeanor for violation of this Charter, such official shall also be deemed to have forfeited their elected office as provided in Section 205.1(2), above.

902.2 Prosecuting Authority. The prosecuting authority with respect to violations of this Charter, shall be the District Attorney for Santa Clara County. If the District Attorney is not available or declines to perform this role, the City Attorney shall deputize and appoint from outside the City Attorney's Office a qualified special Deputy City Attorney to perform such function.

901.3 Other Violations of Local Law. Any other act or omission that the City Council desires to be prosecuted as a misdemeanor or infraction must be prescribed by ordinance.

~~Sec. 1802~~ ~~Validity~~
Section 903 Severability.

If any provision~~s~~ of this Charter is held to be illegal, invalid or unenforceable, either on its face or in its ~~the~~ application ~~thereof~~ to any person or circumstance ~~is held invalid,~~ the remainder of the Charter shall not be affected by such holding and shall remain in full force and effect. Further, any holding of invalidity or unenforceability made with respect to a particular person or circumstance, shall be limited to that particular person or circumstance. ~~and the application of such provision to other persons or circumstances, shall not be affected thereby.~~

~~Sec. 1803 Effective date.~~

~~For the purpose of nominating and electing members of the City Council, this Charter shall take effect from the time of its approval by the legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of election of the first City Council at 8:00 P.M.~~

Commented [GG187]: No longer needed, because changes made already implement gender neutralization

Commented [GG188]:

Commented [GG189R188]: This Section has been updated to allow for a range of outcomes, depending upon the perpetrator and the severity of the violation, and to provide for who enforces. As noted above, it would also address what happens if a Councilmember is convicted of a misdemeanor involving "Councilmanic Interference" (loss of office).

Group One and the CRC were supportive of these clarifications, but recognized the concern that enforcement of the Charter could be (and always could be even before any proposed changes) "politicized". Proposed changes actually mitigate that risk by contemplating a range of enforcement based on severity of conduct.

Commented [GG190]: Improved wording without substantive changes

Commented [GG191]: Proposed for deletion because already addressed in Section 104, above

~~Sec. 815~~

Section 904 Publication~~shing~~ of L~~l~~egal N~~n~~otices.

904.1 Newspaper Publication. Whenever legal notice is required to be published under the provisions of Applicable Law, the City shall cause such publication to occur in a ~~The City Council shall by resolution designate one or more~~ newspaper~~s~~ of general circulation in the City of Santa Clara designated by the City Council. ~~as official newspaper for the publication of any legal notice or other matter required to be pub- lished in a newspaper of general circulation in said City~~. If no such newspaper exists, or the rates charged for publication are not reasonably aligned with market rates, ~~it appears to the City Council that the rates offered are unfair, it need not designate an official newspaper. Upon making a finding to such effect, or if publication of newspapers which have been so designated are suspended~~, then legal notices, ordinances or other matter required to be published in an official newspaper may be published as otherwise allowed under Applicable Law. ~~by posting copies thereof in at least three public places in the City. The places for posting of legal notices shall be fixed by ordinance of the City Council.~~

904.2 Additional Notice Required. Whenever legal notice is required to be published under the provisions of this Charter or Applicable Law, the City shall also provide such notice electronically in accordance with a policy approved by the City Council designed to make use of the latest available technologies to maximize the reach of any required notice to those that have expressed interest in or are likely to be impacted by the subject matter of such notice.

904.3 Substantial Conformance. No defect or irregularity in proceedings taken under this S~~s~~ection, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in ~~conformity~~ substantial conformance with this Charter, or Applicable Law.~~law, or ordi- nance~~.

Section 905 Laws in Effect Pending Enactment of Ordinances.

Pending the enactment of any ordinance or policy required or contemplated under the terms of this Charter, existing Local Laws shall govern. To the extent there are no applicable Local Laws in these areas, General City Laws shall apply, but only to the extent consistent with the terms of this Charter.

Section 906 City Clerk Authority to Make Minor Corrections.

The City Clerk shall be authorized to make minor modifications to the Charter to correct typographical errors or to make other similar non-substantive corrections subject to ratification by the City Council and approval as to form by the City Attorney.

~~Sec. 912~~

Section 907 Official Oath~~s~~ of O~~o~~ffice.

Each ~~member of the City Council~~, Elected Official, ~~of~~ every member of a City B~~b~~oard and C~~c~~ommission, ~~and~~ each ~~officer~~ City Council appointed official, and each ~~and~~ department head, before entering upon the discharge of the duties of ~~his/her~~ the office shall take, subscribe to and file with the City~~-~~ Clerk the following oath of ~~affirmation~~office: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter." ~~(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statues of 2000)~~

Section 908 Definitions.

Capitalized terms used in this Charter shall have the meanings ascribed thereto in this Section. To the extent of any conflict between the definitions of capitalized terms provided in this Section and any other common understandings or definitions of such capitalized terms, the definitions in this Section shall govern.

Commented [GG192]: This language generally mirrors State Law, with the addition of electronic notice in 904.2. 904.3 allows for substantial conformance in publishing.

Commented [GG193]: Language addresses any gaps pending enactment of required ordinances. Especially needed in public works procurement

Commented [GG194]: A good provision in case we missed something in a defined term or a Section cross reference, misspelled or wrong word (e.g., "of" instead of "if"), etc.

Commented [GG195]: Moved here from old Section 912

Commented [GG196]: The Definitions list that follows is still very much "under construction" and will continue to be refined as we work towards a FINAL document for placement on the ballot.

Also under development is the proposed Appendix/Matrix that will include the history of all changes to each Section, including references to old Section numbers, and an additional column referring to any implementing City Code provisions.

Definitions

- **Administrative Code** — The City's organizational and operational details, adopted by ordinance and set forth in one or more articles within the City Code. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Appointed Officer** — Each of the City Manager, City Attorney, and City Auditor. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Appointed Officers** — Collectively, the City Manager, City Attorney, and City Auditor. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- Appropriated - allocated for a specific purpose or project within the applicable fiscal year(s). Or could we just say "committed" and avoid this term altogether?
- **Boards and Commission Members** — The collective term for the members of City Boards and Commissions. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Brown Act** — The Ralph M. Brown Act, California Government Code sections identified in the draft as governing City Council meetings and prevailing over conflicting Charter meeting provisions. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Chair** — The member elected by a board or commission to serve as its presiding officer for that year. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Chartered Boards and Commissions** — The Planning Commission, Parks and Recreation Commission, Board of Library Trustees, Civil Service Commission, and Salary Setting Commission. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City** — The City of Santa Clara. This definition appears in both Section 100 and Section 1800.
- **City Boards and Commissions** — The collective term used when Charter provisions are intended to apply to both Chartered Boards and Commissions and City Council Created Boards and Commissions. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City Council District** — One of the six designated geographic districts from which the six non-mayoral Council Members are elected. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City Council Districts** — Collectively, the six designated geographic districts for district-based Council elections. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City Elected Officials** — The Mayor, City Council, Chief of Police, and City Clerk, for purposes of Salary Setting Commission authority over compensation. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Council Created Boards and Commissions** — Additional boards, commissions, or committees the City Council may create by ordinance or resolution, with powers and duties consistent with the Charter. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Council-Manager** — The form of government in which the City Council is responsible for lawmaking and major policy decisions, and a professional manager appointed by the Council implements policy and manages day-to-day operations. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Declaration of Vacancy** — The resolution adopted by the City Council declaring the existence of a vacancy in an elected office. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Dedicated Parklands** — The Ulistac Natural Area, the Santa Clara Youth Soccer Park, and any other City-owned or City-controlled real property currently or later listed by ordinance in the General Plan park inventory identified in the Charter. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Department Heads** — All department heads or division leaders of the City who are not elected or appointed by the City Council and instead are appointed by the City Manager. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **District** — Each City Council district for district-elected Council Members. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Districts** — Collectively, the City Council districts for district-elected Council Members. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Effective Date** — The date on which the Measure amendments went into effect upon filing with the Secretary of State; the exact date is still blank in the draft. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Elected Officials** — The Mayor, six City Council Members, the Chief of Police, and the City Clerk. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Election's Official** — The role the City Clerk serves under the Charter and State Elections Law. City Charter

MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf

- **Encumbered -**
- **Event of Vacancy** — A vacancy event provided in Charter Section 205; the draft uses the term by cross-reference rather than giving it a separate stand-alone definitional sentence.
- **General City Laws** — Laws only applicable to general law cities under State law. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **General Municipal Election of the City** — The City's regular election held the first Tuesday following the first Monday in November of even-numbered years. The draft text appears to contain punctuation/quotation glitches, but this is the term and definition as framed there. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Implementing Ordinance** — The City's implementing Public Works ordinance establishing required procurement rules and, if adopted, standards for alternative procurement methods.
- **Lifetime Term Limit** — The rule that a person elected as a City Council member or as Mayor may not serve more than two full terms in that position in their lifetime, subject to the counting rules and carve-outs stated in Section 203.2. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Local Laws** — City ordinances, regulations, or policies adopted under the authority of the Charter. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Major Public Works** — Contracts above the stated threshold, for construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks, and playgrounds, excluding maintenance and repair; the dollar threshold is still blank in the draft.
- **Major Public Works Projects** — Projects costing greater than the stated dollar threshold and subject to City Council approval; the threshold amount is still blank in the draft.
- **Mandatory Redistricting** — The required redistricting process using data from each decennial federal census.
- **Measure __ Amendments.** — The Charter amendments approved by City voters at the November 4, 2026 City Election. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Minor Public Works Projects** — Projects costing the stated threshold amount or less and subject to City Manager approval; the threshold amount is still blank in the draft.
- **minutes resolution** — An oral motion or order duly passed by the City Council and entered in the minutes, having the same force and effect as a written resolution and deemed a resolution for all purposes.
- **Notice of Proposed Ordinance** — The notice prepared by the City Clerk's Office for each proposed ordinance, containing the ordinance title, introduction date, brief summary, and statement that the full text is available at the Clerk's Office and on the City website. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Official Newspaper** — One or more newspapers of general circulation in the City of Santa Clara designated by resolution of the City Council for publication of legal notices and other matters required to be published in a newspaper of general circulation.
- **Public Work** — Each contract for the construction, reconstruction, renovation, alteration, improvement, or demolition of public buildings, streets, drains, sewers, utilities, parks, playgrounds, and similar public facilities under Option A of the draft procurement language. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Public Works** — Collectively, the public work categories described in the draft procurement section; under Option A, routine maintenance and repair are excluded. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Qualified Elector** — A registered voter of the City. Status is determined by the Santa Clara County Registrar of Voters. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Qualified Electors** — The Charter uses this plural form for the City electorate in provisions such as initiative, referendum, recall, and voter approvals. It is the plural application of "Qualified Elector."
- **Registrar** — The County Registrar of Voters, which administers City Elections with the City Clerk, in consultation with the Senior Clerk Appointed Official. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Resident** — A resident of the City for elected-official qualification purposes; whether a person is a Resident is determined in accordance with State law. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **ROV** — The Santa Clara County Registrar of Voters. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- ~~**Senior Clerk Appointed Official** — The senior appointed official in the City Clerk's office with whom the City Clerk consults regarding Charter election duties; if an incumbent City Clerk is running for re-election, this official administers matters relating to that City Clerk election.~~
- **Shall** — Mandatory. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf

- **Special Municipal Elections** — Any municipal elections other than the regular election, called under the authority of the Charter or the State Elections Code. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **State** — The State of California. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Total Compensation** — Salary and benefits.
- **Treasurer** — The role the Director of Finance serves in, where required in the City's financial dealings, including public financing. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Vacant** — A City board or commission seat is considered vacant upon an Event of Vacancy under Section 205, and also when a member is absent from three consecutive regular meetings without an excuse reflected in official minutes and the City Council declares the position vacant.

Page 16: [1] Commented [GG19] Glen Googins 5/29/2026 11:15:00 AM

Level 3 Alert:

This provision was discussed extensively by Group Two and the full CRC with the consensus being that adding to the qualification requirements as proposed makes sense (the current standard is very low (not many total years of law enforcement experience required, with no management level experience), and all of the Chiefs over the past 30 plus years have met the proposed requirement (the equivalent of a Lieutenant with 2 years experience). At the same time, it is recognized that the sensitivity of this area presents challenges to any proposed modifications, no matter how reasonable.

As a result, the CRC recognizes this proposal to be, at a minimum, a Level Three proposal. They are also concerned about further limiting who might qualify to run for Chief of Police in light of the existing requirement for residency. As a result, the CRC recommends it might be worth exploring the pros and cons of removing or modifying the residency requirement for the Chief of Police. They recognize, however, that any such proposal would be a Level 4 proposal.

The following information is provided for context:

Qualifications of sheriff: Gov Code 24004.3

(a) No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:
(1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
(2) One year of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university.
(3) Two years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.
(4) Three years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.
(5) Four years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.

From the POST website:

Basic Certificate
The Basic Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently full-time peace officers of a POST-participating agency who possess a valid POE, have satisfactorily completed the prerequisite Basic Course requirement, and the employing agency's probationary period of not less than 12 months.

Intermediate Certificate
The Intermediate Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess a Basic Certificate and who have acquired the specified training and education points and/or college degree and the prescribed years of law enforcement experience.

Advanced Certificate
The Advanced Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess an Intermediate Certificate and who have acquired the specified training and education points and/or college degree and the prescribed years of law enforcement experience.

Supervisory Certificate
The Supervisory Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess or are eligible to possess an Intermediate Certificate, have earned a minimum of 60 semester units at an accredited college, served for a period of at least two years as a permanent first-level supervisor or higher in law enforcement, and have completed the POST Supervisory Course.

Management Certificate
The Management Certificate is **awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess or are eligible to possess an Advanced Certificate, have earned a minimum of 60 semester units at an accredited college, served for a period of at least two years as a permanent middle manager or higher in law enforcement, and have completed the POST Management Course.**

Executive Certificate
The Executive Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess or are eligible to possess an Advanced Certificate, have earned a minimum of 60 semester units at an accredited college, served for a period of at least two years as a permanent agency head with their current employing law enforcement agency, and have completed the POST Executive Development Course

(8) Applicants for Management Certificate Award shall:
(A) Satisfy the requirements specified in subsection 1202(c)(1),
(B) Possess or be eligible to possess an Advanced Certificate,
(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),
(D) Successfully complete the POST Management Course, and
(E) Possess a minimum of two years of law enforcement experience as a permanent middle manager or higher. Except for appointments to the rank of Acting Chief, intermittent or acting appointments do not count toward eligibility for the Management certificate.

Possible additional considerations and alternatives include: (1) replace this with a simple statement of achieved the rank of Lieutenant with two years in that position; (2) adding requirement that if the POST system is still in place, that they shall obtain the certificate within, say, six months after assuming office.

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Under California law, a crime of moral turpitude is conduct that reveals dishonesty, fraud, a general readiness to do evil, or moral depravity, determined by examining the minimum statutory elements of the offense rather than the specific facts of a particular violation. California courts apply the "least adjudicated elements test," which requires that from the elements of the offense alone, without regard to the facts of the particular violation, one can reasonably infer the presence of moral turpitude (People v. Aguilar, 245 Cal.App.4th 1010 (2016))[1], (People v. Bedolla, 28 Cal.App.5th 535 (2018))[2].
Definition and Core Principles
California decisional law establishes that moral turpitude includes fraud and that any crime in which an intent to defraud is an essential element constitutes a crime involving moral turpitude (In re Hallinan, 43 Cal.2d 243 (1954))[3]. The related group of offenses involving intentional dishonesty for purposes of personal gain are also crimes involving moral turpitude (In re Hallinan, 43 Cal.2d 243 (1954))[3], (Matanky v. Board of Medical Examiners, 79 Cal.App.3d 293 (1978))[4]. Moral turpitude is not limited to dishonesty but extends to crimes involving other sorts of moral depravity and a "readiness to do evil," such as child molestation and crimes of violence, torture, or brutality (People v. Castro, 38 Cal.3d 301 (1985))[5].

Moral Turpitude: See Elections Code 20: (a) A person shall not be considered a candidate for, and is not eligible to be elected to, any state or local elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money,

perjury, or conspiracy to commit any of those crimes.
(b) For purposes of this section, "conviction of a felony" includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

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This is the existing language modified to change the City Council from "judging" all elections to "certifying" them. Balance between deference to County Registrar on outcome and City Clerk's office on administration (so outcomes are determined based on state mandated procedures versus political considerations), with some level of Council authority/right to challenge still retained.

Here's a summary of what CAO advised Council about their role in certifying the election and the available paths to challenge election results or candidate eligibility/qualifications in the report to Council for certifying the results of the 2024 election:

"Legal Requirements and Effects of the Election Certification Process

Under the City Charter, unless an express provision of the Charter provides otherwise, City elections are governed by the California Elections Code [Charter Section 700]. With respect to election certification, there are no Charter provisions providing otherwise.
Under the Elections Code, section 10262 requires the elections official to conduct the canvass of votes (i.e., count the votes cast in the election), pursuant to its sections 15302 and 15303. "Upon the completion of the canvass, the elections official shall certify the results to the governing body." (Elec.
Code § 12062.) The canvass must be completed by the fourth Friday after the election (Elec. Code §10262, subd. (a)), and for a consolidated election, the elections official shall certify the results to the
governing body, and the governing body *must* certify the election results in compliance with section 10263 by its next regularly scheduled meeting after the 28-day canvass or at a special meeting called
for that purpose. (Elec. Code § 10262, subd. (b).) Elections Code section 10263 requires the governing body to adopt a resolution reciting "the fact of the election and the other matters that are enumerated in section 10264." The governing body must also "declare the results and … install the
newly elected officers." (Ibid., subd. (a).)
Although the certification process described above, is mandatory, election certification does not definitely decide the outcome of every election contest. Even after "certification" there are separate legal processes for challenging the outcome of an election, or the qualifications of an elected
candidate to hold office. The first such process is contained in Elections Code Section 16100. The second such process is known as a "quo warranto" proceeding.
Elections Code Section 16100. Most of the bases for challenge to an election under Elections Code 16100 relate to elections official misconduct, material vote counting errors, or the casting of illegal votes. Section 16100(b) also provides for an election challenge based on a determination that a
person elected was not, at the time of the election, eligible to hold office. Under Section 16401(d) a statement of such challenge must be filed with the superior court within 30 days after the City's
certification of the subject election.
Quo Warranto. A quo warranto action must either be initiated by the City Council or be initiated or authorized by the State Attorney General. A quo warranto action doesn't relate to the election itself, but to the qualifications of a party to run for or hold a public office under applicable law. Applicable laws include federal, state or local laws, which would include the City's own Charter requirements. Quo warranto actions can be initiated at any time during the tenure of an elected official. Either form of elections challenge, whether under the Elections Code or a quo warranto proceeding, may be initiated by the City Council itself or an individual "elector" within the City; provided, however, as discussed above, any proposed quo warranto action by an individual elector must first be approved by the Attorney General."

Page 28: [4] Commented [GG66] Glen Googins 4/11/2026 9:21:00 PM

This language added to give flexibility if ever needed, e.g., during the summer recess or around the Thanksgiving/Christmas holiday. Current language could be further modified to only require one meeting of any

kind of the bracketed special meeting reference were to be deleted.

Brown Act requirement is as follows:
Regular meetings must be held at least monthly on a schedule fixed by ordinance or resolution, with agendas posted at least 72 hours prior containing a brief general description of business items, including closed session topics.

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Note:
The Brown Act requires that regular and special meetings of city councils be held within the boundaries of the territory over which the local agency exercises jurisdiction (West's Ann.Cal.Gov.Code § 54954)[1]. This is a fundamental location requirement that applies to both types of meetings. However, the statute provides several specific exceptions that allow meetings to be held outside the jurisdiction, including to comply with state or federal law or court orders, attend judicial or administrative proceedings to which the agency is a party, inspect real or personal property that cannot be conveniently brought within the boundaries, participate in meetings of multiagency significance (which must still occur within one of the participating agencies' jurisdictions and be properly noticed), meet in the closest meeting facility if the agency has no suitable facilities or offices within its boundaries, meet with elected or appointed federal or state officials when a local meeting would be impractical, or meet outside the jurisdiction in the event of an emergency (West's Ann.Cal.Gov.Code § 54954)[1].

Page 40: [6] Commented [GG115] Glen Googins 4/19/2026 10:25:00 PM

There was discussion on need for this language in the Charter at all, with a possible option to radically reduced to a sentence or two calling for rules to be adopted by ordinance. Current recommendation is to retain provisions, but to update to make more clear and better align with State law.

California law establishes comprehensive requirements for city employees who must obtain and furnish faithful performance bonds or other forms of bonds in connection with their official duties. These requirements are governed primarily by the California Government Code, which sets forth the conditions, obligations, and payment provisions for official bonds of municipal officers and employees.

Statutory Framework for Official Bonds

The fundamental condition of an official bond is established by California Government Code § 1501, which provides that "the condition of an official bond shall be that the principal will well, truly, and faithfully perform all official duties then required of him by law, and also all such additional duties as may be imposed on him by any existing law of the State or law enacted subsequently to the execution of the bond" (West's Ann.Cal.Gov.Code § 1501)[1]. This statutory language ensures that bonds cover both current and future duties imposed by law.

California Government Code § 1504 further specifies that every official bond executed by any officer pursuant to law "is in force and obligatory upon the principal and sureties therein for" both "any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office" and "the faithful discharge of all duties which may be required of such officer by any law enacted subsequently to the execution of the bond" (West's Ann.Cal.Gov.Code § 1504)[2]. The statute includes important limitations on personal liability for officers whose sole compensation is a fixed salary, providing that they shall not be personally liable for negligent acts or omissions of deputies or employees unless the officer failed to exercise due care in selection, appointment, or supervision (West's Ann.Cal.Gov.Code § 1504)[2].

Charter City Authority Over Bond Requirements

California Constitution Article XI, § 5 grants charter cities plenary authority to provide for "the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation" (West's Ann.Cal.Const. Art. 11, § 5)[5]. This constitutional provision allows charter cities to establish their own requirements for official bonds as part of their municipal affairs.

Page 40: [7] Commented [GG118] Glen Googins 2/12/2026 12:10:00 PM

This Article was updated with substantial input from the existing Boards and Commissions listed.

Note: “Commissions” are generally understand to mean groups that are permanent with some independent authority or ongoing subject matter jurisdictions. “Committees” are almost always advisory, and sometimes are of limited duration. “Subcommittees” are always subordinate bodies to the primary Council or Commission. “Board” appears to be just a historical name for the Board of Library Trustees, and in this context has no particular meaning distinct

from Commission.

Consideration was given to building in some definition structure here, but doesn't seem necessary. More important to distinguish what rules apply to what boards, commissions (and/or committees) and updated language in this Article Six does that. Also, note the proposed addition of new Section 605, below, regarding "committees"

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Here are the current Code Sections for both Charter created and City Council created Boards and Commissions. Revised language requires any further implementing details be approved by ordinance (not resolution)

§ 2.120.010**Names, membership, qualifications and terms of office.**
There shall be and there is established within the City the following boards, commissions, and committees:
(a) Planning Commission. (SCCC § 2.120.050)
(b) Parks and Recreation Commission. (SCCC § 2.120.060)
(c) Civil Service Commission. (SCCC § 2.120.070)
d) Board of Library Trustees. (SCCC § 2.120.080)
(e) Historical and Landmarks Commission. (SCCC § 2.120.100)
(f) Senior Advisory Commission. (SCCC § 2.120.110)
(g) Youth Commission. (SCCC § 2.120.130)
(h) Cultural Commission. (SCCC § 2.120.140)
(i) International Exchange Commission. (SCCC § 2.120.150)
(j) Housing Commission. (SCCC § 2.120.160)
(k) Bicycle and Pedestrian Advisory Committee. (SCCC § 2.120.170)
All members of boards, commissions, and committees, except for members of the Youth Commission and Bicycle and Pedestrian Advisory Committee, shall be eighteen (18) years of age or older and residents of the City. All members of boards and commissions established by City Charter (i.e., Planning Commission, Parks and Recreation Commission, Civil Service Commission and Board of Library Trustees) shall also be qualified electors of the City.

§ 2.120.020**Powers and duties generally.**
The boards and commissions of the City shall have the following general powers, duties and responsibilities in addition to those set forth in Article X of the Charter:
(a) To establish rules and regulations governing the election of their officers, the holding of meetings and the conduct of business.
(b) To utilize all appropriate techniques in crystallizing and testing public sentiment on major public issues in their respective fields.
(c) To make budget recommendations.
(d) To hold official hearings as required by law or requested by the City Council.
(e) To advise and recommend on City policies and procedures pertinent to their respective activities and functions.
(f) To support and adhere to all City policies promulgated by the City Council and to establish needed interim policies in the absence of the same.
(g) To provide information and promote good public relations between the City and the general public.
(h) To receive at least two hours of training in general ethics principles and ethics laws relevant to their public service every two years, as required by state law and the City Council.
(i) To perform such other related functions as may be assigned to them by the City Council.

§ 2.120.030**Meetings.**
Each board or commission of the City with members thereon appointed by the City Council shall hold regular meetings at the times and on the days indicated by resolution of the City Council except when such day falls on a City holiday, and shall hold such special meetings as it may require. The times and days for holding regular meetings are subject to amendment from time to time by resolution of the City Council. A copy of the applicable resolution(s) is and will be available for public inspection in the office of the City Clerk.

§ 2.120.040**Utilization of City personnel.**
The various boards and commissions may utilize the services of the appropriate City departmental personnel in carrying out their respective functions, subject to the administrative control of the City Manager.
(Ord. 947; Formerly § 2-92)Here

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Group Four discussed extensively the pros and cons to proposing for inclusion in the Charter provision for the requirement of an Ethics Commission. They ultimately decided (and the full CRC concurred) that while this could be suggested as a **Level 4 i**dea for a future CRC, they were not going to recommend at this time as part of the Charter project. Their decision was based, among other things on the following:

--This is a matter currently being discussed at the City Council Governance and Ethics Committee, including possible terms for a formal Commission, and alternatives to this to reinforce ethics duties and accountability, are under discussion.
--The inclusion of this in the Charter amendment would present challenges as it would, in effect, proposed to "decide" the issue before that full analysis is complete.
--Inquiry was made regarding Chula Vista which has a Board of Ethics, but its not mentioned or requred in the City Charter. GRG's experience there was shared, but pointed out that the details of any such proposal matter, and the pros and cons of this could not be fully analyzed by the CRC as part of this project. CV also has a "standing" Charter Review Commission, but that isn't mentioned in their Charter either.
—Also concern about this being a form of "restructuring" of govt. (by adding a signficant new board), and was an area that could be viewed as controversial, thereby distracting from other more doable proposals.

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Qualified Elector Status. The need for "qualified elector" status as a qualification was discussed extensively in light of BOLT request that the qualified elector status requirement be removed. The Group/CRC ultimately decided that for the Charter created boards and commissions, qualified elector status and consistency were important. They also note that non-Qualified elector residents still have a lot of opportunities to serve on City Council created boards.

Page 41: [11] Commented [GG123] Glen Googins 4/16/2026 2:08:00 PM

From City Code Section 2.120.010

"All members of boards, commissions, and committees, except for members of the Youth Commission and Bicycle and Pedestrian Advisory Committee, shall be eighteen (18) years of age or older and residents of the City. All members of boards and commissions established by City Charter (i.e., Planning Commission, Parks and Recreation Commission, Civil Service Commission and Board of Library Trustees) shall also be qualified electors of the City."

Page 41: [12] Commented [GG126] Glen Googins 2/12/2026 9:13:00 AM

Group Four discussed extensively options for making more transparent any decision not to reappoint or remove a board or commission member "for cause" other than the referenced "vacancy" provisions below. Ultimate decision was to require the CC to make rules that allow for appointment and removal "in an orderly and transparent" manner but not to attempt to make such rules. Charter is not place for that level of detail and CAO advised of need to balance transparency with privacy interests and interest in protecting City from liability. I.e., no board or commission member should have employee like protections for holding their position.

Page 46: [13] Commented [GG145] Glen Googins 1/23/2026 9:56:00 AM

BOLT comments/proposals on powers and duties included:
--Desire to primarily advisory (guide and recommend), but don't want to abdicate "accountability".
--This can be achieved by requiring them to be part of certain Library administrative processes. E.g., Library budget needs to come to BLT for review and recommendation before it goes to City Council. (e.g.'s Anaheim and Chula Vista); annual report to City Council on Library activities (Anaheim).

For reference, current City Code provisions provide as follows:

§ 2.120.080**Board of Library Trustees. [1]**
The Board of Library Trustees shall be primarily responsible for the following:
(a)
Establishing, accepting and supervising a significant public library program.
(b)
Providing for balanced library collections and services which represent the diverse perspectives of the community.

(c)
Making recommendations to the City Council on library policies which ensure maximum public access to library collections and services.
(d)
Serving as a central focus for citizen comment on library operations and materials and the provision of appropriate recommendations or response.
(e)
Supporting educational, recreational and cultural activities for citizens of all age groups consistent with the mission of the library program.
(f)
Representing the library program to the City, the community, other government agencies and organizations.
(g)
Performing such other duties and exercising such powers as the City Council may impose or require.