MASTER WORKING DRAFT

6/5/26

THE CHARTER OF THE CITY OF SANTA CLARA CALIFORNIA

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Group Three Senior Officials: Duties and Qualifications	Bernard Tansey Patrick Nikolai Lauren Diamond Mohammad Naveed
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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
Foundational Terms

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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.

Section 101 City Boundaries.

The territory of the City over which it shall exercise lawful jurisdiction shall be the territory contained within its boundaries as established under State Law. City boundaries may be modified, but only in accordance with State Law requirements and procedures.

Section 102 Charter City Authority.

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

The specification 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.

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.

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 Public 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 of two-thirds of the Qualified Electors voting on such proposition at a City Election. This requirement for voter approval shall not apply to the disposition of public

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

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.

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

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.

utility real or personal property determined by the City Council as no longer necessary for public utility use.

(b) Disposal or Change of Use of Certain City Park Land.

(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 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 voting at a General City Election for that purpose.

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

(3) The provisions of this Section 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.

Section 103 City Council-Manager Form of Government.

The City shall be governed under what's commonly 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.

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

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]

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 Two. Elected Officials

Section 200 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

201.1 Requirements for All Elected Officials.

a. To be an Elected Official a person must be a resident ("Resident") and registered voter ("Qualified Elector") of the City. District Council Members must also be Residents of their respective Council district (each a "District" and collectively "Districts"). .

b. All persons seeking to be Elected Officials must have been a Resident of the City, and, in the case of a District Council Member, of their District, commencing at least thirty (30) days immediately preceding the last day specified 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.

201.2 Special Requirements for the Chief of Police. In addition to the requirements for all Elected Officials set forth in Section 201.1, above, persons running for and holding the office of Chief of Police shall (1) meet the minimum eligibility and qualification requirements imposed by State Law 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").

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.

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.

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 ... [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

Section 202 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 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.

5. The Mayor may make recommendations to the City Council on matters of policy and programs which require City Council decision;

6. The Mayor may also, on their own account, inform the community on matters of policy or program which the Mayor believes the welfare of the community make necessary.

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 the head of the executive and administrative branch of the City government as 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 the Mayor possesses as one member of the City Council.

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.

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 this Charter and 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)

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

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.

7. 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.

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 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

Commented [GG23]: 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 [GG24]: Intended to provide a "catch all" provision, but within "good government" parameters.

Commented [GG25]: 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 [GG26]: 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.

City Council ordinance or resolution that permits or takes any of the actions prohibited in this Section shall be void.

202.3 Chief of Police [Powers and Duties]. 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 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.

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

202.4 City Clerk [Powers and Duties.]

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

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.

2. Be the custodian of the City seal and oversee the use of the City seal to certify official City actions and records; and

3. Administer oaths for Elected Officials, and issue required affirmations, and affidavits pertaining to official City business.

4. 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:

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

2. Maintain certified copies of all ordinances and resolutions with proof of publication where required by this Charter or Applicable Law

3. Maintain copies of all written contracts and official documents;

4. Keep all such records properly indexed and open to public inspection

5. Administer oaths for appointed City officials;

6. Administer filing requirements imposed on Elected Officials and certain

Commented [GG27]: **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 [GG28]: 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.

appointed officials under State and local conflict of interest and gift laws; and

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.

Section 203 Terms of Office

203.1 In General. Except as otherwise provided in this Charter, an Elected Official's term shall be for a period of four years, The Elected Official's term shall commence on the date the City Council certifies 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.

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 for, for more than two (2) full terms in their lifetime ("Lifetime Term Limit"); provided, however, no amount of Council service occurring prior to the commencement of the Council term resulting from the November 2016 election shall be counted towards this Lifetime Term Limit. . 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. . For the avoidance of doubt, time served as Mayor shall not treated as time served on the Council, and time served on the Council shall not be treated as time served in the office of Mayor.

b. Chief of Police and City Clerk. There are no Lifetime Term Limits applicable to the positions of Chief of Police and City Clerk. T

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 in the same election.

b. During their term, an incumbent Elected Official may run for a different Elected Official position if they are otherwise qualified to do so..

c. At no time shall any Elected Official 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. No incumbent 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 holds.

Section 204 Compensation.

204.1 In General. Since July 1, 2019, the salary and benefits (collectively, "Total Compensation") of all Elected Officials has been determined by Salary Setting Commission. The composition and operations of the Salary Setting Commission, and the manner in which they determine the Total Compensation for all

Commented [GG29]: 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.

Commented [GG30]: In general, revised/added language in this Section (most taken from Old Sections 600 and 701) is clarifying and non-substantive.

Commented [GG31]: 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.

Commented [GG32]: This is intended to be a direct statement of fact that the current Charter doesn't impose any term limits on these offices.

Commented [GG33]: 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

Commented [GG34]: 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 [GG35]: 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 [GG36]: 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)

such Elected Officials are set forth in Section 604.5 of this Charter, below.

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 for such month shall be reduced by the sum of twenty-five dollars ($25.00) for each meeting or study session not attended unless their absence is excused by action of the City Council.

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);
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.

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 by a four-fifths (4/5) vote of the remaining Council Members.

Commented [GG37]: 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 [GG38]: This was moved to Vacancy Section 205, below

Commented [GG39]: NOTE: Section deleted here and moved to Section 301 and revised as shown.

Commented [GG40]: NOTE: Section deleted here and moved to Section 301 and revised as shown.

Commented [GG41]: 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 [GG42]: 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.

b. By Election. In the event the City Council shall fail to fill a vacancy by appointment within forty-five (45) days after the City Council's Declaration of Vacancy, the City Council shall take such steps as are necessary to 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 General Election, the person appointed to fill the vacancy shall hold office until the next General Election that is scheduled one hundred thirty (130) or more days after the date the City Council is notified of the Vacancy, 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.

Article Three
City Elections

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. The 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. Any policies or procedures adopted by the City Council or the City Clerk to implement City elections shall be consistent with the terms of this Charter.

Section 301 Regular and Special Elections.

A regular election shall be held in the City 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 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 a "General City Election.". Any other City Elections that may be called under the authority of this Charter, or the State Elections Code, shall be known as a "Special City Election". Any Special City Election may be consolidated with a General City Election and either type of 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 Election.

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.

Commented [GG43]: 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.

Commented [GG44]: 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.

Commented [GG45]: 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.

Commented [GG46]: This Section has been moved to new Section 102.4, above

Commented [GG47]: Added language clarifying and incorporating new defined terms

Commented [GG48]: 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.

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.

Section 303 City Council Members Nominated and Elected by Districts.

303.1 In General. The six District City Council Members 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 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 Resolution No. 18-8585. These initial City Council District boundaries shall be used in each City Council election until such time that they may be amended through the redistricting process set forth in Section 304 of this Charter, below.

303.2 Staggering of City Council District Elections. City Council District elections shall be conducted as follows:

a. In the election to be held in November 2026 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 elect one (1) Council Member for a four-year term; and

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

b. In the election to be held in November 2028 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 elect one (1) Council Member for a four-year term;

2. the voters of District 4 shall elect one (1) Council Member for a four-year term; and

3. the voters of District 5 shall elect one (1) Council Member for a four-year term.

4. the voters of District 6 shall elect one (1) Council Member for a four-year term.

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

Commented [GG49]: A consolidation of existing process, with better language.

Commented [GG50]: In general, new/modified language intended to be clarifying, with updates to reflect passage of time and new definitional structure.

Commented [GG51]: The requirement that any candidate be "nominated" added here in better context; allows for deletion, below, where it makes less sense

Commented [GG52]: 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.

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 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 Charter or any Redistricting 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 District by which the member was elected prior to such redistricting, notwithstanding any provision of Section 201.1.a requiring a member to be a Resident of the District represented by such member.

Commented [GG53]: This is covered in Section 703, above, with respect to all elected positions. Don't need a special section for the Mayor.

Article Four
City Council Meetings/Actions

Commented [GG54]: 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.

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.

Commented [GG55]: Intro paragraph to summarize how the City Council "acts" and to introduce overarching Brown Act compliance obligation

Section 401 Meeting Scheduling, Location and Noticing.

401.1 Regular Meetings. Except as otherwise provided, below, 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 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.

Commented [GG56]: 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.

401.2 Special Meetings. In addition to regularly scheduled meetings, 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 under the Brown Act and any consistent Local Laws., 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.

Commented [GG57]: This is a general practice, with some limitations, especially regarding ordinance adoption as provided in Section 403.1, below.

401.3 Place of 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.

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.

Commented [GG58]: 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

Section 402 Procedures and Requirements for Action.

402.1 Quorum. A majority of the members of the City Council shall constitute a quorum for the transaction of City business, but less 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.)

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. As provided in Charter Section 202.4, above, the Senior Appointed Clerk shall assist with the administration of City Council meetings, including the taking of votes and maintaining an accurate record of all actions taken.

402.3 Action by Ordinance or Resolution. 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 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.

403.1 Adoption

a. 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 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. 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.

403.2 Repeal or Amendment The process for repealing or amending an ordinance shall be the same process set forth above for approving an ordinance. . Any ordinance amendment must clearly present any proposed changes.

403.3 Effective Date Ordinances shall become effective thirty (30) days after their final 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 Law ;

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 provided in Section 403.4, below.

Commented [GG59]: 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 [GG60]: 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 [GG61]: 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 [GG62]: 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 [GG63]: 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).

Commented [GG64]: Updated to simplify language

403.4 Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety, 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.

403.5 Posting and Publication 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.

403.6 Codification of Ordinances. 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.

The City Clerk's Office shall maintain a copy of the City Code 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.

403.7 Adoption of Printed or State Adopted Uniform Building Codes, 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 = any code so adopted shall be made available in the City Clerk's office for public review and on the City's website. available for examination by the public, in the office of the City Clerk, and a digital copy posted on the City's website.

Commented [GG65]: Moved to the end as new Section 904

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.

Commented [GG66]: This Section is new and has been added for educational purposes and context.

500.2 Administrative Code. 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. ("Administrative Code"). 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 Administrative 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.

Commented [GG67]: 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 practice**s.** 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.

Section 501 Officers to be Appointed by the City Council

Commented [GG68]: This Section sets up the new Section reorganization that makes clear the distinction between City Council appointed and City Manager appointed positions

On the terms set forth in this Section, the City Council shall appoint a 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. 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, accountable to the City Council for the proper administration of all affairs of the City. In this role, in accordance with all Applicable Laws, the City Manager shall have the power and be required to:

Commented [GG69]: 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 may 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 with the City government.

Commented [GG70]: 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.

b. Prepare , submit for Council adoption and administer the City budget in accordance with the provisions of Sections of this Charter.

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.

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.

e. Cause the Director of Finance to prepare and submit to the City Council as soon as practicable following the close of each fiscal year a complete financial report for the preceding fiscal year.

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 the City Manager determines, in their professional judgement to be in the best interests of the City.

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

h. Perform such other duties as may be prescribed by this Charter, required by the City Council, or deemed necessary in the City Manager's professional judgement, that are not inconsistent with this Charter.

i. Prescribe such general rules and regulations as the City Manager may deem necessary or appropriate for the general conduct of the administrative offices and departments of the City under their jurisdiction.

j. Appoint one of the other officers of the City to serve as the acting City Manager 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.

k. Attend and advise, with appropriate staff support, all City Council meetings.

501.2 City Attorney. 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 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 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, act as the appointing authority for unclassified employees (lawyers and other legal staff) in the City Attorney's Office and employ contract attorneys as the City Attorney may deem necessary and appropriate to take charge of any litigation or other legal matter to assist the City Attorney in the performance of their duties;

e. Attend and advise at all meetings of the City Council

f. Provide advice or legal opinions in writing whenever requested to do so by the City Council, or as may be necessary and appropriate to advise any of the boards or officers of the City;

g. Approve in writing the form of all contracts and other binding legal documents approved or entered into by the City;

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 City ordinances;

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

k. On vacating the office, surrender to the City Attorney's successor, all books, papers, files, and documents pertaining to the City's affairs.

Commented [GG71]: Replaces outdated language with a duty to attend

Commented [GG72]: Moved up from Old Section 908

Commented [GG73]: Initiation right should be added, but always subject to approval from the City Council.

Commented [GG74]: 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 [GG75]: 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.

To be eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law in State of California, and shall have been engaged in the active practice of law for at least seven (7) years immediately prior to appointment with such additional qualifications as may be approved by the City Council commensurate with the demands of the position.

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. Audit 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;

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");

c. 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.

d. 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, the City Council may, in its discretion, approve the assignment to any other officer or employee of the City the duties of the City Auditor and approve additional compensation for the performance of such duties.

Section 502 Officers and Employees to be Appointed by the City Manager.
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 Senior Official shall perform the duties imposed upon that officer by this Charter, and under the terms of any ordinance, resolution, or City Manager policy or directive, lawfully issued consistent with the terms of this Charter.

502.1 Department and Director of Finance. There shall be a Department of Finance, the head of which shall be the Director of Finance, who shatll be appointed by the City Manager. Under the supervision of the City Manager the Director of Finance shall have charge of the administration of all City finances, including the finances of 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 shall have power and be required to:

a. Assist with the preparation, submittal for approval, and implementation of the City Budget as provided in Section 801 below ;

b. Supervise and be responsible for the disbursement of all monies in conformance with the approved City Budget;

c. Maintain a general accounting system, keep financial records, prescribe financial forms

Commented [GG76]: 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

Commented [GG77]: Moved up from Old Section 909

Commented [GG78]: 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 [GG79]: "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 [GG80]: 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.

,and exercise financial budgetary control;

d. Submit to the City Council, through the City Manager, a monthly financial report with sufficient detail to show the current fiscal condition of the City;

e. Submit to the City Council, through the City Manager, 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 and receive all money to which the City is entitled or has been granted from any other government agencies, private party or from any court or awarding authority;

g. Have custody as a fiduciary of all monies received by the City from any source and either deposit or invest such funds;

h. 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.

502.2 Department and Director 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. . 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:

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.

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 property from fire risks and damage;

b. Supervise all matters relating to emergency medical response and transportation services,

Commented [GG81]: 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 [GG82]: Treasurer status helpful when this is the term used for City financings

Commented [GG83]: Added language to emphasize that all applicable professional standards apply.

Commented [GG84]: 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 [GG85]: 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

including coordination with regional and local public and private agencies to assure high quality and efficient delivery of such services;

c. Develop and administer programs for inspection of property within the City to enforce fire prevention and related safety regulations; and

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.

Section 503 Employee Performance 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 shall be approved as to form by the City Attorney, and shall be filed with the City Clerk, except that any bond required of the City Clerk or any employee of the City Clerk's office shall be filed with the City Manager.

503.3 Limited Liability of Supervisor. In all cases wherein an officer or employee of the City is required to furnish an Employee Performance Bond, there shall be no personal liability upon, or right to recover against, that person's supervisor ,or the bond of the bonded officer or employee, for any wrongful act or omission of the supervisor, unless the supervisor was a party to, or conspired in, such wrongful act or omission.

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.

Article Six
Boards and Commissions

Section 600 In general.

600.1 Chartered Boards and Commissions. The City shall have the following 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 shall have the powers and duties (1) set forth in this Article, and (2) such additional powers and duties, consistent with the terms of this Article, as the City Council may assign by ordinance. . .

600.2 City Council Created Boards and Commissions. The City Council may also create, by ordinance additional boards or commissions as in its judgment are required or useful, with such powers and duties Council may assign, 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.

Commented [GG86]: 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 Stat ... [2]

Commented [GG87]: 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 ... [3]

Commented [GG88]: 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 [GG89]: 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) ... [4]

Commented [GG90]: 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 ... [5]

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, 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 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.

Section 601 Funding and Staff Support

The City Council shall provide in the City's budget sufficient funds and staffing resources necessary for the efficient and proper functioning of all City Boards and Commissions

Section 602 Appointments; Terms and Vacancies.

Section 602.1 Appointment; Removal. Except as otherwise provided in this Article, the members of City Boards or Commissions 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 manner].

Section 602.2 Terms of Service; Term Limits. Except as otherwise provided in this Article, City Boards and Commission Members terms shall be four years, commencing upon their appointment and swearing in, and continuing until their respective successors are appointed and sworn in. For any newly created City Board or Commission, the members first appointed shall classify themselves by lot in order to stagger their terms such that each succeeding July 1st the term of at least one of their 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, if a board or commission member is absent from three regular meetings of such board or commission, consecutively, unless excused by such board or commission expressed in its official minutes in accordance with policies that shall be approved by the City Council, that member's position shall be considered Vacant upon declaration of the City Council.

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 appointment of such

Commented [GG91]: 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.

Commented [GG92]: 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."

Commented [GG93]: This section was modified and moved here. Its old Section 1004 (see below)

Commented [GG94]: 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 [GG95]: 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.

Commented [GG96]: 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 [GG97]: 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 [GG98]: 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.

position. 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.

Section 603 Conduct of Meetings.

603.1 Meetings. Each City 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 boards and commissions shall elect one of its members as "Chair" to serve as its presiding officer for that year at the pleasure of such board or commission. .

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

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.

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

a. Composition. The Planning Commission shall consist of seven members to be appointed by the City Council from the Qualified Electors of the City.

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

1. Long Range Planning. Review and make recommendations to the City Council regarding any proposed adoption, amendment, or repeal of all or any portion of the City's General Plan or any other master plan 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;

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") ;

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

Commented [GG99]: 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 [GG100]: 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.

Commented [GG101]: Planning Commission okay with maintaining a seven member Commission, with the existing qualifications

California Environmental Quality Act ("CEQA") as the City Council may prescribe by ordinance or as required by Applicable Law;

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 the provisions of this Charter.

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.

604.2 Parks and Recreation Commission.

a. Composition. The Parks and Recreation Commission shall consist of seven members to be appointed by the City Council from the Qualified Electors of the City.

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 to public parks, , playgrounds, and sports/recreation facilities;

2. Review any proposed operations and capital budgets for the Parks and Recreation Department during the process of their preparation and make recommendations on such budget(s)to City staff 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 ;

4. Review and provide input to City staff on plans for City-wide recreation programs and ways to promote and stimulate public interest in 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;

6. Assist with and encourage the development of cooperation with school authorities and other public and private entities interested in parks and recreation facilities and programs .

604.3 Civil Service Commission.

a. Composition. The Civil Service Commission shall consist of five members to be

Commented [GG102]: 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 [GG103]: Parks and Rec okay with existing composition and qualifications

Commented [GG104]: 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 [GG105]: 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.

appointed by the City Council from the Qualified Electors of the City.

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. 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.

2. Act as Board of Review to hear petitions by classified employees, and applicants for classified positions, 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.

3. Act to appoint and remove members of the Salary Setting Commission.

604.4 Board of Library Trustees.

a. Composition. The Board of Library Trustees (BOLT) shall consist of seven members appointed by the City Council from the Qualified Electors of the City. below.

b. Powers and Duties. With respect to the Santa Clara Library System, the BOLT shall have power and be required to:

1. Approve or disapprove the appointment of a librarian who shall be the Director 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 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 (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) make recommendations regarding the proper allocation of "significant donations" (as may be defined by City Council policy) of money, personal property or real estate to the City earmarked for library purposes.

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

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

Commented [GG106]: 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 [GG107]: This retains an existing BOLT power, but integrates it with the City Manager hiring process

Commented [GG108]: 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 [GG109]: 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.

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 [GG110]: Changing this compensation standard was discussed, but group recognized that any such change would be **Level 4**

Commented [GG111]: Moved this to its own subsection to make it easier to distinguish for "part time" officials (i.e., not the Chief of Police)

Commented [GG112]: 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 Seven.
Civil Service

Commented [GG113]: 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.

Sec. 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. 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 Auditor;

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. ,

6. Except as provided in an applicable Memorandum of Understanding, all 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;

7. Except as provided in an applicable Memorandum of Understanding, all persons employed to render professional, scientific, technical or expert services;

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;

9. Volunteers including volunteer members of the Fire Department and Police Reserve; and,

10. Upon the recommendation of the City Manager and City Attorney, 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.

11. The classified service shall comprise all positions not specifically designated either by this section or by action of the City Council in the unclassified service.

Sec. 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 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, the officer or employee shall revert to 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 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.

Sec. 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. 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 maxi- mum 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. 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. 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 Resolution (1973 Stats., Res. Ch. 10).

Sec. 707 Prohibitions.

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made 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.

Any person who individually or with others willfully 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. 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 that person is an officer or employee of the City, immediately forfeit 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. 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.

Section 709 Retirement

709.1 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 and plenary authority and power are hereby vested in the City, 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 the Retirement Law, to enable 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 adopted by a majority vote of the Qualified Electors voting on such proposition at an election at which such proposal is presented.

Commented [GG114]: CAO to review and confirm that this minor clean does not require any formal process with the Labor Groups.

Article 8.
Fiscal Administration and Procurement

Commented [GG115]: 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.

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.

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.

Commented [GG116]: 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

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.

Commented [GG117]: 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.

801.4 Budget Approval Process.

a. Proposed Budget Submittal by the City Manager.At least forty-five (45) days prior to the beginning of each fiscal year, ear the City Manager shall submit to the City Council the proposed budget for their consideration and input.

Commented [GG118]: 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.

b. City Council Proposed Revisions and Notice of Public Hearing. After reviewing the proposed budget and proposing such revisions or recommendations as it may deem advisable, the City

Council shall set the time and date for the holding of a public hearing on the proposed budget. Not less than 10 days prior to the date of such hearing, the City Manager shall (1) cause notice of the hearing to be published in an Official Newspaper ,and distributed as provided in Section 904,2, below; and (2) make copies of the proposed budget available for inspection by the public in the office of the City Clerk and accessible on the City's website..

c. Public Hearing and Adoption. At the public hearing, the City Council shall hear and give due consideration to all testimony presented by City staff and the public..

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any final revisions that it may deem advisable**.** On or before June 30 of each year in which the previous approved City Budget is expiring, the City Council shall adopt the new City Budget by majority vote . Upon final adoption, the budget shall be in effect for the ensuing fiscal year (or years for a biennial budget. A copy of the approved City Budget, certified by the City Clerk, shall be posted on the City's website, and maintained on file in the office of the City Clerk where it shall be available for inspection.

801.5 Budget Implementation. Upon the July 1 effective date of the adopted City Budget, the proposed expenditures set forth therein shall be **Appropriated t**o the several funds, departments, offices and agencies for the purposes specified. 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, all Appropriations 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. Funds with lapsed appropriations may not be expended until the City Council takes action to reappropriate such funds.

801.6 Budget Amendments. After the adoption of the City Budget, the City Council may amend the City Budget. Any budget amendment to authorize the 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 to Appropriate 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.

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, 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

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,

Commented [GG119]: Consistent with other "legal notice" requirements, this Section now includes cross-reference to the "modern technology" noticing policy in Section 904.2, below.

Commented [GG120]: 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 [GG121]: 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.

Commented [GG122]: 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 ... [6]

Commented [GG123]: 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.

streets, drains, sewers, utilities, parks, playgrounds and similar public facilities (each a "Public Work" and collectively, "Public Works").

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 [GG124]: 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.

Commented [GG125]: 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

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 thousand dollars ($250,000) for the construction or improvement, 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.

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.

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 may proceed to have said work done in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work shall be declared by adopted resolution of the City Council to be of urgent necessity for the preservation of life, health, public safety or property, 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.

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 Law. 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, such franchises may be granted exclusively, or non-exclusively, either for a fixed or an indeterminate term.

Section 803 Audit Requirements

803.1 In General. The City shall employ an independent Certified Public Accountant ("Independent Accountant") who shall conduct an audit, at least annually, of the financial accounting records for all City operations, capital expenditures and enterprises. . Such audit shall be conducted in accordance with generally accepted auditing and accounting principles applicable to government agencies.

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 the Independent Accountant to the City Manager ,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, one physical copy of the Final Audit shall be placed on file in the City Clerk's office where it shall be available for public inspection, and an electronic version shall be posted on the City's website.

Section 804 Special Rules for Utilities Expenditures and Revenues

Revenues from the utilities operated by the City shall be paid into the City Treasury and accounted for in separate funds for each such utility. Expenditures from such funds shall be made only 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, 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 any limitations contained in any resolution or indenture adopted prior to such voter approval.

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.

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

Commented [GG126]: No substance changes proposed. Just some clean up and flexibility consistent with current practices.

Commented [GG127]: This Section was updated and moved below as New Section 901

Commented [GG128]: This Section moved above to new Section 803.1

Commented [GG129]: 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 [GG130]: 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 [GG131]: 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.

Commented [GG132]: Per request from Finance, this Section revised to eliminate specific allowed expenditures and instead to refer to applicable law.

Commented [GG133]: Language added for clarification only, that monies put into the general fund can be used for general fund purposes

Commented [GG134]: 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 [GG135]: This is a statement of current law.

Commented [GG136]: 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 [GG137]: This Section under final review by outside counsel for compliance with State law requirements.

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.

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, this Section805 does not authorize the financing of a nuclear plant, or an interest therein, unless approved by the voters.

Commented [GG138]: 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.

Article Nine
Miscellaneous and Legal Provisions

Commented [GG139]: Proposed changes to this Section improve language and add helpful "boilerplate" provisions

Section 900 Mandatory and Permissive.

Unless the provision or the context otherwise requires, as used in the Charter "shall" and "must" are mandatory, and "may" is permissive.

Commented [GG140]: No longer needed, because changes made already implement gender neutralization

Section 901 Legal Actions Against the City.

No suit or action for money or damages of any kind may be brought against the City, and City agency or enterprise, or any Elected Officer, Board or Commission Member, 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 City Entities and Persons. Claims for money or damages exempt from or not covered by State Law may be governed by procedures established by City ordinance.

Section 902 Violations; Enforcement.

Commented [GG141]:

Commented [GG142R141]: 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.

902.1 Charter Violations. Depending upon the severity of the offense, as determined in the discretion of the prosecuting authority, the violation of any provision of this Charter **may** be prosecuted as a misdemeanor or as an infraction, subject to associated fines and/or imprisonment as provided under State law for such offenses 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.

902.3 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.

Section 903 Severability.

If any provision of this Charter is held to be illegal, invalid or unenforceable, either on its face or in its application to any person or circumstance 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.

Commented [GG143]: Improved wording without substantive changes

Section 904 Publication of Legal Notices.

Commented [GG144]: This language generally mirrors State Law, with the addition of electronic notice in 904.2. 904.3 allows for substantial conformance in publishing.

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 newspaper of general circulation in the City of Santa Clara designated by the City Council.. If no such newspaper exists, or the rates charged for publication are not reasonably aligned with market rates, , then legal notices, ordinances or other matter required to be published in an official newspaper may be published as otherwise allowed under Applicable Law.

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 Section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in substantial conformance with this Charter, or Applicable Law..

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.

Commented [GG145]: Language addresses any gaps pending enactment of required ordinances. Especially needed in public works procurement

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.

Commented [GG146]: 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.

Section 907 Official Oaths of Office.

Commented [GG147]: Moved here from old Section 912

Each, Elected Official, every member of a City Board and Commission, each City Council appointed official, and each department head, before entering upon the discharge of the duties of the office shall take, subscribe to and file with the City-Clerk the following oath of 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."

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 [GG148]: 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
- **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.

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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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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.

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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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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)