Charter Review Committee

CHARTER PROJECT 2026 FINAL REPORT TO COUNCIL

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CHARTER PROJECT
2026
Charter Review Committee
Final Report to Council

BACKGROUND

The idea for a comprehensive review and update of the City Charter (now commonly referred to as the "Charter Project") was incorporated into the Governance and Ethics Committee Work Plan in early 2025. With support from the Committee, the project concept was presented to the full City Council on July 15, 2025. The Council was supportive and directed staff to form a Charter Review Committee ("CRC") comprised of 13 individuals, one recommended by each Council Member, and 6 chosen by lottery, to implement the project. On September 16, 2025, the City Council appointed the CRC members so chosen and formally established the CRC by adoption of the CRC Bylaws (**Attachment One**).

The CRC's first meeting was held on October 1, 2025. At their October 22, 2025, meeting, the CRC took action to form six Ad Hoc Subcommittees to serve as the Charter Project working groups. Since then, the Ad Hoc Subcommittees have met, in aggregate, a total of 28 times, with monthly report outs to the full CRC by each Subcommittee on the issues being discussed and progress being made. To date, the CRC itself has held a total of 10 public meetings. After some initial training sessions, full CRC meetings generally focused on work plan development, review and approval of proposed Charter-wide update standards, feedback and direction to both the reporting Subcommittees and professional staff on the issues and language presented, and solicitation of public input.

The CRC held two meetings in May (the 20th and the 27th) at which they received and provided preliminary direction on the final recommendations from all six Subcommittees. On June 3rd, the CRC met and took final action on their comprehensive Charter Project recommendation to the City Council. This report now presents that recommendation for Council consideration and direction.

DISCUSSION

The Charter Project has been a significant undertaking, involving hundreds of hours of City staff time, and almost as many volunteer hours contributed by CRC members meeting within their assigned Ad Hoc Subcommittees (each CRC member participated in two of these), and at the monthly meetings of the full CRC. At these meetings, and in between, CRC members have been highly engaged with: receiving and reacting to information presented by City staff and stakeholders describing the workings of City government and proposals for improvements; presenting and discussing their own issues, concerns and suggestions; reviewing multiple iterations of proposed additions, deletions and modifications to Charter language; and, after balancing competing interests and sensitivities, developing their own ultimate recommendations for each Article and each Section. The overall CRC recommendation that came from this effort is

now presented for Council consideration in this report. As a basis for this recommendation, both for the benefit of the public and the Council, this report is organized into the following Sections:

1. **Charter Project Origins and Objectives**. A description of the origins and objectives of the Charter Project.
2. **The Process**. A summary of the process and approach used to implement the Charter Project.
3. **The Results.** A summary of the proposed changes generated by this process, ranging from corrections, wording updates and reorganization ("Level One") to changes that are recommended but may be so substantive or sensitive they may warrant consideration as a stand-alone ballot measure ("Level Three").
4. **CRC Final Recommendation**. The CRC's final recommendation on what the City Council should consider placing on the November 2026 ballot, including some issues the City Council may wish to consider in deciding how to proceed.
5. **What's Next**. Steps required if the Council decides to place a measure on the ballot, including things that could be done to help inform the voters.

1. Charter Project Origins and Objectives

The idea for a comprehensive review and update of the City Charter (now commonly referred to as the "Charter Project") was incorporated into the Governance and Ethics Committee Work Plan in early 2025. An outline for the project was first formally presented to the Governance and Ethics Committee on May 1, 2025. Senior City staff were supportive of the project based on their own assessment, and feedback from the different departments responsible for implementing its terms, that a number of Charter provisions were ambiguous, out of date, not aligned with current City operations or best practices, and/or not aligned with current laws. With support from the Committee, the project concept was presented to the full City Council on July 15, 2025. Recognizing the potential benefits of the project, the Council directed staff to take the initial steps to form a Charter Review Committee ("CRC") for purposes of implementing the Charter Project. Council direction included terms for the CRC's composition, selection process and purposes. Staff advertised the availability of CRC positions and, with the City Clerk, implemented the CRC lottery selection and appointment process. On September 16, 2025, the City Council appointed the CRC members and formally established the CRC by adoption of the CRC Bylaws.

Section 2 of the City Council adopted Bylaws for the Charter Project describes its purpose as follows:

> "The purpose of the CRC is to work with City staff, with input from the community, to facilitate the implementation of the "Charter Project." The Charter Project involves a process for comprehensive review of the City Charter to identify provisions in the Charter that should be corrected, clarified or modified for the Charter to be fully consistent with applicable state law, aligned with current best practices for City operations and, in general, easier to understand and apply. At the end of the process, the objective of the Charter

> Project is to produce a draft comprehensive Charter Amendment for presentation to the City Council and, if the City Council so directs, possibly the voters at the November 2026 Election."

Section 3 of the Bylaws sets forth a list of the CRC's duties. Section 3.4 describes the CRC's ultimate duty as follows:

> "Make a Recommendation to the City Council regarding a Comprehensive Amendment of the City Charter. To implement the Charter Project City, staff will be preparing draft revisions to the City Charter for consideration and input by CRC Subcommittees and/or the CRC itself. At the end of the process, the CRC will be expected to make a recommendation to the City Council on one or more proposed amendments to the City Charter. The proposed "top to bottom" review process is intended to be driven by practical and legal considerations, with the prime objective being to bring the Charter up to current "best practices" for City operations. It is not intended to implement any major restructuring of City operations or to change the City's election process."

With this, the Charter Project was framed as an endeavor intended to be both **comprehensive**, in that the entire Charter was put under review, and **limited**, with the understanding that any major change or addition, no matter how good an idea, should be considered beyond the scope of the project and, at most, referred for possible future consideration. This formalized Charter Project purpose was presented to the CRC as their first order of business at their first substantive meeting on October 1, 2025 Since then, and throughout the project, the CRC has endeavored to keep this defined scope and purpose as a core guiding principle: on the one hand, not shying away from issues that arise and warrant clarification, but at the same time, being pragmatic and focused on improving what's already in the Charter, and refraining from proposing major changes to the structure of the existing City government.

2. <u>The Process</u>

a. Introduction to the Structure and Workings of City Government

The CRC is comprised of individuals with a wide range of knowledge and experience with the workings of local government. For some, this was their first experience; others have been engaged for years in a variety of capacities. But even the most experienced of the group had little exposure to the history and import of the City's Charter. Accordingly, for a project dedicated to updating the City's Charter, City staff thought it important to begin the process with some education on what a City Charter is, and the history of Santa Clara's own City Charter. Concepts and materials presented included: (1) the idea of the Charter as the equivalent of the City's constitution; (2) Charter cities local authority over "municipal affairs," and the limits to that authority on matters of "statewide concern;" (3) a review of the City Charter in its current form; (4) a summary of the history of City Charter amendments (both successful and failed) compiled by the City Clerk from 1952 to the present (**Attachment 3**); and (5) a preview of areas that had already by identified by City staff as warranting review and update.

Since the CRC was purposely formed as a "legislative body" that would meet in public and be subject to the full range of open government laws, the CAO also presented a training session on the Brown Act, the Public Records Act and applicable State and local ethics rules.

b. Ad Hoc Subcommittee Working Groups

(1) In General. At the heart of the Charter Project's work plan were the CRC Ad Hoc Subcommittee working groups. With such a large undertaking, it made sense to divide the Charter into segments involving common subject matters, and to create working groups to focus on their assigned segments. Since ad hoc subcommittees of this type are exempt from the Brown Act,[1] these working groups would have flexibility to meet when member schedules allowed, coordinate with City staff for presentations, and have candid discussions about any issues or ideas that might arise in an informal setting, allowing for free flowing "back and forth" discussions. Meetings could also be scheduled to allow for each group's identified "stakeholders" to present (see Stakeholder discussion, below). As presented to the full CRC at its October 22nd meeting, with ad hoc subcommittees as the project's working groups, the overall Charter Project work plan was proposed as follows:

- Subcommittee members communicate to discuss/agree upon mutually agreeable dates/times (can even meet immediately after each CRC meeting)
- Ideally meetings occur after normal business hours and at City facilities (convenience, staffing, technology); coordinate with City staff.
- Staff to provide each Subcommittee a starting "packet" of information to include word version of assigned sections and other relevant information.
- CAO and designated City department representatives will present to and work with Subcommittees to develop proposed modifications.
- Subcommittees and staff will "report out" to the full CRC on progress, with "final" report to be a committee presentation of proposed modifications.
- Possible adjustments/phasing to group meeting schedules depending upon progress.
- Ultimately, all subcommittee work will be consolidated into a comprehensive Charter Amendment proposal from the full CRC for presentation to the City Council by no later than early July 2026.

(2) Six Ad Hoc Subcommittees Formed. At the CRC's October 1st meeting, six Ad Hoc Subcommittees work groups were proposed as follows: (1) Group One: Powers and Structure of City Government: Rules/Process for Action; (2) Group Two: City Council: Elections, Powers and Conduct of Meetings; (3) Group Three: Senior Officials: Duties and Qualifications; (4) Group Four: Boards and Commissions: Composition, Powers and Duties; (5) Group Five:

[1] Under the Brown Act, subcommittees of a legislative body that are comprised of less than majority of its members, with no outside members, are of limited duration (typically less than 1 year), and are assigned a specific task to complete, are exempt from the Brown Act's public meeting requirements, and may meet privately. See Govt. Code Section 54952(b).

Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties; and (6) Group Six: Fiscal Administration and Procurement. Immediately thereafter, CRC members were asked to indicate by rank which subcommittees most interested them. Through an AI assisted selection process proposed rosters were developed so that each CRC member would be a member of two committees, with their ranked preferences maximized. The resulting rosters, with a few on-the-fly adjustments (AI is not perfect), resulted in the following appointments being made at the CRC's October 22nd meeting:

Group One
Steve Kelly
Bernard Tansey
Patrick Nikolai
Eric Jensen
Joe Sosinski

Group Two
Steve Kelly
Mark Boeckman
Eric Crutchlow
Holly Roberts
Susan Peters

Group Three
Bernard Tansey
Patrick Nikolai
Lauren Diamond
Mohammad Naveed

Group Four
Lauren Diamond
John Brooks
Burt Field
Jose Sosinski

Group Five
Mark Boeckman
Holly Roberts
Susan Peters
Mohammad Naveed

Group Six
Eric Jensen
Eric Crutchlow
John Brooks
Burt Field

Note: The color coding assigned to each group was intentional, serving as a visual tool to identify Charter Sections each Group was responsible for. This color coding has been preserved in the table of contents, and the Article and Section headings of the underline/strikeout version of the Charter highlighting each Group's proposed revisions.

(3) Robust Meeting Schedules. In the aggregate, the CRC Ad Hoc Subcommittees met a total of 28 times. The following is a list of each Group's meetings:

Group One:
Power and Structure of City Government: Rules/Process for Action

- November 12, 2025
- December 15, 2025
- January 14, 2026
- April 9, 2026
- May 12, 2026
- May 25, 2026

Group Two:
City Council: Elections, Powers and Conduct of Meetings

- December 8, 2025
- February 9, 2026
- March 9, 2026
- April 13, 2026
- May 7, 2026

Group Three:
Senior Officials: Duties and Qualifications

- January 12, 2026
- March 11, 2026
- April 8, 2026
- May 13, 2026
- May 25, 2026

Group Four:
Boards and Commissions: Composition, Powers and Duties

- November 13, 2025
- December 15, 2025
- February 12, 2026
- March 12, 2026
- May 14, 2026

Group Five:
Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties

- November 17, 2025
- December 10, 2025
- January 5, 2026
- January 14, 2026

Group Six:
Fiscal Administration and Procurement

- February 4, 2026
- March 17, 2026
- April 6, 2026
- May 11, 2026

Note: All Ad Hoc Subcommittee meetings were held at City Hall, either in the City Council or Sparacino conference rooms, with remote participation available. All meetings were staffed by the City Attorney's office and, where appropriate, also attended by professional City staff and/or Boards and Commission representative stakeholders. (For more on stakeholders, please see the "Stakeholder Input" section of this report, below.)

(4) Monthly and Final Report Outs to Full CRC. The first Ad Hoc Subcommittees report out to the full CRC occurred at its November 19, 2025, meeting. Each subsequent monthly CRC meeting also agendized Group report outs. Report outs included a summary of issues discussed, input (if any) received from Charter Project stakeholders (for example, relevant City Staff, Boards and Commissions), any referenced benchmarking+ information and proposed next steps. CRC questions and input were also solicited. Starting in February, Ad Hoc Subcommittees started moving beyond preliminary discussions of issues and began reviewing and commenting on actual proposed Charter language. As the culmination of these efforts, at the May 20th CRC meeting, the final work products of Groups Two and Six were presented and approved. At the May 27th meeting, the final work products of Groups One, Three, Four and Five were presented and approved, with the caveat that the Group Five work product had not yet been fully signed off in the "meet and confer" process with potentially impacted labor groups. As presented below, at its June 3rd meeting, the full CRC considered the assembled collection of these recommendations and made its own comprehensive recommendation to the City Council for Council consideration and action.

c. Stakeholder Input

At the time the Ad Hoc Subcommittees were proposed, City staff also included proposed sets of "stakeholders," meaning individuals or groups thought to have special knowledge or interest in the subject matters assigned. Given the subject matters covered by the Charter, and that one of the primary objectives of the Charter Project was to update its provisions to align its terms with current City/best practices, most of the designated stakeholders were the professional City staff responsible for implementing the various operational Charter sections in accordance with their terms. Accordingly, for Group One, covering the basic Powers and Structure of City Government, the identified stakeholders were the elected City Clerk and the Appointed Assistant City Clerk. For Group Two, covering City Elected Officials, these same parties were identified, plus the Parks and Recreation Commission (regarding possible modifications to Charter Section 714.1, approved by Measure R). For Group Three, covering Senior Officials, each of the Department Heads listed were identified, including the City Manager, the Chief of Police, the City Clerk (and the Assistant City Clerk), the Director of Finance, the Public Works Director/City Engineer, the City Attorney, the City's (acting) Auditor and the Fire Chief. For Group Four, covering the rules and duties for the City's Boards and Commissions, the Boards and Commissions that were identified in the Charter were engaged, along with their staff liaisons; this included the Planning Commission, the Parks and Recreation Commission, and the Board of Library Trustees. For Group Five, assigned the sections regarding the City's civil service workforce, the Civil Service Commission; the Human Resources Department, and all City labor groups were identified. Finally, for Group Six, assigned the Finance and Procurement sections, the Finance Department, the City Auditor, the Public Works Department and Silicon Valley Power were identified.

Professional staff stakeholder input was provided to the Ad Hoc Subcommittees directly at one or more of their scheduled meetings. For example, the Chief of Police and the City Manager spoke directly to Group Three at their March 11, 2026, meeting regarding their

substantially aligned but ultimately competing views on certain aspects of their assigned authority on appointment and discipline of Police Department personnel. (The President of the POA also made an impromptu appearance at this meeting to present the POA's perspective.) Both the Finance Director and the Public Works Director presented to Group Six regarding changes they were seeking to update the City's outdated Budget, Finance and Public Works procurement provisions. Finally, the City Clerk appeared before Group One and Group Three regarding City elections provisions and the powers and duties of the City Clerk, respectively. In other cases, the City Attorney's office was able to solicit input from impacted departments and relay that information to the subcommittees on their behalf.

Stakeholder input from the Charter-listed Boards and Commissions was especially robust. All of the listed "Chartered" Boards and Commissions received presentations from the City Attorney's office regarding the Charter Project; and in the case of the Planning Commission and the Board of Library Trustees (BOLT), met again after that (the BOLT multiple times) in order to develop their recommendations. Both the Planning Commission and the BOLT designated representatives from their respective Boards to present their comments directly to Group Four. These presentations were very comprehensive and well received. Both the Parks and Recreation Commission and the Civil Service Commission also met publicly to develop formal recommendations for possible changes to their respective Charter sections. With these Boards' approvals, these recommendations were presented on their behalf by the City Attorney's office.

Stakeholder input, as required by law, was also solicited and received from the City's labor unions with respect to proposed updates to existing Charter Article X (Civil Service Commission only), Charter Article XI, Civil Service and XII, Retirement System. In order to solicit this input in a timely manner, Ad Hoc Subcommittee Group Five met multiple times in November, December, and January in order to be in a position to make their recommendation on proposed updates for these sections to the full CRC early on in the process. At the CRC's January 21st, 2026, meeting, Group Five's recommendation on language updates was presented and approved by the CRC in substantial form. Thereafter, the City's Human Resources and the City Attorney's Office distributed the proposed changes to the City's labor groups and formally commenced a "meet and confer" process on possible impacts to those groups' working conditions. Although substantial progress was made in addressing labor group concerns, as of the date of this report a number of issues remain. City staff will continue to engage with the groups and endeavor to address these concerns. If issues can't be resolved, the City Council may consider excluding some or all of the unresolved language in these Articles from any comprehensive ballot measure proposal.

While there was an occasional live speaker at the full CRC meetings, and usually four to eight individuals monitoring the meetings on-line, the CRC did not receive substantial input or testimony from the general public. Early on, a few speakers emphasized the importance of ethics and asked that this be a consideration in any proposed update of the Charter, including a potential provision or call for an Ethics Commission. Written testimony was also presented to the CRC at their June 3rd meeting with some suggestions on ethics and transparency. But beyond that, there was not much direct public testimony to the CRC. It seems likely that the technical nature of the Charter Project made it unlikely to attract a lot of public attention or interest. Further, there was only occasional press coverage of the project.

Given that any Charter amendment proposal can only be implemented with the approval of Santa Clara voters, it will be crucial for the public to be informed of what any proposed Charter amendment contains and why it matters. Accordingly, the CRC believes that if a measure is placed on the ballot in November, a plan must be developed to communicate to the voters the overall Charter Project objectives and the details of the proposal. Possible mechanisms for this kind of information and outreach, consistent with applicable legal limitations on using City resources to advocate for or against a ballot measure, will be discussed below.

d. Benchmarking

(1) Comparable Cities. How other cities choose to govern themselves obviously shouldn't dictate how Santa Clara chooses to govern itself. (Santa Clara is proudly unique in many ways.) Nonetheless, for a project interested in alignment with current "best practices" the CRC thought it would be highly appropriate for the Charter Project to build into its process some meaningful consideration of the Charter provisions for similarly situated Charter cities.

Based on input from the CRC criteria were developed and applied in order to guide the assembly of a "library" of Charters that the CRC, City staff, and the public could refer to for examples of comparable city policies and standards for governance. This included Charters from cities that met one or more of the following conditions: (1) populations between 100,000 and 200,000; (2) operates a municipal utility; (3) home to a stadium; or (4) a Santa Clara "neighbor" city. Also added to the list was the Charter from the City of Chula Vista. Chula Vista was added in light of the City Attorney's recent experience with successfully updating that city's Charter, which was also originally adopted around the same time as Santa Clara's Charter, had many similar "old school" provisions, and, until recently, had not gone through a major overhaul. Of the 126 or so Charter cities in California, the resulting list of comparable Charters for benchmarking purposes included the following 19 cities:

> Alameda, Anaheim, Berkeley, Chula Vista, Gilroy, Hayward, Inglewood, Los Angeles, Mountain View, Oakland, Palo Alto, Pasadena, Redwood City, Roseville, Sacramento, San Francisco, San Jose, San Mateo, Sunnyvale.

The full text of the 19 "benchmarked" charters was uploaded to the City's Charter Project web page in late January 2026. Throughout the process, particularly during deliberations at the Ad Hoc Subcommittee level, reference was made to how such benchmarked cities handled various issues under discussion in their charters (if at all), as a way of balancing and refining any language or policy options presented. It should also be noted, however, that the benchmarked charters, while likely representing "common" practices, did not necessarily represent "best practices" as few of them appear to have undergone any recent comprehensive update like the one undertaken by the Charter Project.

(2) City of Sunnyvale. The ongoing Charter review process in Sunnyvale was also considered and presented for benchmarking purposes at the CRC's February 18th meeting. The Sunnyvale process began with a Council referral back in the summer of 2024 and culminated with

a final report and recommendation to Council presented at the February 3rd City Council meeting. The following is a summary of the Sunnyvale process and status: Culmination of an 18-month process, with 12 months of CRC meetings and analysis.

- Final Report and Recommendations document completed on December 4, 2025, and presented to Sunnyvale City Council at their February 3, 2026, meeting.
- Process initiated by a Council referral to consider identified issues for update (extending appointed City Council terms to the next November election, City Council compensation, alternative voting systems, rules for re-districting), along with a general Charter review for possible additional updates.
- Sixteen public meetings held by their Committee from February until December 2025.

Three issues were "surveyed" with the public: City Council appointment process, City Council compensation and City Manager authority to settle claims.

- A list of 23 potential amendments was created; these were ultimately narrowed down to five issues: (1) possible increases to City Council and Mayor compensation; (2) modify appointed City Council terms so that the next election to fill that position would be a November election; (3) change the number of City Council meetings from 2 per month to 24 per year; (4) increase City Manager authority to settle claims to an amount above $50K per year; and (5) expand public works procurement to add "design-build" and other mechanisms.
- Preliminary Takeaways
    - Staff level background work and analysis of issues had been going on for many months, if not years.
    - The Committee's ultimate recommendations appear to require only minor language changes.
    - Good discussion/analysis of the 2 meeting per month versus 24 meetings per year issue, including benchmarking; ultimate recommendation not to change based on concerns that voters would perceive an attempted Council work reduction while at the same time Council salaries were proposed for increase.
    - Good discussion/analysis of $50K settlement authority issue with ultimate recommendation to not include a dollar limit in the Charter, but to have the Council adopt a simultaneous ordinance setting the limit at $150K.
    - Good discussion/analysis of proposed amendment to public works language to allow for "design-build" and other "best value" procurement mechanisms to be implemented by ordinance. Note: Sunnyvale's existing Charter language had no dollar thresholds for Council approval or formal bid requirements, with those things determined by ordinance.

(3) City of Mountain View. On February 10, 2026, the Mountain View City Council also initiated a process for consideration of possible updates to their Charter. The following is a summary of what's under consideration:

- Proposed amendments intended to be non-controversial and limited to technical changes, including correcting typos, language updates and alignment with state law.
- Developed by their City Attorney's office based on reviews of other area Charter's (including Santa Clara's) to identify "best practices."
- Examples include: gender neutrality, increase time period for Council appointments from 30 to 60 days; update qualifications for boards and commission members.
- Potentially more substantive changes to follow in 2028.

(4) Santa Clara's Charter in Historical Context. Santa Clara is one of many cities in California that took action to update their city charters or become charter cities in the first place in the "post war" suburbanization era of the late 1940s and early 1950s. Many of these charters are based on a "Model City Charter" first developed in the early 1900s by the National Municipal League (now the National Civic League) and updated periodically thereafter. As a result, many such charters, including Santa Clara's, have the same general contents, same overall organizational structure and, for many, virtually identical language for many of their sections. Over time, in a manner unique to each City, these original charters have evolved. Larger cities now tend to have longer, more detailed charters (with the City and County of San Francisco's being the longest at 593 pages), with mid-size and smaller cities mostly sticking to the original format, with varying levels of updates and enhancements.

Relative to other California Charters, Santa Clara is fairly typical in that, over time, it has substantially maintained its original Model Charter structure, with periodic, mostly issue-specific modifications proposed and enacted over the years. The City's history of proposed and approved Charter amendments from 1952 through 2024 is captured in a document prepared by the City Clerk's office. This history was provided to the CRC early on for context and possible lessons learned from the types of changes that had been approved and the types that had been rejected by Santa Clara voters. A copy of this summary is also attached to this report for City Council's reference (**Attachment 3**).

In thinking about the changes that made sense as part of Santa Clara's Charter Project, the consensus of the CRC was that it did not think it appropriate to substantially enlarge or shrink the Charter, and that its relative content and size made sense. Per the project Bylaws, there was a desire to keep the Santa Clara Charter relatively simple, with added provisions and details only for educational purposes, to fill in gaps and to add clarity how things were intended to work. As a balance, it was also okay to delete things that were too detailed, or no longer relevant. Unlike the highly detailed City Charters that seemed more like City Codes, throughout the process the individual subcommittees and the full CRC maintained the consistent belief that the Charter should contain the basic sets of rules regarding City governance structure, with more complex details left to policy making by the City Council and professional staff. The City's Charter is its constitution, not its code of regulations.

At the CRC's April 15th meeting, City staff also presented information regarding Santa Clara's own most recent "comprehensive" Charter update from back in 2000. The CAO's best record of the "underline/strikeout" of that Charter was provided. In summary, Santa Clara's Year 2000 update:

- Made changes throughout, but a very light touch compared to what the 2026 Charter Project CRC is undertaking.
- Sample changes included:
    - Added language regarding required residency and qualified elector status (Section 600)
    - Added language preventing a City Council member from running for another City Council seat if they have more than 6 months left on their term (Section 600)
    - Deleted unnecessary details for holding of local elections
    - Deleted a 1-year preceding residency requirement
    - Changed “he/his” to “he/she/his/her”
    - Deleted details for calling a Special Election and instead referred to Brown Act (Section 708)
    - Deleted requirements for meetings to be held at City Hall, deferring to Brown Act (Section 709)
    - Deleted outdated provisions regarding taxing system and limits (Sections 1306 through 1308)

e. Development of “Levels” of Proposed Changes

Another process tool used to guide Charter Project implementation was a categorization of proposed changes based on the degree or “level” of such change. The idea here was to categorize proposed changes into levels so that when the total package is presented to the City Council, the Council will have a basis to evaluate which of the proposed changes ought to be submitted to the voters (generally, Levels One and Two), which changes might be so significant or politically sensitive that such changes might be considered for presentation to the voters as one or more separate ballot measures (generally, Level Three), and which areas discussed were so significant, complex or sensitive that they were beyond the scope of the Charter Project, but might warrant future study or consideration (Level Four).

With this in mind, the following standards for “levels” were presented to and accepted by the CRC at the February 18th meeting.

Level One

Changes in form and appearance that are not substantive. Includes corrections, rewording for clarity, reorganization, elimination of redundancies, consistency of cross-references and numbering, consolidation of sections, elimination of headings for previously deleted sections, rewording of headings to better reflect content, addition of subheadings, defined terms, and other Charter-wide conventions to improve comprehension and usability.

Note: The vast majority of proposed changes fall into the Level One category.

Level Two
Rewordings, deletions and additions intended to add clarity, fill gaps, eliminate ambiguities, replace outdated (no longer used) practices with current "best" practices, and provide consistency with state law. Some changes are "substantive" but are not thought to be so significant or sensitive as to warrant consideration as possible separate ballot measures.

Note: Both Level One and Level Two Changes will be recommended to be combined in one ballot measure.

Level Three
Changes to policies or procedures that may be considered "best practices" or are otherwise viewed as desirable, and that the CRC recommends, but either involve political sensitivity, or are of such independent significance, that they may justify consideration as separate ballot measures or be left out entirely.

Note: Ideally, approved Level Three changes would be combined with Level One and Level Two Changes as part of one comprehensive ballot measure, understanding that some Level Three changes may warrant separate or deferred consideration.

Level Four
Possible changes to the Charter that are either too complicated or too significant to have been fully analyzed or appropriate for consideration as part of this Charter update project, but may be worthy of future study and consideration.

Note: An example of a Level Four issue might be consideration of a different voting system like "ranked choice" voting.

f. Role of the City Council

The City Council initiated the Charter Project, defined its scope and purpose and created the CRC as its implementing body. Ultimately, the City Council will determine what elements of the CRC's proposed Charter changes, if any, will be placed before the voters in November. As is the norm for this type of project, however, by creating an independent CRC, the City Council intentionally removed itself from the day-to-day aspects of Charter Project implementation, so as not to dictate any particular outcome or unduly influence any final recommendation.

Although the CRC understood that the City Council was standing back awaiting its final recommendation, at its February meeting, the CRC determined that it would make sense to check in with the City Council to update the Council on progress, and to solicit any questions or concerns that the Council might have regarding the direction the project was taking. Specifically, the CRC wanted to make sure that its support of a substantial reorganization of the City Charter, with an entirely new numbering system and rewritten language that would make even non-substantive changes look dramatic, was something the City Council could ultimately be comfortable with. It would not be a good use of CRC and staff resources to implement such an

overarching change if in the end the Council was not supportive. Accordingly, the CRC directed staff to provide a report to the City Council with an overall project update, a preview of the proposed reorganization, and the CRC's thought process in supporting this approach. The report was prepared and presented as a consent item on the City Council's April 7th agenda. The report included a summary of the proposed reorganization, the CRC's thought process, the arguments it considered for and against the approach, and statement that if the Council, or any individual Councilmember had any concerns with the approach, the item could be pulled for further discussion, or any individual Councilmember could contact City Attorney Googins with any questions. The report also indicated that CRC Members Roberts and Tansey, and CRC Chair Nikolai would be available to respond to any questions at the meeting. The item was not pulled, and no concerns were raised by any Councilmembers at that time or since. Nonetheless, since the proposed reorganization remains a significant aspect of the CRC's overall recommendation, the CRC's thought process in proceeding down this path is presented again in the "Results; Summary of Proposed Changes" section of this report, below.

g. The Role of the City Attorney's Office

The City Attorney's Office (CAO) has taken the lead in providing professional staff support for the Charter Project and the CRC. In this role, CAO staff has (1) coordinated logistics and staffing for all full CRC and Ad Hoc Subcommittee meetings (with substantial early assistance from City Council staff); (2) presented directly to the four Boards and Commissions stakeholder groups, and facilitated the delivery of their input to the Group Four Ad Hoc Subcommittees; (3) solicited input from other professional City staff "stakeholders" and facilitated delivery of their input to the various Ad Hoc Subcommittees groups; (4) served as primary drafters for proposed and requested Charter language changes; (5) facilitated discussions, answered questions and followed up on requests for additional information, benchmarking and legal research on the full range of topics taken up by the CRC; (6) facilitated and led report outs from the six Ad Hoc Subcommittees to the full CRC regarding Group progress, issues discussed, and ultimately, each Group's section by section recommendations; and (7) assembled the Groups' recommendations into an overall CRC recommendation for the Project with CRC direction and oversight.

h. Full CRC Meetings

In the end, the various elements of the Charter Project process were developed, decided, applied and brought to fruition at the meetings of the full CRC. All told, as of the date of this report, the CRC has met 10 times. Meetings were held in 2025 on October 1st, October 22nd and November 19th and in 2026 on January 21st, February 18th, March 18th, April 15th, May 20th, May 27th and June 3rd. All meetings were in City Council Chambers, except the May 20th meeting which was held in the Redwood Room at Central Library. Early meetings focused on training and work plan development. Thereafter, building upon the monthly report outs from the six Ad Hoc Subcommittees, the CRC proceeded towards the development of its final recommendation. This recommendation is now presented for City Council consideration, below.

3. <u>The Results: Summary of *Proposed* Changes</u>

The results and recommendations of the CRC for Council action on the Charter Project comprise a number of components. These are presented below as follows: (a) proposed comprehensive reorganization; (b) Charter-wide conventions; (c) Section by Section modifications; and (d) considerations in placing any measure on the ballot.

a. Proposed Comprehensive Reorganization. As City staff and the various CRC subcommittees started digging into their assigned sections, it became increasingly clear that the current Charter was not always organized in a logical or intuitive manner. In many instances, subjects and sections related to the same topic were not even within the same Article. This led to early proposals to relocate sections, or parts of sections, along with more and more substantial clarifying revisions, both to update outdated language, and to integrate sections into their relocated context. At a certain point, it became increasingly clear that merely revising sections "in place" would not achieve one of the prime Charter Project purposes of making the Charter more accessible and user friendly.

The proposal for a comprehensive reorganization of the Charter was first previewed for the CRC at its January 21st meeting. Responding to general CRC support, City staff refined its proposal and resubmitted it for CRC action at their February 18th meeting. Key components of the reorganization proposal included: (1) Consolidation of Articles I through V; (2) shifting of certain Sections into more logical arrangements by subject matter; (3) retitling of Articles and Sections with more descriptive language; (4) breaking up longer Sections into titled Subsections; (5) deleting headings and numbering left over from previously deleted Sections; (6) renumbering Articles and Sections with a more modern, intuitive numbering system; and (7) creation of a comprehensive matrix to be attached at the end of the Charter showing the history of changes to each Section, references to previous Section numbers, and references to City Code Sections that are implementing of the Charter.

The CRC considered the proposed comprehensive Charter reorganization concept, along with the pros and cons of such approach presented by staff. The primary arguments in favor included: (1) such a reorganization would be perfectly aligned with the Charter Project's stated purposes by making the Charter more modern and "user friendly" for the public and for professional staff; (2) the deletion of unused Section headings and internal history references would make the Charter shorter, less cluttered and easier to read; (3) the proposed new "tools" including an expanded definitions section, and a detailed matrix with Section amendment and numbering history, along with references to relevant City Code sections, would also enhance Charter usability. Arguments against a comprehensive Charter reorganization included: (1) if an underline/strikeout of the proposed changes were to be placed on the ballot (e.g., if it was determined to be legally necessary or otherwise appropriate), it could turn off the voting public if it appeared that the changes were not being fully explained or evident; (2) if the full text of all changes needed to be included on the ballot it would increase the cost of the ballot measure; and (3) if a measure with comprehensive renumbering were to be approved by voters, full implementation would require a review and update of the City Code and all other materials referencing the Charter to update the existing Section references.

Ultimately, the CRC approved proceeding with the comprehensive reorganization. Since the CRC was already undertaking a comprehensive update of the Charter, the consensus of the CRC was that now was the right time to also implement the comprehensive reorganization and renumbering system. The CRC also apprised that there was no legal requirement to place an underline/strikeout version of proposed changes on the ballot, so that a very messy and complicated document need not be what the voters acted on. Instead, a link could be provided in the ballot measure and/or the City Attorney's Impartial Analysis to the City's website for the full Charter language. This would include an underline strikeout of all proposed changes, a detailed description of all the proposed changes, and an extensive FAQ Section. In light of this, the CRC voted unanimously to support including the comprehensive Charter reorganization concept as part of their work plan.

This comprehensive reorganization proposal, with some relatively minor modifications to the Article and Section references submitted to the Council back on April 7th, remains a central component of the CRC's recommended Charter update. The proposal consolidates the current Charter's eighteen (18) Articles into nine (9) Articles and relocates a number of Sections and Subsections into more logical alignment. This relocation of Sections occurs most frequently in and among old Articles VI, The Elective Offices, VII, The Council, City and VIII, Manager, Ordinances, Meetings, now new Articles Two, Elected Officials, Three, City Elections, and Four. City Council Meetings/Actions. A number of miscellaneous Sections that were located throughout the old Charter are also now proposed for relocation to new Article Nine, Miscellaneous and Legal Provisions.

The proposed matrix to be attached at the end of the Charter showing the history of changes to each Section, references to previous Section numbers, and references to City Code Sections that related back to or implement Charter requirements has not yet been generated, but will be generated if Council provides preliminary direction of its intent to place the comprehensive update on the November ballot.

b. Charter-wide Conventions

Charter-wide "conventions" refers to minor, but important, changes proposed throughout the document to improve the Charter's appearance, make it more accessible, more modern, and easier to understand. In addition to those conventions described as part of the reorganization proposal, above, the Charter-wide conventions to be implemented as part of the CRC's recommendation include:

(1) "he/she him/her" pronoun references converted to using the relevant position title, whenever possible or "they/them" when not possible or too awkward;

(2) numbers one through nine presented as words, with numbers 10 and above presented as numerals;

(3) where appropriate, explain/educate on basic concepts and functions of government (e.g., added language to explain the concept of a "Council-Manager" form of government (new Section 103); and what an "Ordinance," is and does, including an explanation of the two step Ordinance approval process (new Section 403.1);

(4) use of capitalized terms to create defined terms throughout as referenced in the new Section 105. Note: The Charter is still under comprehensive review to ensure that all capitalized terms are being used correctly and consistently. The list of "Defined Terms" at the end of the Charter (new Section 908) is also still under construction.

c. Section by Section Summary of Proposed Changes

This section presents, in summary form, the proposed changes from each Ad Hoc Subcommittee Group for updates to their assigned Charter sections that were ultimately approved by the full CRC on June 3rd. While each assigned subject matter area had its own unique issues, each Group was also conscious of the importance of viewing their task through the common lens of the express Charter Project purpose stated in the adopted Bylaws. The assigned task was not to restructure the operations of City government, or to propose major changes in the City's political process. Instead, the Charter Project was about developing a comprehensive update to make the Charter easier to understand for the public, elected officials, and professional staff alike, and, based on stakeholder input, to bring the Charter into alignment with currently applicable law, City practices, and/or current, "best practices," all of which, along with Santa Clara itself, have evolved substantially since the Charter's original adoption. In some cases, this meant rewriting whole sections to make the language used more modern and less ambiguous. In other cases, it meant adding new provisions to fill gaps or deleting provisions that were outdated or no longer necessary. All of these changes are summarized below, with references to Section numbers in both the existing "Old" Charter and the proposed updated "New" Charter.

Perhaps the best reference tools to use in conducting a detailed review of the CRC's proposed recommended changes are the attached underline/strikeout and clean version of the proposed Charter update (**See Attachments 4 and 5 to this report).** These updated Charter documents contain (and in the underline/strikeout version, highlight) every proposed CRC Charter modification. They also contain, throughout, annotations in the margins that provide references to primary source materials and applicable laws considered. For the more substantive proposed changes, or proposed changes in politically sensitive areas, these annotations also include summaries of the CRC's thought process in deciding whether to include, or not to include proposed Charter changes that were under consideration. Where any proposed CRC modification rose to Level 3, this was also noted.

With that in mind, the CRC would encourage that any review of the following summary of proposed Charter changes be done with reference to the actual proposed Charter update documents, with the added value of their embedded annotations.

Group One

Powers and Structure of City Government: Rules/Process for Action

Addition of a Preamble

[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."

<u>Notes</u>: A preamble is not legally required but, consistent with the purposes of the Charter Project, is thought to be a good presentation and framing of what a Charter is: the local rules that the people choose to govern themselves.

Foundational Terms (Article One)
[Old Articles I through V, New Article One, Sections 100 through 105]

- Replacement of formal language with familiar language throughout (e.g., Section 100).
- Deletion of Old Article III, Succession, Sections 300 through 305, regarding the effect of Charter adoption on previously existing rules, rights and contracts; replaced with a single summarizing sentence in new Section 104.
- More definitive statement of City's "Charter Authority" with respect to "municipal affairs" (Section 102.1), and the relationship of its enumerated Charter authority to other laws (Section 102.2).
- Aggregate voter approved limitations on City authority into one Section (102.3), including "Disposal of Public Utilities" (Section 102.3(a)), with clarifying modifications to allow internal transfers and disposition of property no longer needed for utility purposes.
- Expanded language to explain "Council-Manager" form of government (Section 103).
- New language to make clear the "Effective Date" of this Charter update, and the need for voter approval of any future Charter amendment (Section 104).
- Use and Definitions of Capitalized Terms Section added with cross-reference to the list of Definitions to be added in Article Nine, which is still "under construction" (Section 105).

Notes: A definitive statement of the City's authority with respect to "municipal affairs" is intended to maximize the City's authority to govern itself at the local level. What's viewed by City staff and the CRC as a clarification of the provision requiring a vote on any transfer of a public utility to allow the transfer of utility property no longer needed, or internal utility restructuring, could be viewed by some as a substantive change warranting Level 3 consideration. See also discussion of proposed modifications of Measure R language, new Section 102.3(b), below.

Elected Officials (Article Two)
[Old Article VI, Section 600, City elected officers, New Article Two, Elected Officials, Sections 200, 201.1, 203.1 and 203.3]

- Added new Section 200 to clearly state in one place which positions in the City are elected, with a definitional distinction for "District Council Members" and a cross-reference to Article Three regarding the process for elections and interim appointments.
- Qualified Elector and Residency requirements retained and clarified, with "Residency" to be determined under State Law, and "Qualified Elector" status to be determined by the County Registrar of Voters (Section 201.1).
- Clarifying language regarding ability to hold one office and run for another (e.g., Mayor for Council, and Council for Mayor), except that District Councilmembers can't simultaneously run for another District Council seat) (Section 203.3).

Notes: Existing general qualification requirements for Elected Officials were retained. There was a discussion of lengthening the 30-days in advance requirement, but beyond 30 days has been challenged as unconstitutional. Better defining "Residency" was also discussed, but current best practice is to defer to state law, with the City Clerk requiring a sworn statement from the candidate.

City Elections (Article Three)
[Old Section 600.01, New Section 301]

- Maintains concept of a "regular election" but uses modern language to refer to as "General City Election" held in even numbered years to be consolidated with the corresponding State election. Everything else is a "Special Election." Provision for no primary election retained.

City Council Meetings/Actions (Article Four)
[Old Section 808, Ordinances, New Section 403, Special Rules for Ordinances]

- Added language to explain what an ordinance is and to use modern language to explain the two step process for "introducing" and "adopting" ordinances (Section 403.1).
- Retains general rule for ordinance adoption at a "regular meeting" but adds a provision for adoption at a special meeting if the City Council finds an urgent necessity with five affirmative votes (last sentence of 403.1).
- Simplifies and updates language regarding repeal/amendment (403.2), effective date (403.3), emergency (403.4), codification (403.6), and adoption of uniform codes (403.7), with City Clerk only required to maintain one (was three) physical copies of the code, with added requirement for posting on the City's website.
- Posting/publication of ordinances requirement changed from **advance** posting/publication in a newspaper (a general law city practice) to **post** adoption posting/publication in newspaper, plus website posting (403.5).

Notes: Charter cities can develop their own ordinance adoption standards, but most substantially adhere to the General Law city standard. This update maintains that standard, with a "best practice" modification to allow for ordinance adoption at a special meeting with a five-vote determination of urgency, and replacement of a pre-adoption newspaper publication requirement, with a 15-day post-adoption publication requirement.

Employee Performance Bonds
[Old Section 911, Official Bonds, New Section 503, Employee Performance Bonds]

- Added language to describe what bonds are for, to outline the contents of any City policy to identify covered officials and terms of bonds, with City to pay premiums (503.1), with State law to apply in the absence of City policy (503.4).

Miscellaneous and Legal Provisions (Article Nine)
[Old Article XVIII, New Article Nine]

- Overall updates/clarifications to existing language in new Sections 900 (Mandatory and Permissive), 901 (Legal Actions Against the City), 903 (Severability) and 907 (Oaths of Office, old Section 912).
- Violations and Enforcement updates allow for prosecution of Charter violations as misdemeanors **or** infractions, in prosecutor's discretion based on severity of offense, with reference to state law for applicable range of punishments, and a clear statement that Elected Officials forfeit their position for a misdemeanor conviction (902.1).
- The District Attorney to be the prosecuting authority; if DA declines, City Attorney to hire someone from outside the City Attorney's Office to prosecute (902.2).
- Ordinance required as a legal basis for any Local Law criminal prosecution (902.3).

- Publication of legal notice updates maintains newspaper publication requirement with updated language to align with State Law (904.1), requires additional "electronic" notice by City policy based on latest technologies to maximize reach to those expressing interest or likely to be impacted (904.2).
- Where Charter requires a City Council ordinance or policy, currently applicable local or state laws to remain in effect pending adoption (905).
- Add City Clerk authority to make minor corrections if approved as to form by City Attorney and ratified by Council (906).
- Definitions, still under construction (907).

Notes: A Charter's "Miscellaneous" Sections are often overlooked, but they contain important content. For enhanced transparency, this update adds a requirement for the City to create a policy for modernizing its legal public notice requirements. It also makes clear that violations of the Charter could be prosecuted as misdemeanors <u>or</u> infractions depending upon the severity of the offense. The existing Charter identifies the City Attorney as the prosecuting authority for Charter violations, but this is almost always a conflict of interest as this position is appointed by the City Council and has attorney-client relationships with virtually every City official governed by the Charter. The proposed solution is to identify the DA or, if the DA declines, special outside counsel as the prosecuting authority.

Group Two

City Council: Elections, Powers and Conduct of Meetings

Voter Approval for Disposal or Change of Use of Certain City Parkland
[Old Section 714.1, New Section 102.3(c)]

- Proposal to add language to allow for "secondary uses" that do not "materially impact" underlying Park uses if approved by 2/3rds vote of Council (five votes); any revenues generated must be used to fund parks and recreation purposes.

Notes: This proposed change is supported by both the Planning Commission and the Parks and Recreation Commission. The added language to allow "secondary uses" could reasonably be viewed more as a clarification than a substantive change, but because it modifies the terms of a recent, voter approved measure to protect City parkland (Measure R, approved by 90% of the voters in 2016), this likely rises to a "Level Three" proposal.

Qualification Requirements for Elected Chief of Police
[Old Section 906, New Section 201.2]

- Proposal to add a requirement for a POST "Management Certificate" (must be a Lieutenant with Two Years Experience)

Notes: Given sensitivity in this area, this proposal is clearly at "Level 3". That said, current and past Chiefs have all indicated that all of the elected Chiefs that have served in the last 30 plus years have met this standard. The intent of the CRC in proposing this change (along with the proposed additions to the Chief's powers and duties sections; see Group

Three, Section 202.3, below), is to clearly communicate and provide that the elected Chief's position is a professional management position, not a ceremonial position, or for someone without supervisory experience.

City Council Challenges to Qualifications of Elected Officials
[Old Section 711, New Section 201.3]

- Replaces language for City Council to "judge" the qualifications of elected officials with provision for them to challenge qualifications as provided "under State Law."

Notes: This change replaces the vague concept of the City Council "judging" Elected Official qualifications, which is susceptible to politicization, with reference to provisions under State Law which would allow for challenges to an Elected Official's qualifications through a judicial process.

Mayor's Power and Duties
[Old Section 704.3 (and others), New Section 202.1]

- Gathers Mayor's powers in one place without substantive changes.
- Eliminates provision requiring Mayor recommendations affecting the budget to identify funding sources or cuts in support of that recommendation (Section 202.1.a.(5)).
- Maintains existing provisions limiting the Mayor's authority so as not to interfere with the City Manager's authority over the City's administrative branch (Section 202.1.b).

City Council Powers and Duties
[Old Sections 706, New Section 202.2]

- Adds substantial new language for Council/Council Member powers and duties.
- Puts parameters around the City Council's powers to investigate or subpoena witnesses (Section 202.2.a.(7))
- Individual Council member duties (including the Mayor) emphasize attendance of official meetings, consideration of public input, and ethics (Section 202.2.b).
- An additional "expectation" for "professional and courteous" conduct is also proposed.
- "Councilmanic interference" still prohibited, with any prohibited formal action deemed void (Section 202.2.c), but language for automatic removal of office eliminated to be addressed instead in the Charter "Violations" Section at the end (Section 902).

Notes: Added provisions for City Council powers are intended to be informative, not limiting. Added provisions for City Council Member powers and duties are more oriented towards what's expected, with a desire to emphasize ethical and professional conduct.

Term Limits
[Old Section 600, New Section 203.2.a. and b.]

- Clarifies term limits are "Lifetime" with service in one office not counting as service in another.
- States clearly no term limits apply to offices of Chief of Police and Clerk.

Compensation
[Old Section 906, New Sections 204 and 604.5]

- Clarifies current practice to include salary and benefits in "Total Compensation."
- "Salary Setting Commission" terms moved to Article Six (Boards and Commissions), Section 604.5.
- Per current practice, benefits for Mayor/Council/Clerk (part time positions) limited to Health and Retirement, with no ability to convert Health Benefits to cash.

Notes: Additional language intended to be clarifying. Although no health benefits have been awarded to date, the Salary Setting commission has considered the possibility.

Vacancies
[Old Section 703, New Section 205]

- List added to specify what constitutes a "vacancy" (forfeiture from office) (205.1).
- List includes conviction of any felony, or a misdemeanor involving moral turpitude or misconduct in office.
- Clarifies process for "declaring" and potentially filling a vacancy by appointment, to fill a vacancy increasing time period from 30 to 45 days (205.2).
- Replaces language suggesting that if no appointment is made an election to be held "forthwith" to fill the vacancy (which is not clear and is subject to inconsistent interpretations), with a requirement that an election be held at the next scheduled statewide election (205.2.b).

Notes: This is an example of filling a gap in the Charter, as the existing Charter provides no provision for what constitutes a "Vacancy." The proposed list is fairly standard, with a few refinements regarding criminal convictions (as described above), and determinations of disability.

City Elections (Generally)
[Old Section 700, New Section 300]

- Language added to clarify relationship between local and state law (Elections Code), with Charter governing except as necessary for the ROV to administer the election.

Notes: Both the existing Charter and proposed Charter update specify City's Elected Officials, their qualifications, their terms, how and when they are elected, etc. But as with virtually every City, general law and charter city alike, Santa Clara consolidates its local election with the County Registrar of Voters (ROV). As a result, most of Santa Clara's filing and voting requirements are set forth in the State Elections Code and administered by the ROV. The proposed Charter updates in this Section describe and clarify this relationship.

Administration and Determination of Election Outcomes
[Portions of Old Sections 700 and 711, New Section 302]

- Added language clarifies ROV primary responsibility working with elected/appointed Clerk's Office officials to administer City elections.
- Given the potential conflict, the Assistant Clerk is designated to handle election matters related to the elected City Clerk.
- Language that provided for the City Council to "judge" election returns replaced with a clearer and more standard role under the Elections Code for the City Council to "certify" elections (302.3)

Notes: The language providing for the City Council to "judge" elections suggests a broader role for the Council than is traditional or appropriate. It's the ROV that counts the votes and determines the outcome of elections they administer. The City Council's role is to "certify" that election outcome. An explanation of this is provided in the City Attorney's annotation to proposed new Section 302.3

City Council Members Elected by Districts
[Old Section 700.1, New Section 303]

- Mostly language clean up here, with the requirement for "nomination" by District added to the initial paragraph and deleted (where it was confusing) from the provisions describing how elections for the various District Council seats will be staggered.

- Additional clean-up language (pending) will be required to reference the redistricting process approved by the voters in June of 2022. This will become the new "base line," for District boundaries referenced in the Charter, replacing the map referenced in the existing Charter that was adopted by judgement of the Superior Court in 2018.

Redistricting
[Old Section 700.2, New Section 304]

- Adds a redistricting "process" including provision for a Redistricting Commission, with composition, authority and process to be established by ordinance.

Notes: The CRC is aware that the City has gone through a series of recent redistricting efforts, including most recently after the 2020 census. Based on the City's history and "best practices," the CRC recommendation requires the creation of a Redistricting Commission for mandatory redistricting but leaves it to the Council to develop the policy for how such commission will be comprised, and the level of independence it will have.

City Council Meetings/Actions
[Old Sections 707, 708, 709, New Sections 400 and 401]

- An added "In General" Section sets the framework for City Council actions to occur only at meetings properly noticed and held in accordance with the Brown Act (400).
- New proposed language adds flexibility for one month each year with only one regular meeting required to accommodate holidays or other scheduling requirements (401.1).
- Added language makes clear that any action taken at a regular meeting can also be taken at a special meeting except as required by law or the Charter (e.g. ordinance adoption) (401.2).

Notes: Proposed changes are generally Level One, with an added reference to electronic noticing of meetings, beyond Brown Act requirements, as may be developed by the City Council using the "latest available technologies" per the requirements of new Section 904.

Procedures and Requirements for Action
[Old Sections 710, 712 and 713, New Sections 402.1, .2 and .3]

- Added language clarifies quorum requirements per existing rules/best practices to require four Council Members present regardless of Council vacancies or abstentions (402.1); to make clear there's a difference, section includes reference to Council action voting requirements in Section 402.3.
- The Assistant City Clerk designated to assist at meetings and keep records of proceedings (402.2)
- Clarifies four affirmative votes required for City Council action unless a greater number is required by Charter or other Applicable Law; retains current Council authority to take action through adoption of informal "minutes" resolutions (402.3)

Notes: Charters are not required to include quorum or voting requirements, but most do and this language clearly presents existing City/best practices. An alternative would be to leave this to City Council policy making.

Powers to lease, sell or convey City property
[Old Section 714, Proposed for Deletion]

- Proposal is to delete existing Section 714 requiring public notice and an opportunity to bid at the sale of any property sold by City valued at $500 or more.
- Process itself, plus such a low threshold were thought so outdated that it would be better to delete than modify.

Notes: This could be a Level Three issue depending upon City Council's perspective on how the voting public might perceive this deletion.

Group Three
Senior Officials: Duties and Qualifications

Chief of Police Powers and Duties
[Old Section 906, New Section 202.3]

- Language added to make clear that the Chief of Police is the "head" of the Police Department (as currently provided by ordinance, but not in the Charter).
- Added the obligation of the Chief to update and advise the City Council and the City Manager on matters relating to public safety and law enforcement (202.3(d))
- Not able to develop language mutually agreeable to City Manager and Chief to clarify their relationship regarding department appointments and discipline.

Notes: The proposed changes to this Section, like those proposed in the Chief qualifications Section, above, are intended to confirm the professional nature of this position, both as the head of the Police Department and as an advisor to the City Council and the City Manager on public safety and law enforcement issues. While the City Manager and the Chief were not able to agree upon additional language specifying their authority over department appointments and discipline, they are both supportive of these changes. That said, the CRC recognizes that this is a highly sensitive "Level Three" area.

City Clerk Powers and Duties
[Old Section 903, New Section 202.4]

- Proposed changes reflect the current allocation of duties between the City Clerk (elected) and the Assistant City Clerk (ACC) (appointed by the CM) in the City Code (City Code Chapter 2.20).
- The City Clerk's primary duty is to serve as the City's "Elections Official" to administer elections and related duties under State and local laws (202.4(a)(1))
- Adds the duty to consult with the ACC, and with ACC concurrence, authorize the ACC to assist with their duties.
- ACC to perform typical City Clerk "day to day" duties to support City Council meetings and maintain City records (202.4(b)).
- Adds provision for ACC to act in the extended absence of the City Clerk to assure continuity of City operations and compliance with laws (202.4(b)(7).

Notes: This language was developed with the direct input and support of the City Clerk and the ACC.

Structure of Government
[Old Articles VIII and IX, New Article Five]

- **General sections** added/updated to describe City organization by departments, as determined by City Council (500.1), with an "Administrative Code" implementing details, to be updated from time to time (500.2), with the City Manager as the head of operations, and with the City Manager, City Attorney and City Auditor to be appointed by City Council (501).
- **City Manager** sections consolidated and updated to better reflect duties and to align with other department head duties (501.1), with added provisions for exercising "professional judgement" to make recommendations and take actions to assure high quality performance of services, compliance with contracts and with the City Code (501.1(f) and (g)). Outdated language regarding City Management appointment, and process for removal "for cause" deleted, as this is all now handled by contract (Old Section 806).
- **City Attorney** provisions updated to give authority to initiate legal proceedings subject to City Council approval and in consultation with the City Manager (501.2(c)), act as the appointing authority, in consultation with the City Manager, for professional legal staff (501.2(d)), where conflict exists, refer matters to outside attorneys/agencies (501.2(j));

required years of experience increased from 4 to 7, with such other qualifications City Council may impose commensurate with demands of position (end of 501.2).

- **City Auditor** provisions updated to reflect duties for both financial and performance audits (501.3) per an annual work plan the Auditor develops in their professional discretion with required approval from the City Audit Committee (501.3(b)), to be implemented or overseen by the City Auditor (501.3(c)), with a requirement that they conduct themselves in accordance with all applicable professional and ethical standards (501.3(d)).
- **Positions Appointed by the City Manager,** updated with input from current department heads, to better reflect their duties, including as follows:
- **Director of Finance**, update outdated terms, expand duties to City "enterprises," align with other changes to City's financial reporting and budget process, designate as the City's "Treasurer" for all purposes, including financings, add oversight of City's purchasing system, and applicable professional standards (502.1).
- **Public Works Director**, update to reflect current duties, including oversight of City public works procurement, with the ability to serve as or appoint the City Engineer (502.2).
- **Fire Chief,** update to expand duties to reflect modern "all risk" fire service, to include emergency medical response, and other functions approved/funded by the City Council like hazmat regulation/response, mutual aid and rescue ops (502.3).

Notes: All proposed updates to these Sections are the product of discussions with and input from the Senior Officials themselves and are intended to conform with current City and best practices.

Group Four

Boards and Commissions: Composition, Powers and Duties

General Provisions for Chartered and City Council Created Boards and Commissions
[Old Section 1000, New Sections 600.1 and 600.2, 600.4, 600.5 and 600.6]

- Added language introduces and lists the five "Chartered" Boards and Commissions (600.1) and provides for "City Council Created" Boards and Commissions with Council flexibility on composition and terms for the latter (600.2).
- The existing Salary Setting Commission is added to the list and given its own Section (600.1 and 604.5)
- Old section 1004 regarding application of interest/gift rules per state/local law updated and moved to this Section (600.6)

Qualifications (Qualified Elector/Resident Status)
[Old Section 1000, New Section 600.3]

- Chartered Board members to be both residents and qualified electors.
- City Council created Board members need only be residents.

Notes: The need for "qualified elector" status as a qualification was discussed extensively in light of the Board of Library Trustees (BOLT) request that this 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.

Appointment/Removal
[Old Section 1002, New Section 602.1]

- Retain full City Council discretion to appoint/remove but require City Council to adopt policies for this to occur in "an orderly and transparent manner" (602.1).

Notes: 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 discussed below. Ultimate decision was to require the City Council to make rules that allow for appointment and removal "in an orderly and transparent" manner but not draft such rules into the Charter as it is not the place for that level of detail.

Term Limits

[Old Section 1002, New Section 602.2]

- Codify existing practice allowing two 4-year terms in one's "lifetime" on any one board/commission, with Council flexibility to change for Council Created Boards and Commissions (602.2).

Vacancies
[Old Section 1004, New Sections 602.3 and 602.4]

- Applies same "Vacancy" rules as for Elected Officials, with the exception of the existing (different) rule for Boards and Commissions for the number of non-excused absences allowed (three) before position declared vacant.
- Per suggestion of Parks and Recreation Commission (and others) provision now contemplates City Council creating a set of rules governing excused/non-excused absences (602.3).

Conduct of Meetings
[Old Section 1003, New Section 603]

- Added language makes clear Brown Act/City Council rules apply (603.1)
- Language that contemplates Boards and Commissions going into closed session in conflict with Brown Act now deleted.
- Added language makes clear that any action requires a majority vote of authorized number of members (603.3).
- Extraordinary powers of investigation/subpoena powers for all Boards and Commissions deleted as this should probably only be available to the Civil Service Commission (603.4).

Notes: The City Council could make different quorum/voting rules of Boards and Commissions, but the Group/CRC thought maintaining consistency with City Council rules was important to retain.

Planning Commission
[Old Sections 1006 and 1007, New Section 604.1]

- Updated Powers and Duties based on staff and Commission input, with a particular interest from the Planning Commission in adding references to advanced planning work, analysis of environmental impacts, and solicitation of public input (604.1.b)
- Planning Commission proposal for City Council deference, plus a supermajority vote required for the Council to overturn Planning Commission determinations on appeal was considered but not recommended (604.1.c).

Notes: The CRC was sympathetic to the Planning Commission's desire for deference but determined that the requirement for a super majority vote went too far. This conclusion was helped by confirmation that the commission has an existing right to designate a member to represent their position at the City Council should they elect to do so with respect to any particular item.

Parks and Recreation Commission
[Old Sections 1008 and 1009, New Section 604.2]

- Added language updates Powers and Duties based on staff and Commission input, including adding the review of any Parks and Recreation Master Plan, providing input on City-wide events using parks and rec facilities, and removal of direct involving with planning and supervising recreation programs and solicitation of school authority cooperation, instead acting in an advisory capacity (604.2.b).

Notes: Added language maintains, but now more accurately reflects, the Commissions advisory rule across a broad spectrum of City projects and programs.

Board of Library Trustees (BOLT)
[Old Sections 1012 and 1013, New Section 604.4]

- Proposed increase from 5 to 7 members was supported to allow for more community engagement and support for library programs (604.4.a).
- BOLT's proposal to eliminate the qualified elector requirement for membership was not recommended per discussion regarding general qualifications for Chartered Boards and Commissions, above (604.4.a).
- Updated language eliminates the authority of the BOLT to "administer" the Library system but retains its authority to approve the City Librarian (in coordination with a City Manager administered recruitment process), approve certain administrative policies unique to library operations, with some restrictions, and adds the requirement for BOLT input on the library budget and any master plan, along with other major decisions(604.4.b).

Notes: The Charter provisions setting forth the BOLT's powers and duties were substantially out of line with current/best practices in that they called for the BOLT to administer the City's library system. The BOLT agreed that this role was outdated but wanted to retain certain approval rights in key areas. The CRC was supportive of most of the BOLT's proposals and believes that the final language strikes a good balance.

Group Five

Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties

The Group Five Subcommittee recommended modifications to a variety of sections of the Charter pertaining to the Civil Service Commission as well as the terms of classified employment with the City. Through the course of robust meet and confer discussions with the bargaining units, numerous changes to the language were requested by the units and incorporated by staff. However, due to timing constraints, the bargaining units were not in a position to agree to the proposed modifications by the last CRC meeting of June 3rd. CRC provided direction to staff at that meeting to continue meet and confer efforts, and staff will provide a verbal update as to the outcome of those continued efforts as the Council goes through its review and deliberations of the overall Charter update proposal.. Below is a summary of the Charter modifications that were proposed by the CRC and discussed with the units.

Civil Service Commission
[Old Sections 1010, 1011, New Section 604.3]

- Add reference to conflict-of-interest rules
- Reorganize sections and update language for readability
- Expand to include all protected characteristics
- Include reference to Salary Setting Commission appointment/removal duty

Civil Service
[Old Section 1100, New Section 700]

- Align general merit principle language with Section 1010
- Add reference to the Civil Service Rules

Classified and Unclassified Service
[Old Section 1101, New Section 701]

- Categories of positions in the unclassified service updated to match those positions listed on the unclassified pay plan
- Language added to protect potential bargaining rights of temporary/as-needed employees (AB 1484)
- Currently undefined terms “professional, scientific, technical, or expert service of an occasional or exceptional character” updated to include definitions of Confidential, Professional, and Management Employees from the Employer-Employee Relations Resolution
- Eliminated the requirement for newly created unclassified positions to be the head of a division established by ordinance
- Concerns raised by bargaining units related to the potential for currently classified positions to become unclassified were addressed by adding in a clause “freezing” classified rights for positions on the classified salary schedule as of the date of the election

Appointments from the Classified to Unclassified Service
[Old Section 1102, New Section 702]

- Charter currently has an unlimited right of reversion, originally proposed to include a two-year limitation. After the bargaining units raised concerns, staff eliminated the proposed two-year limitation.
- Limited right of reversion in situations where an employee was dismissed for cause or resigned in lieu of termination
- Eliminated "forced retirement" language

Prohibitions
[Old Section 1107, new Section 707]

- Updated cross-references
- Updated penalty provisions to reference state law standard for misdemeanors

Notes: Proceeding with any changes to these sections in the absence of agreement with the bargaining units could place the City in a difficult position and potentially render the City's decision vulnerable to challenge. Therefore, in the absence of an agreement, these provisions would be placed in the Level Three or Level Four categories.

Group Six
Fiscal Administration and Procurement

Budget Preparation
[Old Section 1301, New Sections 801.1 and 801.2]

- Language added expressly allows for the current "biennial" budget process, with alternating operating and capital budget approvals, with the budget to be prepared and presented by the City Manager in consultation with the Director of Finance and all departments (801.2).

Budget Contents
[Old Sections 1311-1314, New Section 801.3]

- Proposed updates delete multiple sections of outdated budget elements, including no longer used terms for budget reserves.
- Retains requirement for "Reserve Accounts" to cover future operations/capital needs funded to levels per City Council policies "and in consideration of recommendations by the City Manager and Director of Finance regarding best practices and available funds" (801.3).

Notes: 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 the terms and amounts set by Council policy.

Budget Implementation and Amendment
[Old Section 1300, New Section 801]

- Proposed language updates clarify which budget amendments require City Council approval, versus which can be administered by the City Manager (within the various departments and funds approved/appropriated by the Council) (801.5)
- At the request of the Finance Director, updated language allows for the "carryforward" of funds (i.e., no new City Council approval required) for approved Capital Improvement Projects and multi-year contracts (801.5).
- Requirement that Council level amendments be approved by five votes is retained, but new language adds a provision allowing amendments by four votes where funds are no longer need for original appropriate purpose, to realize project savings, or where the amendment appropriates new revenues (801.6).

Notes: Proposed changes were suggested/supported by the Director of Finance to retain Council authority over major amendments, but to simplify the amendment process for certain previously approved items, or where new revenues are involved.

Purchases of Goods and Services
[Old Section 1318, New Section 802.2]

- Adds provision for consultation with the Director of Finance for Council procurement policies (802.1)

Public Works (Option A Recommended)
[Old Section 1310, New Section 802.2.3 and 602.4]

- Proposal to replace outdated rules containing very low ($1,000) thresholds for formal bidding and City Council approval of contracts/use of City forces, and lacking any provision for "alternative" (best value/design build) procurement processes and exceptions except in the case of an emergency.
- Option A (recommended) proposes public works procurement to be implemented by City Council ordinance within certain prescribed "best practice" guidelines including (a) definition of major versus minor contracts to establish formal bidding and approval authority thresholds, (b) except where specific exemptions apply, the general practice of awards to the lowest responsive and responsible bidder, (c) emergency authority, and (d) ability to reject bids, rebid, or perform work using City forces (see full list at Section 802.2.b).
- Procurement "Alternatives" allowed, including sole source/limited bid, "best value" contracts (e.g., design build), and other alternatives adopted as part of a City-wide program determined to be in best interests of the City.
- Maintenance/repair exclusions from "Public Works" description clarified and expanded to apply to minor interior improvements, separate equipment bidding and equipment installation.

Notes: The City Manager, Public Works and SVP communicated their strong support for these provisions to update the City's current highly out-of-date Charter provisions, requiring Council level approvals and formal bidding for even the smallest of projects, and to give the City additional "best value" public works procurement tools. Per the Public Works Director, 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 so many major Measure I projects pending (e.g., Fire Station rebuilds) and for the highly technical electrical system projects required by SVP. If the Charter amendment is approved, an ordinance would need to be developed to set out the best practices for how this would work.

Because this proposal would substantially change the existing Charter rules for public works, it is considered a "Level Three" proposal. Unlike some other Level Three items, however, because of the substantial independent value of the proposed change, City staff believes, and the CRC agrees, that if the Council was not comfortable including this proposal within any proposed comprehensive update, it would warrant presentation to the voters as a stand-alone measure.

Audit Requirements

[Old Section 1319, New Section 803]

- Proposed update eliminates language suggesting that each City employee's financial activities get audited versus the intended, best practice, comprehensive audit of all City operations (803.1).
- Imposes "generally accepted auditing and accounting principles applied to government agencies" (803.1).
- Provides for reporting through the City's Audit Committee up to the City Council per existing and best practices (803.2).

Special Rules for Utilities Expenditures and Revenues

[Old Section 1320, New Sections 804]

- Proposed language eliminates outdated details for allowed expenditures and replaces it with a reference to expenditures allowed by law.
- Updates language for the 5% transfer to the general fund from utility revenues to make clear that such monies can be used for general City purposes as approved by City Council.

Finance and Tax Authority

[Old Sections 1309 and 1321, New Section 805]

- Replaces outdated language which inaccurately summarizes state law, with new statement of broad authority to impose taxes, fees and assessments, and issues debt subject to State law requirements (especially regarding Revenue Bonds)
- Retains but clarifies existing limit on bonded indebtedness to 15% of the total assessed value of City real and personal property (805.3)

- Retains express rights/requirements for voter approval of taxes/fees/debt where required by State Law, and for any proposed City financing of a nuclear plant or any interest in one (805.4).

Notes: Although it could be argued that the prohibition on financing of any interest in a nuclear plant is outdated, because City ownership/use of nuclear power is potentially a highly sensitive area for many people, and SVP has indicated there is no urgent need to finance any such interest, the CRC has recommended to keep this limitation in place and not propose any updates at this time.

4. <u>Final Recommendation</u>

a. Proceed with a Comprehensive Update for Consideration by Voters at the November 2026 election. The CRC recommends that the City Council direct staff to take all steps necessary to prepare a comprehensive Charter update measure to be submitted to the voters on the November 2026 ballot. Consistent with the Charter Project's stated purpose, the CRC recommends that the City Council include in the measure all proposed Level One and Level Two updates, along with as many Level Three updates as the Council feels confident will be supported by the community.

The proposed updates characterized as Level Three include: (1) proposed changes to Measure R to allow for "secondary" uses of park property (new Section 102.3); (2) proposed deletion of the published notice and opportunity to bid on proposed transfers of real property valued at over $500 (old Section 714); (3) enhancement of Chief of Police qualification requirements to the equivalent of a lieutenant with two years' of experience (new Section 201.2) (4) additional Chief of Police powers and duties to indicate that the Chief is the head of the Police Department, with responsibilities to advise the City Council regarding law enforcement and public safety matters (new Section 202.3); (5) a Public Works contracting overhaul to provide for procurement thresholds and details to be implemented by ordinance and to allow for the use of "best value" procurement alternatives, including design-build (new Section 802.2); and (6) proposed changes to Civil Service provisions which remain under review by labor groups in a meet-and-confer process and could rise to a "Level Four" issue if not resolved prior to the need for Council action (new Section 604.3, and Article Seven).

Of these Level Three proposals, the only one the CRC deems sufficiently valuable enough to consider presenting as a separate ballot measure at this time is the proposed replacement of the existing outdated public works provisions (new Section 802.2). This recommendation is based on the value that City professional staff attach to this proposal in terms of projected project cost savings, expedited performance and quality enhancement.

b. **Additional Factors to Consider**. In addition to considering the substance of the CRC's many proposed Charter language updates, the Council may also consider other factors in determining how to proceed.

<u>Cost</u>. One obvious factor is the cost of placing a measure on the ballot. Based on current estimates obtained from the County Registrar of Voters by the Assistant City Clerk, the

estimated cost of placing a measure on the upcoming November 2026 ballot is between $250,000 and $300,000 per measure. The primary consideration here is whether it is worthwhile to present more than one measure. On the one hand, the City Council might reasonably hesitate to include in any comprehensive update proposal a provision of such sensitivity or controversy that it risks having the entire measure rejected by the voters over concerns about that provision. On the other hand, even if the sensitive measure is desirable, it may not be worth spending the additional funds necessary ($250,000 to $300,000), to have it considered separately. In these cases, a reasonable determination could be made simply not to include a highly sensitive proposed change in any proposed measure for the November 2026 ballot.

The Need for Public Education. As discussed in some detail above, the CRC believes that it will be crucial for voters to be fully informed during the lead-up to the election regarding the purpose and contents of any proposed comprehensive Charter update measure. The recommended approach is to include in the ballot measure a conspicuous link to both the underline/strikeout and clean versions of the Charter, including all explanatory annotations. These would be made available on a dedicated Charter Project page on the City's website. Also on that dedicated page would be an extensive FAQ Section further explaining the measure.

Although the Council knows that the City **cannot** use City resources to "campaign" or advocate for any measure, the City **can** provide information to voters explaining the measure and making known the resources the City has available on its website to explain the measure further. This could be done through mailers or some other form of electronic communication. The City could also support the holding of public forums regarding the measure, with volunteer members of the CRC and relevant, assigned City staff available to field questions and concerns.

Additional Work Required if Measure Passes. If a comprehensive Charter update measure is proposed and passes, there will be substantial additional work to conform existing City Code provisions, policies and other documents that refer to the existing City Charter section numbers. All ordinances and polices that the Charter requires or contemplates enacting will also need to be developed. At a minimum, this would include: a City Council policy for excused absences; a transparent and fair policy for appointment and removal of Board and Commission members; provisions for a new Chapter in the City Code Charter implementing the Charter's outlined Public Works procurement provisions; and an ordinance establishing the terms for the formation of the next Redistricting Commission to respond to the 2030 decennial census.

Additional Issues Can be Taken Up in the Future. The CRC's recommended Charter update is comprehensive, but of course, within the context of the limited Charter Project purpose, it does not include everything that the CRC, the Council or the public may want considered as a potential change to the City's Charter at this time. With Council direction, any such issues can certainly be further evaluated and considered for presentation at one or more future elections. For this CRC, while a number of "Level Four" issues were discussed, the CRC took no official action to present these to the Council. The CRC's focus instead was on getting its current recommendation presented. If the Council so desires, after whatever action it may take on this Charter Project, the CRC could reconvene to more formally consider and recommend possible Level Four issues to be taken up by a future CRC.

c. Next Steps/Scheduling. City staff, with assistance from designated representatives of the CRC, will make an initial presentation of the Charter Project process, results and recommendations to the City Council at the Council study session scheduled for the June 9, 2026, Council meeting.

The matter will be taken up again by the City Council at its June 15 special meeting dedicated to the Charter Project. Based upon City Council feedback or direction at that meeting, the CRC could meet further, as needed, to make any requested modifications, conduct additional research. or refine its proposal. Any modified proposal could then be re-presented to the Council later in June or early July.

If the City Council desires to proceed with placing a measure on the ballot, the full ballot package would need to be delivered to the County Registrar no later than August 7, 2026. In order not to intrude on the Council's scheduled summer recess, that means any final City Council action on a Charter update ballot proposal would need to occur at the Council's currently scheduled July 14, 2026 meeting.

ATTACHMENTS

1. Charter Review Committee Bylaws [Charter Project]
2. City Charter (current)
3. Assembled History of Previously Proposed and Approved Charter Amendments (1952 through 2024)
4. City Charter with Proposed Modifications, Underline/Strikeout with Annotations
5. City Charter with Proposed Modifications, "Clean" Version with Annotations

FINAL

CITY OF SANTA CLARA
CHARTER REVIEW COMMITTEE
BYLAWS
[Charter Project]

1. Committee Established. On July 15, 2025, the City Council of the City of Santa Clara ("City Council") directed the formation of a Charter Review Committee ("CRC") to assist with a comprehensive review and update of the City Charter (referred to here as the "Charter Project"). On September 16, 2025, the City Council took action to appoint the members of the CRC and to approve these Bylaws, thereby establishing the CRC for the purposes, and with the duties, rights and limitations, set forth herein.

2. Purposes. The purpose of the CRC is to work with City staff, with input from the community, to facilitate the implementation of the "Charter Project." The Charter Project involves a process for comprehensive review of the City Charter to identify provisions in the Charter that should be corrected, clarified or modified for the Charter to be fully consistent with applicable state law, aligned with current best practices for City operations and, in general, easier to understand and apply. At the end of the process, the objective of the Charter Project is to produce a draft comprehensive Charter Amendment for presentation to the City Council and, if the City Council so directs, possibly the voters at the November 2026 Election.

3. Duties. To carry out its stated purposes, the CRC shall perform the following duties:

3.1 Appointment of Chair and Vice Chair. At its first or second meeting, the CRC, by majority vote, shall appoint a Chair and a Vice Chair from among its members. The Chair shall (a) act as the Presiding Officer of the CRC in accordance with the terms of City Council Policy 055 (Council Meeting Procedures and Protocols), (b) coordinate CRC meeting agendas with City staff, and (c) unless otherwise directed by a majority of the CRC, serve as the spokesperson for the CRC. If the Chair is absent or unavailable, the Vice-Chair shall perform these duties. The Chair and Vice-Chair shall serve in these roles throughout the term of the CRC.

3.2 Schedule, Attend and Participate in CRC Meetings. In accordance with a schedule approved by a majority of the CRC, CRC members shall be expected to regularly attend and actively participate in CRC meetings. In the event that a CRC member is appointed to one or more Subcommittees, the CRC member shall also be expected to regularly attend and actively participate in the meetings of such Subcommittee(s).

3.3 Solicit and Consider Public Input. The solicitation and consideration of public input is integral to the Charter Project. CRC members shall encourage stakeholders within the community to provide input to the CRC and shall work with staff to develop an outreach policy to further encourage such input.

3.4 Make a Recommendation to the City Council regarding a Comprehensive Amendment of the City Charter. To implement the Charter Project City staff will be preparing draft revisions to the City Charter for consideration and input by CRC Subcommittees and or the CRC itself. At the end of the process, the CRC will be expected to make a recommendation to the City Council on one or more proposed amendments to the City Charter. The proposed "top to bottom" review process is intended to be driven by practical and legal considerations, with the prime objective being to bring the Charter up to current "best practices" for City operations. It is not intended to

implement any major restructuring of City operations or to change the City's election process. In the end, it will be up to the Charter Review Committee to recommend, and the City Council to decide which, if any, of the proposed changes will be presented to the voters as part a comprehensive update to the City Charter. In order to coordinate with the City Council's summer meeting schedule, and to meet the timing requirements for submittals of measures to voters at the November 2026 election, the CRC shall endeavor to finalize and present its recommendation(s) to the City Council by no later than June 29, 2026.

3.5 Comply with Applicable Laws and Ethics Standards. By accepting appointment to the CRC, in the fulfillment of their duties, each member of the CRC agrees to comply with all applicable laws and the ethical standards set forth below:

(a) While serving on the CRC, CRC members shall not make or influence a City decision involving City authority under the terms of the City Charter which will benefit the CRC member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
(b) No CRC member shall use his or her position on the CRC to negotiate future employment with any person or organization, receive remuneration of any kind, or obtain any other benefit or advantage.
(c) In their conduct on the CRC, CRC members shall comply with all applicable federal, state and local laws and regulations, including the policies, procedures, rules and regulations of the City of Santa Clara. Applicable laws and regulations shall include, without limitation, the Ralph M. Brown Act governing the conduct of CRC meetings, the Public Records Act, governing public access to any public records within their possession related to their CRC duties, and the City of Santa Clara Code of Ethics and Values.
(d) A CRC member shall place the interests of the City above any personal or business interest of the member.

4. Membership.

4.1 **Composition.** The CRC shall be comprised of thirteen (13) total members appointed by the City Council and selected as follows: (a) Seven (7) members selected by the City Council and Mayor representing each of the six (6) City Council Districts (selected by the City Councilmember representing that District), and one (1) "at large" position (selected by the Mayor); and (b) Six (6) members selected by lottery, to include one resident from each of the six Council Districts.

4.2 **Qualifications.** To be qualified, both Council-selected and lottery-selected CRC members must be registered voters and residents of the voting Districts they represent or, in the case of the Mayor's selection, the City at large. CRC members must retain such qualifications throughout their tenure. Simultaneous membership on another City Board, Commission or Committee is allowed.

4.3 **Term.** Except as otherwise provided herein, each member shall serve for the from the date of the first meeting of the CRC until the dissolution of the CRC. Unless otherwise directed by the City Council, the CRC shall be dissolved (30) days after CRC makes its final recommendation and report to the City Council regarding a comprehensive Charter amendment, which is scheduled to occur on or before June 29, 2026.

4.4 **Removal; Vacancy.** The Council may remove any Committee member for cause, which includes failure to attend two consecutive Committee meetings without reasonable

excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, the seat shall be declared vacant. The City, in accordance with the established selection process for the subject member shall fill any vacancies on the Committee The City shall make best efforts to fill vacancies within 45 days. Pending the filling of any vacancy or vacancies, provided there are at least seven (7) CRC seats that are filled, the CRC may proceed with the conduct of CRC business.

5. Limitations on Authority; No Compensation.

5.1 Limitation on Authority. Although City staff will be available to assist the CRC in its duties, neither the CRC nor any CRC member shall have the authority to direct City staff in any matter. Individual members of the CRC retain the right to address the City Council as an individual, however no individual CRC member shall have the authority to formally represent the CRC before the City Council, or otherwise, unless they have been authorized to do so by a majority vote of the CRC.

5.2 No Compensation. CRC members are volunteers and shall not be compensated for their services.

6. Meetings.

6.1 Frequency. The CRC shall meet as needed in order to fulfill its duties to facilitate implementation of the Charter Project. It is anticipated that the CRC may need to meet as frequently as monthly. At the end of each CRC meeting, if the next meeting has not already been scheduled, the CRC should identify their next meeting date.

6.2 Location. All meetings shall be held within the City at a location or locations to be determined.

6.3 Procedures and Protocols. The CRC shall be subject to the Ralph M. Brown Public Meetings Act of the State of California, Government Code Section 54950 et seq. (the "Brown Act"), and shall conduct its meetings in accordance with the provisions thereof. In addition, to the extent practicable, the CRC shall conduct its meetings in accordance with the City Council Policy 055 (Council Meeting Procedures and Protocols).

6.4 Voting. A majority of the number of CRC members (seven (7) members) shall constitute a quorum for the transaction of any CRC business. The affirmative vote of a majority of CRC members in attendance at any meeting shall be sufficient to take any action; provided, however, at least seven affirmative votes shall be required to make any recommendation to or request of the City Council.

6.5 Ad Hoc Subcommittees. To facilitate review and recommendations on subsections of the City Charter, the CRC may elect to form one or more Ad Hoc Subcommittees. Ad Hoc Subcommittees shall be comprised of no less than three (3) and no more than five (5) CRC members. Ad Hoc Subcommittees are not subject to the Brown Act and can meet privately, at times and locations to be determined by Subcommittee members that are mutually convenient to the members and any supporting City staff.

7. Staff Support. The City shall provide the CRC with the necessary technical and administrative assistance in furtherance of its purposes. Such support shall include: training in applicable laws and procedures (e.g., the Brown Act, the Public Records Act, Meeting Management Protocols), technical support at CRC meetings, and presentations on current challenges, shortcomings

and recommendations for revisions to the City Charter.

8. Implementing Rules; Amendment of Bylaws. If necessary, by majority vote, the CRC may adopt additional rules and procedures to facilitate CRC operations that are consistent with these Bylaws. Any proposed amendment to the Bylaws must be approved by a majority vote of the City Council.

Title CHA. The Charter of the City of Santa Clara California

Article I. Name of City

§ 100. Name.

The municipal corporation now existing and known as the "City of Santa Clara" shall remain and continue to be a municipal body politic and corporate, as at present, in name, in fact, and in law.

Article II. Boundaries

§ 200. Boundaries.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law.

Article III. Succession

§ 300. Rights and liabilities.

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

§ 301. Ordinances.

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

§ 302. Continuance of present officers and employees.

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

§ 303. Continuance of contracts and public improvements.

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

§ 304. Pending actions and proceedings.

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

Article IV. Powers

§ 400. General grant of power.

The City of Santa Clara, by and through its City Council and other officials, shall have and may exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the **Constitution of the State of California** or by this Charter, and which it would be competent for this Charter to set forth specifically, and the specification herein of any particular powers shall not be held to be exclusive of, or any limitation upon the general grant of powers heretofore or hereafter granted to municipal corporations by the constitution or general laws.

§ 401. Disposal of public utility.

No public utility owned by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question of such disposal is submitted to the electors.

Article V. Form of Government

§ 500. Form of government.

The municipal government provided by this Charter shall be known as the "Council Manager" form of government.

Article VI. The Elective Officers

§ 600. City elected officers.

No person shall be eligible to hold the elective office of Mayor, Chief of Police Department or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member, excepting the Mayor, unless he or she is a qualified registered elector of the City and a resident in the district represented by the Council Member office.

In order to hold the elective office of Mayor, Chief of the Police Department or City Clerk a person must have been a resident of the City of Santa Clara for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

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

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The Mayor and the Chief of the Police Department and the City Clerk shall be elected from the City at large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term, shall serve a term of four years, and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

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

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

No person shall be a candidate for both Mayor and a City Council office at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any Council office other than the one which he or she holds.
(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 600.01. Municipal elections.

Commencing with the year 2000, a regular election shall be held in the City of Santa Clara on the first Tuesday following the first Monday in November of even numbered years. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or the **California Elections Code**, shall be known as special elections.
(Amendment ratified 4-5-77; Amendment ratified 11-6-79; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 600.02. Consolidation of elections.

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

§ 600.1. Time of taking office – Term.

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

§ 601. Eligibility.

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

Article VII. The Council

§ 700. Term – Method of holding elections.

Except as specifically provided otherwise in this Charter with respect to City elections, the provisions of the **State Elections Code**, as amended from time to time, are hereby adopted. The City expressly reserves its rights with respect to the conduct of City elections pursuant to Section **5** of Article **XI** of the California Constitution. Any changes made by the City Council in the City elections procedure shall be by ordinance and shall not be in conflict with any other sections of this Charter.

There are hereby reserved to the electors of the City, the powers of the initiative and referendum and of the recall of municipal elective officers. No primary election shall be held for municipal officers. No error, omission or defect in the notice of elections shall be cause to invalidate any election held under the provisions of this Charter.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 700.1. Offices separately filled.

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

§ 700.1. Elections – City Council Districts.

Members of the City Council, excepting the Mayor, shall be elected by district.

For the election to be held in November 2022 and each election thereafter, there shall be 6 (six) districts as such districts are designated on that certain map adopted by judgment of the Superior Court dated July 24, 2018, as set forth in Resolution No. 18-8585 of the City Council, as the boundaries of such districts shall be amended through a redistricting process following each decennial United States Census.

Council District elections shall be conducted as follows:

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

(b) In the election to be held in November 2022 and in each Council District election held thereafter the Council District elections shall be conducted as follows:

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

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

(c) In the election to be held in November 2024 and in each Council District election held thereafter the Council District elections shall be conducted as follows:

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

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

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

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

(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended and renumbered from section 700.2 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 700.2. Election Following Change of Boundaries.

Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the 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 **600** requiring a member to be a resident of the district represented by such member.
(Section Number Repealed – text amended and renumbered to section 700.1 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended and renumbered to Section 700.2 by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 701. Term limits of mayor and council members.

No person elected as member of the Council shall be eligible to serve, or serve, for more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as a member of the Council. If a member of the Council serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and solely for the purpose of this term limit disqualification, is not a Council office or the Council. Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor.
(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)

§ 701.1. Qualifications for Chief of the Police Department.

Candidates for the office of Chief of Police shall meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the office of sheriff.
(Added by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 702. Compensation.

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

compensation the sum of two thousand five hundred dollars ($2,500) per month.

Commencing on July 1, 2019, and every two years on July 1 thereafter, the compensation of the City Council and Mayor shall be set by a Salary Setting Commission consisting of five members to be appointed by the Civil Service Commission from the qualified electors of the City for a term of four years. The first members shall be appointed for a term commencing January 1, 2019. Initially, the Commissioners shall be appointed in a manner so that two are appointed for two-year terms and three are appointed for four-year terms. On or before March 15 of every odd year, the Salary Setting Commission shall establish the salary of the Mayor and members of the City Council for the period commencing July 1 of that odd year and ending two years thereafter. Salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

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 him/her for such month shall be reduced by the sum of twenty-five dollars ($25.00) for each meeting or study session not attended unless he/she is absent with the consent of or on order of the City Council.

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

§ 703. Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. 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 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 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. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
(As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 19 of the State *Statutes of 2017*)

§ 704. Presiding officer – Mayor.

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

§ 704.1. Mayor – Limitation of terms.

No person elected as Mayor shall be eligible to serve, or serve, more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as Mayor. If a Mayor serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.
(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)

§ 704.2. Mayor – Political position.

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

§ 704.3. Mayor – Powers and duties.

The Mayor shall have the following powers and duties:

(a) The Mayor shall have the power to make recommendations to the City Council on matters of policy and programs which require City Council decision; provided, that if he/she recommends any increases in the City budget, he/she shall recommend the method of financing such expenditure; and provided, further, that if he/she proposes curtailment of service, such recommendations and his/her reason therefor shall be specific. He/she may also, on his/her own account, inform the community on matters of policy or program which he/she believes the welfare of the community make necessary.

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

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

(d) 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. 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 Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as he/she possesses as one member of the City Council.

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

§ 704.4. Mayor – Vacancy.

The office of Mayor shall become and be deemed vacant immediately upon the incumbent ceasing to be a member of the City Council.

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)

§ 705. Vice Mayor.

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

§ 706. Powers.

All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the **Constitution of the State of California**.

§ 707. Regular meetings.

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

§ 708. Special meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section **54956**, as amended from time to time.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 709. Place of meeting.

All meetings of the City Council shall be held at the locations authorized by the Ralph M. Brown Act (commencing with Government Code Section **54950**) as it now reads or is hereafter amended.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 710. Quorum.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

§ 711. Election and qualification of Council members.

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

§ 712. Proceedings.

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

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting.

§ 713. Action by ordinance or resolution.

The City Council is hereby empowered to act by Ordinance or Resolution. An oral motion or order duly passed by the City Council and entered in the minutes of the Council 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.

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

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

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

§ 714.1. Protection of parkland and public open space.

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

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

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

§ 715. Power to levy and collect taxes.

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

Article VIII. City Manager, Ordinances, Meetings

§ 800. Appointment.

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

§ 801. Compensation.

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

§ 802. Powers and duties.

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

(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 he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City.

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.

(c) Manage the City-owned 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) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable.

(f) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation to the City.

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

(h) Perform such other duties as may be prescribed by this Charter or required by him/her by the City Council, not inconsistent with this Charter.

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

§ 803. Rules and regulations.

The City Manager may prescribe such general rules and regulations as he/she may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his/her jurisdiction.

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

§ 804. Manager pro tempore.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager.

§ 805. Participation in Council action.

The City Manager and such other officers of the City as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

§ 806. Removal of the City Manager.

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

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

§ 807. Prohibition against Councilmanic interference.

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

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a

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

§ 808. Ordinances.

The enacting clause of every ordinance shall be "Be it ordained by the City of Santa Clara as follows:" No ordinance shall be finally adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting, nor until its publication as required in Section **812**. However, ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case an ordinance is amended before its final adoption and after its publication, it shall in like manner be republished as required in Chapter Section **812**, at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 809. Repeal or amendment of ordinances.

No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this article for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

§ 810. Effective date of ordinances.

No ordinance shall become effective until thirty (30) days from and after the date of its adoption, except the following, which shall take effect upon adoption: (a) An ordinance calling or otherwise relating to an election; (b) An improvement proceeding ordinance adopted under some law, or procedural ordinance; (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or (d) An emergency ordinance adopted in the manner herein provided.

§ 811. Emergency ordinances.

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

§ 812. Publication of ordinances.

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

§ 813. 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.

A City Code may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The City Code itself need not be published in the manner required for other ordinances. Prior to its adoption, not less than three copies of the Code shall be filed in the City Clerk's Office, for examination by the public. After the Code has been adopted, ordinances may be amendatory or revisory of the Code. Sections of the Code shall not be revised or amended by reference but readopted and published at length as revised or amended.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 814. Adoption of printed 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, may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The code so adopted need not be published at length, provided, however, that not less than three copies of such code shall have been filed, for use and examination by the public, in the office of the City Clerk prior to the adoption thereof.

§ 815. Publishing of legal notices.

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

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

Article IX. Officers and Employees

§ 900. Officers to be appointed by the City Council and by the City Manager.

In addition to the City Manager, the City Council shall appoint and affix the compensation for the City Attorney and City Auditor who 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.

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

§ 901. Other appointive officers.

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

§ 902. Appointive officers; duties.

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

§ 903. City clerk; powers and duties.

The City Clerk shall have the power and be required to:

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

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

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

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

(e) Be the custodian of the seal of the City;

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

(g) Have charge of all City elections.

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

§ 904. Director of Finance.

There shall be a department of finance; the head of which shall be the Director of Finance, who as determined by the City Council, shall be, or be appointed by, the City Manager. The Director of Finance under the supervision of the City Manager shall have charge of the administration of the financial affairs of the City, including the financial affairs of the City-owned public utilities, and he/she shall have power and be required to:

(a) Compile the budget expense and capital estimates for the City Manager;

(b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures which have been budgeted;

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

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

(e) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;

(f) Collect all taxes, special assessments, utility charges, license fees and other revenues of the City for whose collection the City is responsible except City taxes collected by the County and as provided in Section **1306**, and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City;

(g) Receive and have custody of all monies receivable by the City from any source;

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

(i) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.

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

§ 905. City Engineer and Department of Public Works.

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

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

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

   (c) On vacating the office, surrender to his/her successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his/her office and the work thereof.

(2) Director of Public Works and Utilities. The Director of Public Works and Utilities, who may be the City Engineer, shall, under the supervision of the City Manager, be in charge of the administration of such departments of the City, including engineering and utilities, as are or may be from time to time designated by the City Council.

(As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 906. Chief of the Police Department.

The Chief of Police shall have power and be required to:

(a) Preserve the public peace;

(b) Execute and return all process issued to him/her by legal authority; and

(c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State.

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

§ 907. Chief of the Fire Department.

The Chief of the Fire Department shall have the power and be required to:

(a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby; and

(b) Make frequent inspection of all property within the City to enforce fire prevention regulations.

§ 908. City Attorney.

There shall be a City Attorney who shall have the power and be required to:

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

(b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reason of his/her official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;

(c) Attend all meetings of the City Council and give his/her advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing his/her approval thereon in writing;

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

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

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

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

§ 909. City Auditor.

The City Auditor shall 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 Council as to the regularity, legality and correctness of such claims, demands or charges.

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

§ 910. Administrative Code.

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

§ 911. Official bonds.

The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk, except the City Clerk's bond which shall be filed with the City Manager. Premiums on official bonds shall be paid by the City.

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

§ 912. Oath of office.

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

Article X. Appointive Boards and Commissions

§ 1000. In general.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such other powers and duties as may be conferred by the City Council which are not inconsistent herewith. In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

§ 1001. Appropriations.

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

§ 1002. Appointments; terms.

Except as otherwise provided in this article, the members of each of such 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. Except as otherwise provided in this article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified; provided, however, the members first appointed to those boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of at least one of their number shall expire.

§ 1003. Meetings; Chair.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefor are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting.

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

§ 1004. Compensation, vacancies.

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

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

§ 1005. Oaths; affirmations.

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

§ 1006. Planning Commission – Generally.

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

§ 1007. Planning Commission – Duties and powers.

The Planning Commission shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of the General Plan or any part thereof for the physical development of the City;

(b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and

(c) Exercise such planning, zoning, environmental or other function as now or may be hereafter authorized by the State of California in so far as they do not conflict with the provisions of this Charter.

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

§ 1008. Parks and Recreation Commission.

There shall be a City Parks and Recreation Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

§ 1009. Parks and Recreation Commission – Powers and duties.

The Parks and Recreation Commission shall have power and be required to:

(a) Act in advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment;

(b) Consider the annual budget of the Parks and Recreation Department during the process of its preparation and make recommendations with respect thereto to the City Manager and the City Council; and

(c) Assist in the planning and supervision of a recreation program for the inhabitants of the City, promote and stimulate public interest therein and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

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

§ 1010. Civil Service Commission.

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

§ 1011. Civil Service Commission – Powers and duties.

(a) The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City. All appointments in the public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate test, without regard to partisan politics, race, color or religious belief.

(b) Act as Board of Review to hear petitions by civil service employees, and applicants for civil service positions, and to grant or deny such petitions.

(c) Perform such other duties as may be required by the civil service rules and regulations.

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

§ 1012. Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government.

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

The Board of Library Trustees shall have charge of the administration of the Santa Clara Free Public Library and shall have power and be required to:

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

(b) Approve or disapprove the appointment of a librarian who shall be the department head;

(c) Accept into the library fund and administer money, personal property or real estate donated to the City or otherwise acquired for library purposes subject to the approval of the City Council;

(d) Contract with school, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

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

Article XI. Civil Service

§ 1100. Civil service; merit principle.

Appointments and promotions in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

§ 1101. 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;

(2) City Manager;

(3) City Attorney;

(4) City Clerk;

(5) City Auditor;

(6) The head of each department, including but not limited to, the Director of Finance, Director of Public Works and Utilities, City Engineer, Chief of the Police Department, Chief of the Fire Department;

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

(8) All members of boards and commissions;

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

(10) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;

(11) Volunteer members of the Fire Department and Police Reserve; and,

(12) The City Council by ordinance may divide or separate any department of the City into divisions and by ordinance may provide that the employee selected to be the head of any such division shall be in the unclassified service.

(b) The classified service shall comprise all positions not specifically included in this section in the unclassified service.

(As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1102. Appointments from classified to the unclassified service.

In the event an officer or employee of the City holding a position in the classified service is appointed to a position in the unclassified service, and should subsequently be removed therefrom, he/she shall revert to his/her former position in the classified service without loss of any rights or privileges and upon the same terms and conditions as if he/she had remained in said position continuously. Should such person be eligible for retirement under the retirement system at the time of such subsequent removal, upon recommendation of the City Manager, he/she shall be retired in lieu of being restored to his/her former position.

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

§ 1103. 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.

§ 1104. Pay plan.

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

positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

§ 1105. 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.

§ 1106. 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).

§ 1107. Prohibitions.

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

Any person who by himself/herself or with others willfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City service and shall, if he/she is an officer or employee of the City, immediately forfeit his/her office or position.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1108. 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.

Article XII. Retirement

§ 1200. State system.

The "Public Employees' Retirement Law," as it now exists or may hereafter be amended, is hereby adopted for the City of Santa Clara, and plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees at their discretion to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Law, to enable said City to become or continue as a contracting City participating in the Public Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinances adopted by a majority vote of the electors of the City of Santa Clara, voting on such proposition at an election at which such proposal is presented.

(As amended by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))

Article XIII. Fiscal Administration

§ 1300. Fiscal year.

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

§ 1301. Annual budget; preparation by the City Manager.

At such date as he/she shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditure for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he/she may deem advisable.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1302. Budget – Submission to City Council.

At least thirty-five (35) days prior to the beginning of each fiscal year, or at such prior date thereto determined by the City Council, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in an official newspaper.

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

§ 1303. Budget – Public hearing.

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons shall be given an opportunity to be heard.

§ 1304. Budget – Further consideration and adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.
(As amended, 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)

§ 1305. Budget – Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

§ 1306. Tax system and collection of taxes.

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

§ 1306.5. Budget and levy of taxes for interim period between fiscal years.

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

§ 1307. Tax limits.

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

§ 1308. Tax liens.

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

§ 1309. Bonded debt limit.

The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation of property within the City, exclusive of revenue bonds or any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the **State Constitution** and of this Charter.

§ 1310. Contracts on public works.

Every contract involving an expenditure of more than one thousand dollars ($1,000.00) for the construction or improvement, (excluding maintenance and repair), of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest 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.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

The City Council, 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 after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

§ 1311. General fund.

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

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

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

§ 1312. Capital project funds.

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

§ 1313. Department funds.

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

§ 1314. Petty cash funds.

The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise. The City Manager, and such department heads, shall account to the City Council for all disbursements made therefrom when making demand for replenishment of the same

and at such other times as the Council may require and the amounts shall thereupon be charged against the proper appropriations.

§ 1315. Presentation of demands.

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

§ 1316. Registering warrants.

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

§ 1317. Actions against City.

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

§ 1318. Centralized purchasing.

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

§ 1319. Independent audit.

The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who shall audit the books, records and accounts of all officers and employees of the City who receive, administer or disburse public funds, and such other officers, employees, departments and agencies as the Council may direct. Such audit shall be made at such times as may be prescribed by the City Council but shall be at least annually.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such independent accountant to the Council, the City Manager and the City Attorney. Three (3) copies of the audit shall be placed on file in the City Clerk's office where they shall be available for public inspection.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1320. Utilities fund.

Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate utilities fund for such utilities. Expenditures from such fund shall be made for the following

purposes only for such utilities in the order named, viz.:

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

(b) For repairs and maintenance;

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

(d) For the payment of five per cent of the gross receipts from such utilities to the general fund of the City; subject, however, to such limitations as may be contained in any resolution or indenture heretofore adopted providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture;

(e) For extensions and improvements;

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

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

§ 1321. Revenue bonds.

(a) The City Council, when authorized at an election as hereinafter provided, shall have power to issue revenue bonds for the purposes authorized by the general laws of the State of California including the issuance of refunding revenue bonds and also shall have power to borrow money and incur indebtedness for any and all revenue producing works, undertakings, enterprises and utilities (hereinafter in this section referred to as "works") to the end that, as far as practicable, all such works shall be self sustaining and shall be paid for directly out of the revenues therefrom. Such works may be financed through the issuance of revenue bonds.

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

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

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

(e) The City Council shall have power to issue revenue bonds to finance the generation, production, transmission and distribution of electric energy, including the acquisition and/or construction of lands and facilities therefor, without authorization at an election. The City Council may avail itself of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of such revenue bonds or the City Council may, by ordinance or resolution effective upon adoption, set up and establish a procedure for the issuance of such revenue bonds and all matters pertaining to the issuance and sale of such bonds. This section (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an election.

(Amendment ratified 11-3-81)

Article XIV. Franchises

§ 1400. Procedure; terms.

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

Article XV. Reserved

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

Article XVI. Reserved

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

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

§ 1700. Reserved powers.

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

§ 1701. State Elections Code.

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

§ 1702. Amendments to State Elections Code.

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

Article XVIII. Miscellaneous

§ 1800. Definitions.

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

(a) **"Shall"**
is mandatory, and "may" is permissive.

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

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

§ 1801. Violations.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars ($1,000.00) or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment.

§ 1802. Validity.

If any provisions of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 1803. Effective date.

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

CITY OF SANTA CLARA

VOTE HISTORY

Ballot Measures

Regarding

Charter Amendments

1952 to Present

Updated 2018

CITY OF SANTA CLARA BALLOT MEASURES
PERTAINING TO CHARTER AMENDMENTS
1952 to Present

November 4, 1952 (General Election)

Measure C: **Elect Police Chief and City Clerk**
(**Passed**) Yes - 3,538 No - 2,420
"Shall the Charter of the City be amended by adding a new section thereto to provide that the Chief of the Police Department and the City Clerk shall be elected officials instead of appointed officers? Said amendment also provides an election shall be held in 1953 to fill said office, and also in April 1955 and every four years thereafter."

June 5, 1956 (Primary Election)

Measure A: **Public School System**
(Passed) Yes - 4,938 No 1,292
"Shall Article XVI and Sections 1600 and 1601 of the Charter of the City of Santa Clara be amended to provide that the organization, government and administration of the public school system, the manner and mode of selection, the powers and duties of the Board of Education and its members shall be set forth in the Constitution, Education Code and applicable general laws of the State of California?"

November 4, 1958 (General Election) Charter Amendments

Measure A: **Change of Fiscal Year**
(Passed) Yes - 8,780 No - 2,554
"Shall the Charter of the City of Santa Clara be amended by amending Sections 1300, 1302, 1304 and 1306 thereof and adding Section 1306.5 thereto to provide that the fiscal year of said City shall commence on July 1st of each year and end on June 30th of the following year unless otherwise provided by ordinance; also providing the annual budget shall be submitted at least 35 days before

the beginning of each fiscal year and as determined by the Council; and that the annual budget shall be adopted on or before June 30th of each year and the tax levy fixed by August 15th of each year and providing for the adoption of an interim budget when a change in fiscal years requires the same?"

Measure B: **Classified Service**

(Passed) Yes - 6,450 No - 4,628

"Shall Section 1101 of the Charter be amended to provide for the division of the Civil Service of the City into the Classified and Unclassified Service and providing how said services shall be comprised and adding a provision that a department of the City may by ordinance be divided into divisions and the heads of such divisions shall be in the Unclassified Service?"

Measure C: **Supervision by City Engineer**

(Passed) Yes - 8,936 No - 2,571

"Shall Section 905 of the Charter of the City of Santa Clara be amended to provide that the City Engineer shall supervise and be responsible for all engineering work of the City, and that the head of the Department of Public Works and Utilities shall supervise and be responsible for the inspection, care, maintenance and repair of various public works and public utilities of said City?"

1965 Section 905.1 position of City Engineer and Section 905.2 Director of Public Works.

February 15, 1967

Prop A Amend Sec. 702 – Each Council Member shall receive $200 p/month and the Mayor an additional $100 p/month (PASSED ELECTION).

Prop A1 Amend Section 702 to keep compensation of Mayor and Council limited according to standards of other general law cities the size of Santa Clara (FAILED ELECTION).

Prop B Amend Section 1320 – set aside a separate utilities fund and establish a sinking fund of $2,500,000 in utilities account (PASSED ELECTION).

Prop C Amend Section 1004 to delete restriction against reimbursement of Board and Commission members for expenses (PASSED ELECTION). (Ordinance 1157, 2-15-67, Minutes 4-11-67, p. 166).

June 4, 1968 (Primary Election) Charter Amendments

Measure N: **Political Activities**
(Failed) Yes - 5,743 No - 12,703
"Shall Section 1106 of the Charter of the City of Santa Clara entitled 'Political Activities Prohibited' be repealed?"

Measure O: **City Councilmen**
(Failed) Yes - 7,134 No - 12,060
"Shall Section 701 of the Charter of the City of Santa Clara be amended to allow the election of a person to hold office as a member of the City Council no matter the number of consecutive terms he has served, and to provide that no person shall be eligible for appointment to fill a vacancy in the Council until two years after any prior service by him as a member of the City Council?"

November 5, 1968 (General Election)

Measure D: **Elected Mayor**
(Passed) Yes - 13,484 No - 12,047
"Shall the Charter of the City of Santa Clara be changed to make the City's Mayor elected from the City at large, to establish the provisions to nominate and elect such officer, to establish the compensation of the elective Mayor at $1,000 per month, to establish at four years the term of such Mayor and limit to two the number of successive terms such a Mayor might serve, to set forth the political position of the elective Mayor listing his specific duties and powers, to establish

qualifications for all elective offices of City and to establish a uniform procedure for filling vacancies in all elective offices of City?"

November 7, 1972 (General Election)

Measure B: **Eligibility for Candidate for City Offices**
(Passed) Yes - 17,717 No - 12,054
"Shall the Charter of the City of Santa Clara be changed as follows: to expressly provide that no person shall be eligible to be a candidate for or to take or hold any elective office of the City unless he has resided in the City for the year next preceding the date of his election or appointment to such office; by deleting from the Charter Section 1106 which purports to prohibit certain political activities by persons holding positions in the classified service or on an eligible list; by changing all references in Section 1200 of the Charter from 'State Employees' Retirement Act' and 'State Employees' Retirement System' to 'Public Employees' Retirement Law' and 'Public Employees' Retirement System,' respectively; and by deleting Articles XV and XVI of the Charter which articles contain provisions with reference to Police Court and School Department, respectively?"

Measure C: **City Clerk; Powers, Duties**

(Failed) Yes - 14,057 No - 14,368

"Shall the Charter of the City of Santa Clara be changed as follows: by deleting the provision from Section 903 of the Charter that 'The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.'; by changing the title of Section 1101 from 'Classified Service' to 'Classified and Unclassified Service', by changing the numbering and sequence of the offices and positions listed as comprising the unclassified service and by deleting the specific reference to City Clerk and Chief of the Police Department from such listing."

Measure D: **Eligibility of Councilmen and Mayor**

(Failed) Yes - 7,525 No - 22,175

"Shall the Charter of the City of Santa Clara be changed by removing the present restrictions on the eligibility of Councilmen, including the Mayor, to serve more than two consecutive elective terms as such, respectively?"

Measure E: **Sale City Owned Property**

(Failed) Yes - 8,510 No - 19,948

"Shall the Charter of the City of Santa Clara be changed as follows: that Section 714 of the Charter shall provide that City owned property up to and include $2,500 in value may be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale; that with respect to contracts on public works the formal advertised procurement procedures of Section 1310 of the Charter would be changed to contracts involving an expenditure of more than $3,500; that all other provisions of the Sections 714 and 1310 shall remain in full force and effect, unchanged?"

Measure F: **Terms of Elected Candidates**

(Passed) Yes - 15,079 No - 12,031

"Shall the Charter of the City of Santa Clara be changed to provide generally that all candidates hereafter elected at any general municipal elections prescribed in the Charter, shall serve for a term of four years, commencing forthwith on completion of the canvass of ballots of such election, and continuing until their respective successors shall have been elected and qualified, with the exception that candidates so elected for other than an unexpired term in such a municipal election held in 1973 and 1975 shall serve for a term commencing on the first Monday in May of such years following each of such elections and ending in the fourth year thereafter on completion of the canvass of ballots of the general municipal election held in such year, and at the time their respective successors have been elected and qualified?"

Measure G: **Council Seats Numbered**

(**Passed)** Yes - 17,650 No - 9,229

"Shall the Charter of the City of Santa Clara be changed by providing for the designation of Council seats, providing a procedure for the election and filling of the separate seats, prohibiting a person from being a candidate for more than one such seat and restricting certain incumbent members of the City Council from being a candidate for any numbered Council seat other than the one which he holds?"

Measure H: **Compensation of Council Members**

(Failed) Yes - 11,949 No - 16,725

"Shall Section 700 of the Charter of the City of Santa Clara be changed to provide that each member of the City Council shall receive as compensation the sum of three hundred dollars ($300) per month?"

April 5, 1977 Election Primary

Proposition A: **Change Election Date**

(Passed) YES - 4,614 NO - 4,084
"Shall the Charter of the City of Santa Clara be amended by changing the date of holding the City's general municipal elections?"

Proposition B: **City Council Compensation**
(Failed) YES - 1,084 NO - 7,712
"Shall Section 702 of the Charter of the City of Santa Clara be amended to provide a $400 per month compensation for each member of the City Council other than the Mayor, for a $1,667 per month compensation for the Mayor?"

Proposition C: **City Council Medical/Dental Benefits**
(Failed) YES - 1,395 NO - 7,292
"Shall the Charter of the City of Santa Clara be changed to provide the same medical and dental benefits for each member of the City Council including the Mayor as is provided from time to time to the holders of the City elective offices of City Clerk and/or Chief of Police?"

Proposition D: **City Property Disposition Under $5,000 Value**
(Failed) YES -1,416 NO - 6,983
"Shall Section 714 of the Charter of the City of Santa Clara be revised as proposed to provide alternate procedures for the City Council to exercise the City Council's power to lease, sell, or convey City property?"

Proposition 1: **Neighborhood Senior Citizen Housing**
(Advisory Vote Only)
(Passed) YES - 4,787 NO - 3,660
"Shall it be recommended that the City of Santa Clara shall comply with the Housing and Development Act of 1974 and allow to be completed by 1979 within the boundaries of the City of Santa Clara 195 senior citizen housing units where these units will be developed within any geographical area of the City of Santa Clara with an attempt to encourage the distribution of these housing units throughout the City's neighborhoods?"

Proposition 2: **High Rise Housing**

(Advisory Vote Only
(Failed) YES - 3,820 NO - 4,816
"Shall it be recommended that the City of Santa Clara approve the concept of a federally funded retirement facility with rent supplements in the University Redevelopment Project, which facility would be constructed at no cost to the City, would be a nine-story high-rise of approximately the height of the existing Bank of America Building in the Project Area, and which would include approximately 176 apartment units, a dining room, leisure time areas, the area of the ground floor for commercial use and adjacent parking, the construction of which facility would help satisfy the commitments of the City of Santa Clara to provide housing for lower and middle income elderly?"

November 6, 1979 (Special Statewide Election)

Proposition D: **Amend Election Date**
(Passed) Yes - 7,500 No - 495
"Shall the City of Santa Clara's general municipal elections be held on the same dates as the regular election of the Santa Clara Unified School District?"

November 4, 1980 (General Election) Charter Amendment

Measure N: **Utility Tax Transfer**
(Passed) Yes - 16,205 No - 10,047
"Shall Section 1320 of the Charter of the City of Santa Clara be amended to delete therefrom the authority of the City to transfer to its General Fund the balance of any monies remaining in excess of the Charter prescribed sinking fund for replacement of utilities property?"

November 3, 1981 (Special Election)

Measure E: **Revenue Bonds**

(Passed) Yes - 4,792 No - 4,070
"Shall the Charter of the City of Santa Clara be changed to provide that the City may issue revenue bonds, payable solely from the revenues of the electrical works without tax liability, to finance the production, transmission, distribution and non-nuclear generation of electric energy without requiring an election?"

Measure F: **Council Salaries**
(Failed) Yes - 2,459 No - 6,327
"Shall the Charter of the City of Santa Clara be amended to provide a $400 per month compensation for each member of the City Council other than the Mayor, and for a $1500 per month compensation for the Mayor?"

November 4, 1986 (General Election)

Measure K: **Charter Amendment-Council Compensation**
(Failed) Yes - 8,239 No - 12,863
"Amends Section 702 of the Santa Clara Charter to provide $1,000 per month compensation for each member of the City Council other than Mayor, and $1,800 per month compensation for the Mayor."

Measure L: **Charter Amendment-Council Compensation**
(Failed) Yes - 6,122 No - 14,287
"Amends Section 702 of the Santa Clara Charter, as indicated in the text of the amendment, to provide each member of the City Council with compensation comparable to the maximum compensation authorized by state law for the respective council counterpart in the general law city."

June 7, 1994 (Special Municipal Election)

Measure B: **Chief of Police Appointment.**
(Failed) Yes - 4,370 No - 10,079
Amends the Charter of the City of Santa Clara to provide for the appointment of the Chief of Police by the City Manager rather than selection of the Chief of Police by the current election process.

March 7, 2000 (Special Municipal Election)

Measure H: **Charter Amendment – Obsolete Language**
(Passed) Yes - 16,047 No - 2,880
Amends the Charter by eliminating obsolete, unnecessary and unclear language, making the Charter gender neutral, making the Charter consistent with current legal requirements, and making minor revisions to make the Charter consistent with modern city charters.

Measure I: **Charter Amendment – Chief of Police Requirements**
(Passed) Yes – 16,558 No – 2,244
Amends the Charter to require that candidates for the elected office of Chief of Police meet the minimum eligibility and qualification requirements imposed by State law upon candidates for the office of Sheriff.

Measure J: **Charter Amendment – Council and Mayor Compensation**
(Passed) Yes – 10,791 No – 7,924
Amends the Charter to provide for an increase in City Council Member compensation to $600 per month with annual increases for the Mayor and City Council members equal to the consumer price index, but not to exceed 5% in any year.

Measure K: **Charter Amendment – Disposal of City-owned Real Property**
(Failed) Yes – 6,819 No – 11,907
Amends the Charter to permit the disposal of City-owned real property of $50,000 or less in value without publishing in an official newspaper a notice of intention to sell real property.

Measure L: **Charter Amendment – Award of Public Works Contracts**

of up to $50,000 in value
(Failed) Yes – 7,332 No – 11,269
Amends the Charter to permit the award of public works contracts of up to $50,000 in value, with an annual increase consistent with the consumer price index, without publishing in an official newspaper a notice of intent to award a public works contract, provided that the City Council first establishes by ordinance a competitive bid procedure for such contracts.

November 7, 2006 (General Municipal Election)

Measure B: **Binding arbitration for certain personnel of the Police and Fire Departments**
Shall a section be added to the City Charter which would require binding arbitration before a three person arbitration panel of all unresolved disputes between the City and certain personnel of the Police and Fire Departments on all matters relating to wages, hours, and other terms and conditions of City employment, including the interpretation and application of any existing labor agreements?
(Failed) Yes – 9,853 No – 12,612

November 8, 2016 (Special Municipal Election)

Measure O: Setting of Salaries for Mayor and City Council. Shall Section 702 of the Santa Clara City Charter be amended to set the salaries of the Mayor at $2500 per month and City Council at $2000 per month, and to create a Salary Setting Commission to review and adjust those salaries every two years?
(Passed) Yes – 25,640 No – 10,393

Measure P: Mayor and City Council Term Limits. Shall Sections 701 and 704.1 of the Santa Clara City Charter be amended to limit the Mayor and members of the City Council to no more than two full terms for each office, and to define a partial term in excess of two years as a full term?
(Passed) Yes – 29,495 No – 6,908

Measure Q: Filling Vacancies in City Elected Offices. Shall Section 703 of the Santa Clara City Charter be

amended to provide that vacancies in any elective office of the City be filled by a four-fifths (4/5) vote of the City Council and to require that persons appointed to fill vacancies occurring in the first half of a term of office shall hold office until the next general municipal election?
(Passed) Yes – 28,156 No – 6,855

Measure R: Protection of Parkland and Open Space. Shall Section 714.1 of the Santa Clara City Charter be added to provide that no City owned land used for park or recreational purposes, including the Ulistac Natural Area and the Santa Clara Soccer Park, shall be sold or disposed of by the City without being authorized by a two-thirds (2/3) majority vote and that development upon such property shall be subject to referendum?
(Passed) Yes – 33,552 No – 3,890

June 5, 2018 (Special Municipal Election)

Measure A: DISTRICT COUNCIL ELECTIONS/VOTING METHOD:
Shall the City Charter be amended to establish two districts starting in 2020 to be represented by three Council Members each; and , when available, use ranked choice voting to allow voters to select candidates in order of choice to determine the winners of elections of all city elected officers?
(Failed) Yes – 9,169 No – 10,023

November 6, 2018 (Municipal Election)

Measure N: ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS
Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?
(Passed) Yes – 21,902 No – 9,208

March 3, 2020 (Special Municipal Election)

Measure C: DISTRICT COUNCIL ELECTIONS:
Shall the City Charter be amended to elect City Council Members by district, excepting the Mayor, as follows: for the 2020 election to establish six districts for the election of one Council Member to represent each district; and, beginning in 2022 to establish three districts for the election of two Council members to represent each district; and to require an independent redistricting committee?
(Failed) Yes – 9,731 No – 15,458

June 7, 2022 (Special Election)

Measure D: DISTRICT COUNCIL ELECTIONS:
Shall the City Charter be amended to elect city council members by district, excepting the mayor, to establish six districts for the election of one council member to represent each district; and to establish a 30-day residency requirement for all elected officials?
(Passed) Yes – 14,172 No – 3,835

November 8, 2022 (Municipal Election)

Measure G: CITY OF SANTA CLARA NO TAX INCREASE/SERVICES PROTECTION MEASURE:
To protect essential services without raising taxes, such as 9-1-1 response; police patrols, fire protection; street/storm drain repair, and maintaining reliable local utility service; shall Section 1320 of the Charter continuing the annual budget transfer of funds from City utilities to the general fund at 5% of gross receipts until ended by voters, generating approximately $30,000,000 annually, with independent audits, all funds local, be reaffirmed/adopted?
(Passed) Yes – 24,643 No – 4,629

March 5, 2024 (Special Election)

Measure A: PROPOSES TO AMEND THE CITY CHARTER TO CHANGE THE POSITIOON OF CITY CLERK FROM A POSITION ELECTED EVERY FOUR YEARS TO A POSITION APPOINTED BY THE CITY MANAGER, SIMILAR TO OTHER CITY DEPARTMENT HEADS

Shall an amendment to the City Charter providing that the City Clerk position be appointed by the City Manager be adopted?

(Failed) Yes – 6,580 No – 13,735

March 5, 2024 (Special Election)

Measure B: PROPOSES TO AMEND THE CITY CHARTER TO CHANGE THE POSITIOON OF CHIEF OF POLICE FROM A POSITION ELECTED EVERY FOUR YEARS TO A POSITION APPOINTED BY THE CITY MANAGER, SIMILAR TO OTHER CITY DEPARTMENT HEADS

Shall an amendment to the City Charter providing that the Chief of Police position be appointed by the City Manager be adopted?

(Failed) Yes – 5,680 No – 14,887

MASTER WORKING DRAFT

6/5/26

THE CHARTER OF

THE CITY OF SANTA CLARA

CALIFORNIA

Group One Powers and Structure of City Government: Rules/Process for Action	Steve Kelly Bernard Tansey Patrick Nikolai Eric Jensen Joe Sosinski
Group Two City Council: Elections, Powers and Conduct of Meetings	Steve Kelly Mark Boeckman Eric Crutchlow Holly Roberts Susan Peters
Group Three Senior Officials: Duties and Qualifications	Bernard Tansey Patrick Nikolai Lauren Diamond Mohammad Naveed
Group Four Boards and Commissions: Composition, Powers and Duties	Lauren Diamond John Brooks Burt Field Joe Sosinski
Group Five Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties	Susan Peters Mark Boeckman Holly Roberts Mohammad Naveed
Group Six Fiscal Administration and Procurement	Eric Jensen Eric Crutchlow John Brooks Burt Field

~~Article I. Name of City~~

~~Sec. 100 — Name.~~

~~Article II. Boundaries~~

~~Sec. 200 — Boundaries.~~

~~Article III. Succession~~

~~Sec. 300 — Rights and liabilities.~~
~~Sec. 301 — Ordinances.~~

~~Sec. 302 Continuance of present officers and employees.~~
~~Sec. 303 Continuance of contracts and public improvements.~~
~~Sec. 304 Pending actions and proceedings.~~

~~Article IV. Powers~~

~~Sec. 400 General grant of power.~~
~~Sec. 401 Disposal of public utility.~~

~~Article V. Form of Government~~

~~Sec. 500 Form of government.~~

~~Article VI. The Elective Officers~~

~~Sec 600 City Elected Officers~~

~~Sec. 600.01 Municipal elections.~~
~~Sec. 600.02 Consolidation of elections.~~

~~Article VII. The Council~~

~~Sec. 700 Term – Method of holding elections.~~
~~Sec. 700.1 Elections – City Council Districts.~~
~~Sec. 700.2 Election Following Change of Boundaries.~~
~~Sec. 701 Term limits of mayor and council members.~~
~~Sec. 701.1 Qualifications for Chief of the Police Department.~~
~~Sec. 702 Compensation.~~
~~Sec. 703 Vacancies.~~
~~Sec. 704 Presiding officer – Mayor.~~
~~Sec. 704.1 Mayor – Limitation of terms.~~
~~Sec. 704.2 Mayor – Political position.~~
~~Sec. 704.3 Mayor – Powers and duties.~~
~~Sec. 704.4 Mayor – Vacancy.~~
~~Sec. 705 Vice Mayor.~~
~~Sec. 706 Powers.~~
~~Sec. 707 Regular meetings.~~
~~Sec. 708 Special meetings.~~
~~Sec. 709 Place of meeting.~~
~~Sec. 710 Quorum.~~
~~Sec. 711 Election and qualification of Council members.~~
~~Sec. 712 Proceedings.~~
~~Sec. 713 Action by ordinance or resolution.~~
~~Sec. 714 Power to lease, sell, or convey City property.~~
~~Sec. 714.1 Protection of parkland and public open space.~~
~~Sec. 715 Power to levy and collect taxes.~~

~~Article VIII. City Manager, Ordinances, Meetings~~

~~Sec. 800 Appointment.~~
~~Sec. 801 Compensation.~~
~~Sec. 802 Powers and duties.~~
~~Sec. 803 Rules and regulations.~~
~~Sec. 804 Manager pro tempore.~~

~~Sec. 805 — Participation in Council action.~~
~~Sec. 806 — Removal of the City Manager.~~
~~Sec. 807 — Prohibition against Councilmanic interference.~~
~~Sec. 808 — Ordinances.~~
~~Sec. 809 — Repeal or amendment of ordinances.~~
~~Sec. 810 — Effective date of ordinances.~~
~~Sec. 811 — Emergency ordinances.~~
~~Sec. 812 — Publication of ordinances.~~
~~Sec. 813 — Codification of ordinances.~~
~~Sec. 814 — Adoption of printed building codes, etc.~~
~~Sec. 815 — Publishing of legal notices.~~

~~Article IX. Officers and Employees~~

~~Sec. 900 — Officers to be appointed by the City Council and by the City Manager.~~
~~Sec. 901 — Other appointive officers.~~
~~Sec. 902 — Appointive officers; duties.~~
~~Sec. 903 — City clerk; powers and duties.~~
~~Sec. 904 — Director of Finance.~~
~~Sec. 905 — City Engineer and Department of Public Works.~~
~~Sec. 906 — Chief of the Police Department.~~
~~Sec. 907 — Chief of the Fire Department.~~
~~Sec. 908 — City Attorney.~~
~~Sec. 909 — City Auditor.~~
~~Sec. 910 — Administrative Code.~~
~~Sec. 911 — Official bonds.~~
~~Sec. 912 — Oath of office.~~

~~Article X. Appointive Boards and Commissions~~

~~Sec. 1000 — In general.~~
~~Sec. 1001 — Appropriations.~~
~~Sec. 1002 — Appointments; terms.~~
~~Sec. 1003 — Meetings; Chair.~~
~~Sec. 1004 — Compensation, vacancies.~~
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PREAMBLE

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

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

Section 100 Name, Incorporation and Charter City Status.

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

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

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

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

~~Sec. 200~~

~~Article II. Boundaries~~

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

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

~~Article III. Succession~~

~~Sec. 300 Rights and liabilities.~~

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

~~Sec. 301 Ordinances.~~

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

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

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

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

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

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

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

~~Article IV. Powers~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b)~~

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

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

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

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

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

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

~~**Sec. 500**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 104 Effective Date; Amendment

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

Section 105 Use and Definitions of Capitalized Terms.

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

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

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

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

Section 201 Qualifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 201.3 Challenges to Qualifications.

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

Section 202 Powers and Duties

Sec. 704.3 Mayor—Powers and duties.

202.1 Mayor [Powers and Duties]

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

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

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

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

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

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

Commented [GG19]: Level 3 Alert:

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

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

The following information is provided for context:

Qualifications of sheriff: Gov Code 24004.3

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

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

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

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

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

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

~~Sec. 706~~

202.2 City Council [Powers and Duties].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Preserve the public peace;

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

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

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

~~(e)~~

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

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

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

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

Be the custodian of the City seal

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

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

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

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

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

(1)

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

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

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

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

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

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

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

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

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

(5) Administer oaths for appointed City officials;

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

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

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

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

Section 203 Terms of Office

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

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

203.2 Term Limits.

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

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

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

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

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

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

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

203.3 Additional Rules for Elected Official Candidacies and Holding Office.

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

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

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

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

~~Sec. 702~~

Section 204 Compensation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 600.01

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

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

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

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

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

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

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

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

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

Section 205 Vacancies.

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

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

205.2 Process for Filling Vacancies.

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

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

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

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

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

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

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

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

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

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

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

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

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

Santa Clara City Code Sec. 704.3

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

Sec. 704 — Presiding officer — Mayor.

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

Sec. 704.2 — Mayor — Political position.

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

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

Article Three

City Elections VII. The

Council

Sec. 700 — Term – Method of holding elections.

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

Section 300 — In General.

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

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

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

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

Section 301 — Regular and Special Elections.

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

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

Section 302 Administration and Determination of Election Outcomes.

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

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

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

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

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

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

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

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

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

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

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

"Legal Requirements and Effects of the Election Certification Process

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

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

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

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

303.2 Staggering of City Council District Elections.

City Council District elections shall be conducted as follows:

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

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

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

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

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

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

Section 304 Redistricting

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

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

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

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

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

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

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

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

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

~~(As~~

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

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

~~**Sec. 703**~~

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

~~**Sec. 704.4 Mayor – Vacancy.**~~

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

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

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

Article Four
City Council Meetings/Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

401.4 Noticing.

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

Section 402 Procedures and Requirements for Action.

~~**Sec. 710**~~

402.1 Quorum.

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

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

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

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

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

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

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

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

~~Sec. 712~~

402.2 Rules and Records of Proceedings.

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

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

~~Sec. 713~~

402.3 Action by Oordinance or Rresolution.

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

Section 403 Special Rules for Ordinances.

~~Sec. 808~~

403.1 ~~Ordinances.~~Adoption

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

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

~~Sec. 809~~

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

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

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

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

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

Sec. 810 403.3 Effective date Date of ordinancesOrdinances.

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

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

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

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

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

Sec. 811 403.4 Emergency ordinancesOrdinances.

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

Sec. 812 403.5 Posting and Publication of PAordinancesOrdinances.

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

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

Sec. 813 403.6 Codification of ordinancesOrdinances.

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

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

Commented [GG76]: Updated to simplify language

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 714.1 Protection of parkland and public open space

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

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

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

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

Sec. 715 Power to levy and collect taxes.

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

Article VIII. City Manager Ordinances, Meetings

Sec. 800 Appointment

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

Sec. 801 Compensation.

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

Sec. 802 Powers and duties.

Sec. 807 Prohibition against Councilmanic interference.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Article IX. Officers and Employees~~

Article Five

Structure of City Government

Section 500 In General

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

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

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

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

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

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

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

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

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

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

Note: Proposed updates are under final review by the CMO

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

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

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

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

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

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

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

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

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

(h)

Sec. 803 Rules and regulations.

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

Sec. 804 Manager pro tempore.

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

Sec. 805 Participation in Council action.

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

Sec. 806 Removal of the City Manager.

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

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

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

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

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

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

501.2 City Attorney

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

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

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

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

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

~~(b)~~

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

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

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

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

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

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

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

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

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

Commented [GG97]: Moved up from Old Section 908

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

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

This remains under discussion with Labor Group Unit 9.

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

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

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

501.3 City Auditor

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

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

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

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

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

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

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

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

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

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

Sec. 902 Appointive officers; duties.

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

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

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

Commented [GG103]: Moved up from Old Section 909

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

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

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

CAO reviewing to conform no labor impact issues inadvertently created.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Sec. 908 City Attorney~~

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

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

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

Commented [GG112]: Moved to New Section 501.2

~~Sec. 909 City Auditor~~

~~Sec. 910 Administrative Code.~~

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

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

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

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

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

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

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

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

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

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

Commented [GG113]: Moved to New Section 501.3

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

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

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

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

Commented [CM117R116]: Moved!

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

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

~~Sec. 1000~~

Section 600 In general.

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

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

600.3 Qualifications.

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

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

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

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

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

~~Sec. 1001 Appropriations~~

Section 601 Funding and Staff Support ~~.~~

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

~~Sec. 1002~~

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

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

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

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

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

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

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

Commented [GG123]: From City Code Section 2.120.010

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

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

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

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

manner].

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

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

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

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

See 1003

Section 603 Conduct of Meetings; Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Sec. 1004~~

~~Sec. 1004 Compensation, vacancies.~~

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

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

~~Sec. 1005 Oaths; affirmations.~~

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

~~Sec. 1006~~

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

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

604.1 Planning Commission ~~– Generally.~~

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

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

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

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

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

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

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

Commented [GG135]: Moved to Section 1002, above

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

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

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

Relevant City Code Sections:

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

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

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

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

See, 1998

604.2 Parks and Recreation Commission.

There shall be a City

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

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

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

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

(a) and entertainment;

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

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

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

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

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

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

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

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

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

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

Sec. 1010

604.3 Civil Service Commission.

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

Sec. 1011 Civil Service Commission – Powers and duties.

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

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

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

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

Sec. 1012

604.4 Board of Library Trustees.

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

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

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

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

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

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

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

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

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

For reference, current City Code provisions provide as follows:

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

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

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

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

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

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

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

604.5 Salary Setting Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article ~~XI~~Seven. Civil Service

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

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

Sec. ~~1101~~701 Classified service.

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

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

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

(2) City Manager;

(3) City Attorney;

~~(4) City Clerk;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. ~~1103~~703 Classification.

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

Sec. ~~1104~~704 Pay plan.

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

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

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

Sec. ~~1106~~706 Reserved.

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

Sec. ~~1107~~707 Prohibitions.

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

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

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

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

Sec. 1200

Section 709~~Article XII.~~ Retirement

709.1~~Sec. 1200~~ State system.

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

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

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

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

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

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

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

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

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

801.4 Budget Approval Process.

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

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

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

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

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

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

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

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

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

Sec. 1303 Budget Public hearing.

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

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

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

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

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

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

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

801.6 Budget Amendments.

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

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

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

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

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

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

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

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

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

~~Sec. 1309 Bonded debt limit~~

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

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

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

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

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

Language under final review with Finance Director.

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

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

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

Section 802 Purchasing and Procurement

802.1 Goods and Services

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

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

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

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

802.2 Public Works

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

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

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

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

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

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

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

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

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

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

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

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

~~Sec. 1311~~

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

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

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

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

802.3 Franchises.

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

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

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

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

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

~~W~~

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

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

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

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

~~Sec. 1313 — Department funds.~~

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

~~Sec. 1314 — Petty cash funds.~~

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

Sec. 1315 Presentation of demands.

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

Sec. 1316 Registering warrants.

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

Sec. 1317

Legal Actions against the City.

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

Sec. 1318 Centralized purchasing.

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

Sec. 1319

Independent audit.

Section 803 Audit Requirements

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

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

Sec. 1320 Utilities fund.

Section 804 Special Rules for Utilities Expenditures and Revenues

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

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

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

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

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

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

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

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

(b) For repairs and maintenance;

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

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

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

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

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

(e) For extensions and improvements;

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

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

Section 805 Finance and Tax Authority

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

Sec. 1309
Bonded debt limit.

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

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

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

Sec. 1321 Revenue bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article XIV. Franchises

Sec. 1400 Procedure; terms.

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

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

Article XV. Reserved

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

Article XVI. Reserved

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

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

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

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

Sec. 1702 Amendments to State Elections Code.
(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article Nine XVIII.
Miscellaneous and Legal Provisions

Commented [GG186]: Proposed changes to this Section improve language and add helpful "boilerplate" provisions

Sec. 1800

Section 900 Definitions Mandatory and Permissive.

Unless the provision or the context otherwise requires, as used in the Charter :

(a) "sShall" and "must" are is mandatory, and "may" is permissive.

~~(b) "City" is the City of Santa Clara and "department," "board," "commission," "agency," or "employee," is a department, board, commission, agency, officer or employee as the case may be, of the City of Santa Clara.~~

~~The masculine and feminine gender include the neuter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)~~

~~Sec. 1317~~
Section 901 Legal Actions A~~a~~gainst the City.

No suit or action for money or damages of any kind ~~, whether sounding in tort, contract or some other theory,~~ may be brought against the City, and City agency or enterprise, or any Elected Officer, Board or Commission Member, ~~board, commission, agency or~~ officer, agent or employee thereof (collectively, "City Entities and Persons"), until a claim has been filed with the City by service upon the Office of the City Clerk, in the manner established by City ordinance, and either the City acts on the claim or it is deemed denied by operation of law. The procedures prescribed by State Law shall apply to the presentation, consideration and enforcement of claims against ~~the City or its officers, agents and employees~~City Entities and Persons. Claims for money or damages ~~which are excepted~~exempt from or not covered by State Law may be governed by ~~the~~ procedures established by City ordinance.

~~(c) INSERT OLD SECTION 1317 "ACTIONS AGAINST THE CITY" HERE WITH CORRECT NUMBERING TO FIT IN.~~

~~Sec. 1801~~
Section 902 Violations; Enforcement.

902.1 Charter Violations. Depending upon the severity of the offense, as determined in the discretion of the prosecuting authority, ~~T~~the violation of any provision of this Charter ~~shall~~ **may** be prosecuted as ~~deemed~~ a misdemeanor ~~and be punishable upon convic- tion by a fine of not exceeding one thousand dollars ($1,000.00) or by imprisonment for a term of not exceeding one year or by both~~or as an infraction, subject to associated fines and/or imprisonment as provided under State law for such offenses ~~such fine and imprisonment.~~ If an Elected Official is convicted of a misdemeanor for violation of this Charter, such official shall also be deemed to have forfeited their elected office as provided in Section 205.1(2), above.

902.2 Prosecuting Authority. The prosecuting authority with respect to violations of this Charter, shall be the District Attorney for Santa Clara County. If the District Attorney is not available or declines to perform this role, the City Attorney shall deputize and appoint from outside the City Attorney's Office a qualified special Deputy City Attorney to perform such function.

901.3 Other Violations of Local Law. Any other act or omission that the City Council desires to be prosecuted as a misdemeanor or infraction must be prescribed by ordinance.

~~Sec. 1802~~ ~~Validity~~
Section 903 Severability.

If any provision~~s~~ of this Charter is held to be illegal, invalid or unenforceable, either on its face or in its ~~the~~ application ~~thereof~~ to any person or circumstance ~~is held invalid,~~ the remainder of the Charter shall not be affected by such holding and shall remain in full force and effect. Further, any holding of invalidity or unenforceability made with respect to a particular person or circumstance, shall be limited to that particular person or circumstance. ~~and the application of such provision to other persons or circumstances, shall not be affected thereby.~~

~~Sec. 1803 Effective date.~~

~~For the purpose of nominating and electing members of the City Council, this Charter shall take effect from the time of its approval by the legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of election of the first City Council at 8:00 P.M.~~

Commented [GG187]: No longer needed, because changes made already implement gender neutralization

Commented [GG188]:

Commented [GG189R188]: This Section has been updated to allow for a range of outcomes, depending upon the perpetrator and the severity of the violation, and to provide for who enforces. As noted above, it would also address what happens if a Councilmember is convicted of a misdemeanor involving "Councilmanic Interference" (loss of office).

Group One and the CRC were supportive of these clarifications, but recognized the concern that enforcement of the Charter could be (and always could be even before any proposed changes) "politicized". Proposed changes actually mitigate that risk by contemplating a range of enforcement based on severity of conduct.

Commented [GG190]: Improved wording without substantive changes

Commented [GG191]: Proposed for deletion because already addressed in Section 104, above

~~Sec. 815~~

Section 904 Publication~~shing~~ of L~~l~~egal N~~n~~otices.

904.1 Newspaper Publication. Whenever legal notice is required to be published under the provisions of Applicable Law, the City shall cause such publication to occur in a ~~The City Council shall by resolution designate one or more~~ newspaper~~s~~ of general circulation in the City of Santa Clara designated by the City Council. ~~as official newspaper for the publication of any legal notice or other matter required to be pub- lished in a newspaper of general circulation in said City~~. If no such newspaper exists, or the rates charged for publication are not reasonably aligned with market rates, ~~it appears to the City Council that the rates offered are unfair, it need not designate an official newspaper. Upon making a finding to such effect, or if publication of newspapers which have been so designated are suspended~~, then legal notices, ordinances or other matter required to be published in an official newspaper may be published as otherwise allowed under Applicable Law. ~~by posting copies thereof in at least three public places in the City. The places for posting of legal notices shall be fixed by ordinance of the City Council.~~

904.2 Additional Notice Required. Whenever legal notice is required to be published under the provisions of this Charter or Applicable Law, the City shall also provide such notice electronically in accordance with a policy approved by the City Council designed to make use of the latest available technologies to maximize the reach of any required notice to those that have expressed interest in or are likely to be impacted by the subject matter of such notice.

904.3 Substantial Conformance. No defect or irregularity in proceedings taken under this S~~s~~ection, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in ~~conformity~~ substantial conformance with this Charter, or Applicable Law.~~law, or ordi- nance~~.

Section 905 Laws in Effect Pending Enactment of Ordinances.

Pending the enactment of any ordinance or policy required or contemplated under the terms of this Charter, existing Local Laws shall govern. To the extent there are no applicable Local Laws in these areas, General City Laws shall apply, but only to the extent consistent with the terms of this Charter.

Section 906 City Clerk Authority to Make Minor Corrections.

The City Clerk shall be authorized to make minor modifications to the Charter to correct typographical errors or to make other similar non-substantive corrections subject to ratification by the City Council and approval as to form by the City Attorney.

~~Sec. 912~~

Section 907 Official Oath~~s~~ of O~~o~~ffice.

Each ~~member of the City Council~~, Elected Official, ~~of~~ every member of a City B~~b~~oard and C~~c~~ommission, ~~and~~ each ~~officer~~ City Council appointed official, and each ~~and~~ department head, before entering upon the discharge of the duties of ~~his/her~~ the office shall take, subscribe to and file with the City~~-~~ Clerk the following oath of ~~affirmation~~office: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter." ~~(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statues of 2000)~~

Section 908 Definitions.

Capitalized terms used in this Charter shall have the meanings ascribed thereto in this Section. To the extent of any conflict between the definitions of capitalized terms provided in this Section and any other common understandings or definitions of such capitalized terms, the definitions in this Section shall govern.

Commented [GG192]: This language generally mirrors State Law, with the addition of electronic notice in 904.2. 904.3 allows for substantial conformance in publishing.

Commented [GG193]: Language addresses any gaps pending enactment of required ordinances. Especially needed in public works procurement

Commented [GG194]: A good provision in case we missed something in a defined term or a Section cross reference, misspelled or wrong word (e.g., "of" instead of "if"), etc.

Commented [GG195]: Moved here from old Section 912

Commented [GG196]: The Definitions list that follows is still very much "under construction" and will continue to be refined as we work towards a FINAL document for placement on the ballot.

Also under development is the proposed Appendix/Matrix that will include the history of all changes to each Section, including references to old Section numbers, and an additional column referring to any implementing City Code provisions.

Definitions

- **Administrative Code** — The City's organizational and operational details, adopted by ordinance and set forth in one or more articles within the City Code. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Appointed Officer** — Each of the City Manager, City Attorney, and City Auditor. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Appointed Officers** — Collectively, the City Manager, City Attorney, and City Auditor. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- Appropriated - allocated for a specific purpose or project within the applicable fiscal year(s). Or could we just say "committed" and avoid this term altogether?
- **Boards and Commission Members** — The collective term for the members of City Boards and Commissions. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Brown Act** — The Ralph M. Brown Act, California Government Code sections identified in the draft as governing City Council meetings and prevailing over conflicting Charter meeting provisions. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Chair** — The member elected by a board or commission to serve as its presiding officer for that year. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Chartered Boards and Commissions** — The Planning Commission, Parks and Recreation Commission, Board of Library Trustees, Civil Service Commission, and Salary Setting Commission. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City** — The City of Santa Clara. This definition appears in both Section 100 and Section 1800.
- **City Boards and Commissions** — The collective term used when Charter provisions are intended to apply to both Chartered Boards and Commissions and City Council Created Boards and Commissions. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City Council District** — One of the six designated geographic districts from which the six non-mayoral Council Members are elected. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City Council Districts** — Collectively, the six designated geographic districts for district-based Council elections. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **City Elected Officials** — The Mayor, City Council, Chief of Police, and City Clerk, for purposes of Salary Setting Commission authority over compensation. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Council Created Boards and Commissions** — Additional boards, commissions, or committees the City Council may create by ordinance or resolution, with powers and duties consistent with the Charter. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Council-Manager** — The form of government in which the City Council is responsible for lawmaking and major policy decisions, and a professional manager appointed by the Council implements policy and manages day-to-day operations. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Declaration of Vacancy** — The resolution adopted by the City Council declaring the existence of a vacancy in an elected office. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Dedicated Parklands** — The Ulistac Natural Area, the Santa Clara Youth Soccer Park, and any other City-owned or City-controlled real property currently or later listed by ordinance in the General Plan park inventory identified in the Charter. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Department Heads** — All department heads or division leaders of the City who are not elected or appointed by the City Council and instead are appointed by the City Manager. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **District** — Each City Council district for district-elected Council Members. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Districts** — Collectively, the City Council districts for district-elected Council Members. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Effective Date** — The date on which the Measure amendments went into effect upon filing with the Secretary of State; the exact date is still blank in the draft. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Elected Officials** — The Mayor, six City Council Members, the Chief of Police, and the City Clerk. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Election's Official** — The role the City Clerk serves under the Charter and State Elections Law. City Charter

MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf

- **Encumbered -**
- **Event of Vacancy** — A vacancy event provided in Charter Section 205; the draft uses the term by cross-reference rather than giving it a separate stand-alone definitional sentence.
- **General City Laws** — Laws only applicable to general law cities under State law. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **General Municipal Election of the City** — The City's regular election held the first Tuesday following the first Monday in November of even-numbered years. The draft text appears to contain punctuation/quotation glitches, but this is the term and definition as framed there. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Implementing Ordinance** — The City's implementing Public Works ordinance establishing required procurement rules and, if adopted, standards for alternative procurement methods.
- **Lifetime Term Limit** — The rule that a person elected as a City Council member or as Mayor may not serve more than two full terms in that position in their lifetime, subject to the counting rules and carve-outs stated in Section 203.2. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Local Laws** — City ordinances, regulations, or policies adopted under the authority of the Charter. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Major Public Works** — Contracts above the stated threshold, for construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks, and playgrounds, excluding maintenance and repair; the dollar threshold is still blank in the draft.
- **Major Public Works Projects** — Projects costing greater than the stated dollar threshold and subject to City Council approval; the threshold amount is still blank in the draft.
- **Mandatory Redistricting** — The required redistricting process using data from each decennial federal census.
- **Measure __ Amendments.** — The Charter amendments approved by City voters at the November 4, 2026 City Election. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Minor Public Works Projects** — Projects costing the stated threshold amount or less and subject to City Manager approval; the threshold amount is still blank in the draft.
- **minutes resolution** — An oral motion or order duly passed by the City Council and entered in the minutes, having the same force and effect as a written resolution and deemed a resolution for all purposes.
- **Notice of Proposed Ordinance** — The notice prepared by the City Clerk's Office for each proposed ordinance, containing the ordinance title, introduction date, brief summary, and statement that the full text is available at the Clerk's Office and on the City website. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Official Newspaper** — One or more newspapers of general circulation in the City of Santa Clara designated by resolution of the City Council for publication of legal notices and other matters required to be published in a newspaper of general circulation.
- **Public Work** — Each contract for the construction, reconstruction, renovation, alteration, improvement, or demolition of public buildings, streets, drains, sewers, utilities, parks, playgrounds, and similar public facilities under Option A of the draft procurement language. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Public Works** — Collectively, the public work categories described in the draft procurement section; under Option A, routine maintenance and repair are excluded. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Qualified Elector** — A registered voter of the City. Status is determined by the Santa Clara County Registrar of Voters. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Qualified Electors** — The Charter uses this plural form for the City electorate in provisions such as initiative, referendum, recall, and voter approvals. It is the plural application of "Qualified Elector."
- **Registrar** — The County Registrar of Voters, which administers City Elections with the City Clerk, in consultation with the Senior Clerk Appointed Official. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Resident** — A resident of the City for elected-official qualification purposes; whether a person is a Resident is determined in accordance with State law. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **ROV** — The Santa Clara County Registrar of Voters. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- ~~**Senior Clerk Appointed Official** — The senior appointed official in the City Clerk's office with whom the City Clerk consults regarding Charter election duties; if an incumbent City Clerk is running for re-election, this official administers matters relating to that City Clerk election.~~
- **Shall** — Mandatory. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf

- **Special Municipal Elections** — Any municipal elections other than the regular election, called under the authority of the Charter or the State Elections Code. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **State** — The State of California. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Total Compensation** — Salary and benefits.
- **Treasurer** — The role the Director of Finance serves in, where required in the City's financial dealings, including public financing. City Charter MASTER DRAFT with Proposed Revisions and Notes 4.21.26.pdf
- **Vacant** — A City board or commission seat is considered vacant upon an Event of Vacancy under Section 205, and also when a member is absent from three consecutive regular meetings without an excuse reflected in official minutes and the City Council declares the position vacant.

Page 16: [1] Commented [GG19] Glen Googins 5/29/2026 11:15:00 AM

Level 3 Alert:

This provision was discussed extensively by Group Two and the full CRC with the consensus being that adding to the qualification requirements as proposed makes sense (the current standard is very low (not many total years of law enforcement experience required, with no management level experience), and all of the Chiefs over the past 30 plus years have met the proposed requirement (the equivalent of a Lieutenant with 2 years experience). At the same time, it is recognized that the sensitivity of this area presents challenges to any proposed modifications, no matter how reasonable.

As a result, the CRC recognizes this proposal to be, at a minimum, a Level Three proposal. They are also concerned about further limiting who might qualify to run for Chief of Police in light of the existing requirement for residency. As a result, the CRC recommends it might be worth exploring the pros and cons of removing or modifying the residency requirement for the Chief of Police. They recognize, however, that any such proposal would be a Level 4 proposal.

The following information is provided for context:

Qualifications of sheriff: Gov Code 24004.3

(a) No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:
(1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
(2) One year of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university.
(3) Two years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.
(4) Three years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.
(5) Four years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.

From the POST website:

Basic Certificate
The Basic Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently full-time peace officers of a POST-participating agency who possess a valid POE, have satisfactorily completed the prerequisite Basic Course requirement, and the employing agency's probationary period of not less than 12 months.

Intermediate Certificate
The Intermediate Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess a Basic Certificate and who have acquired the specified training and education points and/or college degree and the prescribed years of law enforcement experience.

Advanced Certificate
The Advanced Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess an Intermediate Certificate and who have acquired the specified training and education points and/or college degree and the prescribed years of law enforcement experience.

Supervisory Certificate
The Supervisory Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess or are eligible to possess an Intermediate Certificate, have earned a minimum of 60 semester units at an accredited college, served for a period of at least two years as a permanent first-level supervisor or higher in law enforcement, and have completed the POST Supervisory Course.

Management Certificate
The Management Certificate is **awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess or are eligible to possess an Advanced Certificate, have earned a minimum of 60 semester units at an accredited college, served for a period of at least two years as a permanent middle manager or higher in law enforcement, and have completed the POST Management Course.**

Executive Certificate
The Executive Certificate is awarded, as defined in Commission Regulation 1202(external link) to currently employed full-time peace officers of a POST-participating agency who possess or are eligible to possess an Advanced Certificate, have earned a minimum of 60 semester units at an accredited college, served for a period of at least two years as a permanent agency head with their current employing law enforcement agency, and have completed the POST Executive Development Course

(8) Applicants for Management Certificate Award shall:
(A) Satisfy the requirements specified in subsection 1202(c)(1),
(B) Possess or be eligible to possess an Advanced Certificate,
(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),
(D) Successfully complete the POST Management Course, and
(E) Possess a minimum of two years of law enforcement experience as a permanent middle manager or higher. Except for appointments to the rank of Acting Chief, intermittent or acting appointments do not count toward eligibility for the Management certificate.

Possible additional considerations and alternatives include: (1) replace this with a simple statement of achieved the rank of Lieutenant with two years in that position; (2) adding requirement that if the POST system is still in place, that they shall obtain the certificate within, say, six months after assuming office.

Page 21: [2] Commented [GG45R44] Glen Googins 3/9/2026 10:48:00 AM

Under California law, a crime of moral turpitude is conduct that reveals dishonesty, fraud, a general readiness to do evil, or moral depravity, determined by examining the minimum statutory elements of the offense rather than the specific facts of a particular violation. California courts apply the "least adjudicated elements test," which requires that from the elements of the offense alone, without regard to the facts of the particular violation, one can reasonably infer the presence of moral turpitude (People v. Aguilar, 245 Cal.App.4th 1010 (2016))[1], (People v. Bedolla, 28 Cal.App.5th 535 (2018))[2].
Definition and Core Principles
California decisional law establishes that moral turpitude includes fraud and that any crime in which an intent to defraud is an essential element constitutes a crime involving moral turpitude (In re Hallinan, 43 Cal.2d 243 (1954))[3]. The related group of offenses involving intentional dishonesty for purposes of personal gain are also crimes involving moral turpitude (In re Hallinan, 43 Cal.2d 243 (1954))[3], (Matanky v. Board of Medical Examiners, 79 Cal.App.3d 293 (1978))[4]. Moral turpitude is not limited to dishonesty but extends to crimes involving other sorts of moral depravity and a "readiness to do evil," such as child molestation and crimes of violence, torture, or brutality (People v. Castro, 38 Cal.3d 301 (1985))[5].

Moral Turpitude: See Elections Code 20: (a) A person shall not be considered a candidate for, and is not eligible to be elected to, any state or local elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money,

perjury, or conspiracy to commit any of those crimes.
(b) For purposes of this section, "conviction of a felony" includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

Page 24: [3] Commented [GG56] Glen Googins 4/12/2026 8:42:00 PM

This is the existing language modified to change the City Council from "judging" all elections to "certifying" them. Balance between deference to County Registrar on outcome and City Clerk's office on administration (so outcomes are determined based on state mandated procedures versus political considerations), with some level of Council authority/right to challenge still retained.

Here's a summary of what CAO advised Council about their role in certifying the election and the available paths to challenge election results or candidate eligibility/qualifications in the report to Council for certifying the results of the 2024 election:

"Legal Requirements and Effects of the Election Certification Process

Under the City Charter, unless an express provision of the Charter provides otherwise, City elections are governed by the California Elections Code [Charter Section 700]. With respect to election certification, there are no Charter provisions providing otherwise.
Under the Elections Code, section 10262 requires the elections official to conduct the canvass of votes (i.e., count the votes cast in the election), pursuant to its sections 15302 and 15303. "Upon the completion of the canvass, the elections official shall certify the results to the governing body." (Elec.
Code § 12062.) The canvass must be completed by the fourth Friday after the election (Elec. Code §10262, subd. (a)), and for a consolidated election, the elections official shall certify the results to the
governing body, and the governing body *must* certify the election results in compliance with section 10263 by its next regularly scheduled meeting after the 28-day canvass or at a special meeting called
for that purpose. (Elec. Code § 10262, subd. (b).) Elections Code section 10263 requires the governing body to adopt a resolution reciting "the fact of the election and the other matters that are enumerated in section 10264." The governing body must also "declare the results and … install the
newly elected officers." (Ibid., subd. (a).)
Although the certification process described above, is mandatory, election certification does not definitely decide the outcome of every election contest. Even after "certification" there are separate legal processes for challenging the outcome of an election, or the qualifications of an elected
candidate to hold office. The first such process is contained in Elections Code Section 16100. The second such process is known as a "quo warranto" proceeding.
Elections Code Section 16100. Most of the bases for challenge to an election under Elections Code 16100 relate to elections official misconduct, material vote counting errors, or the casting of illegal votes. Section 16100(b) also provides for an election challenge based on a determination that a
person elected was not, at the time of the election, eligible to hold office. Under Section 16401(d) a statement of such challenge must be filed with the superior court within 30 days after the City's
certification of the subject election.
Quo Warranto. A quo warranto action must either be initiated by the City Council or be initiated or authorized by the State Attorney General. A quo warranto action doesn't relate to the election itself, but to the qualifications of a party to run for or hold a public office under applicable law. Applicable laws include federal, state or local laws, which would include the City's own Charter requirements. Quo warranto actions can be initiated at any time during the tenure of an elected official. Either form of elections challenge, whether under the Elections Code or a quo warranto proceeding, may be initiated by the City Council itself or an individual "elector" within the City; provided, however, as discussed above, any proposed quo warranto action by an individual elector must first be approved by the Attorney General."

Page 28: [4] Commented [GG66] Glen Googins 4/11/2026 9:21:00 PM

This language added to give flexibility if ever needed, e.g., during the summer recess or around the Thanksgiving/Christmas holiday. Current language could be further modified to only require one meeting of any

kind of the bracketed special meeting reference were to be deleted.

Brown Act requirement is as follows:
Regular meetings must be held at least monthly on a schedule fixed by ordinance or resolution, with agendas posted at least 72 hours prior containing a brief general description of business items, including closed session topics.

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Note:
The Brown Act requires that regular and special meetings of city councils be held within the boundaries of the territory over which the local agency exercises jurisdiction (West's Ann.Cal.Gov.Code § 54954)[1]. This is a fundamental location requirement that applies to both types of meetings. However, the statute provides several specific exceptions that allow meetings to be held outside the jurisdiction, including to comply with state or federal law or court orders, attend judicial or administrative proceedings to which the agency is a party, inspect real or personal property that cannot be conveniently brought within the boundaries, participate in meetings of multiagency significance (which must still occur within one of the participating agencies' jurisdictions and be properly noticed), meet in the closest meeting facility if the agency has no suitable facilities or offices within its boundaries, meet with elected or appointed federal or state officials when a local meeting would be impractical, or meet outside the jurisdiction in the event of an emergency (West's Ann.Cal.Gov.Code § 54954)[1].

Page 40: [6] Commented [GG115] Glen Googins 4/19/2026 10:25:00 PM

There was discussion on need for this language in the Charter at all, with a possible option to radically reduced to a sentence or two calling for rules to be adopted by ordinance. Current recommendation is to retain provisions, but to update to make more clear and better align with State law.

California law establishes comprehensive requirements for city employees who must obtain and furnish faithful performance bonds or other forms of bonds in connection with their official duties. These requirements are governed primarily by the California Government Code, which sets forth the conditions, obligations, and payment provisions for official bonds of municipal officers and employees.

Statutory Framework for Official Bonds

The fundamental condition of an official bond is established by California Government Code § 1501, which provides that "the condition of an official bond shall be that the principal will well, truly, and faithfully perform all official duties then required of him by law, and also all such additional duties as may be imposed on him by any existing law of the State or law enacted subsequently to the execution of the bond" (West's Ann.Cal.Gov.Code § 1501)[1]. This statutory language ensures that bonds cover both current and future duties imposed by law.

California Government Code § 1504 further specifies that every official bond executed by any officer pursuant to law "is in force and obligatory upon the principal and sureties therein for" both "any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office" and "the faithful discharge of all duties which may be required of such officer by any law enacted subsequently to the execution of the bond" (West's Ann.Cal.Gov.Code § 1504)[2]. The statute includes important limitations on personal liability for officers whose sole compensation is a fixed salary, providing that they shall not be personally liable for negligent acts or omissions of deputies or employees unless the officer failed to exercise due care in selection, appointment, or supervision (West's Ann.Cal.Gov.Code § 1504)[2].

Charter City Authority Over Bond Requirements

California Constitution Article XI, § 5 grants charter cities plenary authority to provide for "the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation" (West's Ann.Cal.Const. Art. 11, § 5)[5]. This constitutional provision allows charter cities to establish their own requirements for official bonds as part of their municipal affairs.

Page 40: [7] Commented [GG118] Glen Googins 2/12/2026 12:10:00 PM

This Article was updated with substantial input from the existing Boards and Commissions listed.

Note: “Commissions” are generally understand to mean groups that are permanent with some independent authority or ongoing subject matter jurisdictions. “Committees” are almost always advisory, and sometimes are of limited duration. “Subcommittees” are always subordinate bodies to the primary Council or Commission. “Board” appears to be just a historical name for the Board of Library Trustees, and in this context has no particular meaning distinct

from Commission.

Consideration was given to building in some definition structure here, but doesn't seem necessary. More important to distinguish what rules apply to what boards, commissions (and/or committees) and updated language in this Article Six does that. Also, note the proposed addition of new Section 605, below, regarding "committees"

Page 41: [8] Commented [GG120] Glen Googins 2/12/2026 10:59:00 AM

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

Page 41: [9] Commented [GG121] Glen Googins 5/17/2026 8:28:00 PM

Group Four discussed extensively the pros and cons to proposing for inclusion in the Charter provision for the requirement of an Ethics Commission. They ultimately decided (and the full CRC concurred) that while this could be suggested as a **Level 4 i**dea for a future CRC, they were not going to recommend at this time as part of the Charter project. Their decision was based, among other things on the following:

--This is a matter currently being discussed at the City Council Governance and Ethics Committee, including possible terms for a formal Commission, and alternatives to this to reinforce ethics duties and accountability, are under discussion.
--The inclusion of this in the Charter amendment would present challenges as it would, in effect, proposed to "decide" the issue before that full analysis is complete.
--Inquiry was made regarding Chula Vista which has a Board of Ethics, but its not mentioned or requred in the City Charter. GRG's experience there was shared, but pointed out that the details of any such proposal matter, and the pros and cons of this could not be fully analyzed by the CRC as part of this project. CV also has a "standing" Charter Review Commission, but that isn't mentioned in their Charter either.
—Also concern about this being a form of "restructuring" of govt. (by adding a signficant new board), and was an area that could be viewed as controversial, thereby distracting from other more doable proposals.

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Qualified Elector Status. The need for "qualified elector" status as a qualification was discussed extensively in light of BOLT request that the qualified elector status requirement be removed. The Group/CRC ultimately decided that for the Charter created boards and commissions, qualified elector status and consistency were important. They also note that non-Qualified elector residents still have a lot of opportunities to serve on City Council created boards.

Page 41: [11] Commented [GG123] Glen Googins 4/16/2026 2:08:00 PM

From City Code Section 2.120.010

"All members of boards, commissions, and committees, except for members of the Youth Commission and Bicycle and Pedestrian Advisory Committee, shall be eighteen (18) years of age or older and residents of the City. All members of boards and commissions established by City Charter (i.e., Planning Commission, Parks and Recreation Commission, Civil Service Commission and Board of Library Trustees) shall also be qualified electors of the City."

Page 41: [12] Commented [GG126] Glen Googins 2/12/2026 9:13:00 AM

Group Four discussed extensively options for making more transparent any decision not to reappoint or remove a board or commission member "for cause" other than the referenced "vacancy" provisions below. Ultimate decision was to require the CC to make rules that allow for appointment and removal "in an orderly and transparent" manner but not to attempt to make such rules. Charter is not place for that level of detail and CAO advised of need to balance transparency with privacy interests and interest in protecting City from liability. I.e., no board or commission member should have employee like protections for holding their position.

Page 46: [13] Commented [GG145] Glen Googins 1/23/2026 9:56:00 AM

BOLT comments/proposals on powers and duties included:
--Desire to primarily advisory (guide and recommend), but don't want to abdicate "accountability".
--This can be achieved by requiring them to be part of certain Library administrative processes. E.g., Library budget needs to come to BLT for review and recommendation before it goes to City Council. (e.g.'s Anaheim and Chula Vista); annual report to City Council on Library activities (Anaheim).

For reference, current City Code provisions provide as follows:

§ 2.120.080**Board of Library Trustees. [1]**
The Board of Library Trustees shall be primarily responsible for the following:
(a)
Establishing, accepting and supervising a significant public library program.
(b)
Providing for balanced library collections and services which represent the diverse perspectives of the community.

(c)
Making recommendations to the City Council on library policies which ensure maximum public access to library collections and services.
(d)
Serving as a central focus for citizen comment on library operations and materials and the provision of appropriate recommendations or response.
(e)
Supporting educational, recreational and cultural activities for citizens of all age groups consistent with the mission of the library program.
(f)
Representing the library program to the City, the community, other government agencies and organizations.
(g)
Performing such other duties and exercising such powers as the City Council may impose or require.

MASTER WORKING DRAFT

6/5/26

THE CHARTER OF THE CITY OF SANTA CLARA CALIFORNIA

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Group Two City Council: Elections, Powers and Conduct of Meetings	Steve Kelly Mark Boeckman Eric Crutchlow Holly Roberts Susan Peters
Group Three Senior Officials: Duties and Qualifications	Bernard Tansey Patrick Nikolai Lauren Diamond Mohammad Naveed
Group Four Boards and Commissions: Composition, Powers and Duties	Lauren Diamond John Brooks Burt Field Joe Sosinski
Group Five Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties	Susan Peters Mark Boeckman Holly Roberts Mohammad Naveed
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604.5 Salary Setting Commission
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Section 907 Official Oaths of Office
Section 908 Definitions

To be added to Article Nine:
Equivalent Law or Standards to Apply

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

P

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)