



Z City of Santa Ana, City Charter Modernization And Update of Administrative Provisions

Shall the Charter be amended to: modernize and remove outdated language to reflect changes or conflicts in the City or State law concerning gifts and campaign contributions and designated City funds; create consistency in the Municipal Code regarding boards or commissions; and move the qualifications for the Finance Director to the Municipal Code?

What your vote means

YES	NO
A "YES" vote on the measure is a vote in favor of amending Article IX of the City Charter and repealing sections 425, 1107, and 704 of the City Charter.	A "NO" vote on the measure is a vote against amending Article IX of the City Charter and repealing sections 425, 1107, and 704 of the City Charter.

For and against

FOR	AGAINST
<p>Juan Villegas Council Member</p> <p>P. David Benavides Councilmember</p> <p>Jose Solorio City Council Member</p>	No argument against this measure was submitted.

Ballot Measures-ZFull Text of Measure Z
City of Santa AnaCHARTER AMENDMENTS
(DELETIONS UNDERLINED AND ADDITIONS IN BOLD)

ARTICLE IX. - APPOINTIVE BOARDS AND COMMISSIONS

Sec. 900. - Established; enumerated.

The **City Council shall establish** following enumerated appointive boards and commissions by ordinance **and shall specify in such ordinance** are here established and shall have the powers and duties of each. contained in this article:

- (a) Board of recreation and parks
- (b) Planning commission
- (c) Personnel board

The City Council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this charter. The City Council, by motion adopted by the affirmative votes of at least a majority of its members, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

Sec. 901. - Reserved. Appointments, removals, vacancies, terms.

- (a) Except as otherwise specified in this charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the City Council, subject in both appointment and removal by the affirmative votes of a majority of the members. For boards or commissions having at least seven (7) members, the City Council shall select seven (7) members from nominations made by the council member (or the mayor in the case of the city-wide seat) whose term coincides with that board or commission seat, as determined by the City Council in accordance with subsection (e) below, together with nominations from any other member of the Council. All other appointments shall be as determined by this Charter, or by the City Council from time to time. Beginning with terms starting after the 2006 General Election, at least fifty-percent (50%) of those persons nominated from time to time by a council member shall be residents of the ward represented by such council member. At the request of a council member, this rule may be waived by a 2/3 vote of the City Council for any one appointment if the requesting member is unable to find a qualified and acceptable ward resident to nominate. For purposes of this rule, residency is only required at the time of nomination.
- (b) Vacancies from whatever cause arising shall be filled in the same manner. 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. All terms shall begin on the same date as City Councilmember terms as provided in section 400 of this Charter.
- (c) If a member of a board or commission absents himself from two (2) regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or fails to attend at least one-half (½) of the regular meetings of such board or commission within a calendar year, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.
- (d) Except as otherwise provided in this section, the members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed and qualified, but in no event shall any person be eligible for reappointment who has served three (3) consecutive terms of four (4) years each, irrespective of what seat or seats the member is appointed to by the City Council. Notwithstanding the foregoing, one seat shall be a city-wide seat having a (4) four year term which coincides with that of the Mayor, and which shall be limited to three (3) consecutive terms. Short or partial terms (as defined for City Council in Section 401 of this Charter) shall not be considered. Unless otherwise provided by ordinance of the City Council for a board or commission having more or less than seven (7) members, the terms of three (3) of the members of each such board or commission shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the April, 1983 general election, the terms of three (3) other members shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the November, 1984 general election, and one (1), as designated by the City Council, shall coincide with the term of the mayor. It is the intent of this section that the term of office on boards and commissions shall be concurrent with the term of office of council members. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period. No person shall be eligible for appointment to a board or commission who completed a term on the City Council immediately preceding that board or commission term.
- (e) The City Council shall determine which members of such boards and commissions serving as such at the time of the April, 1983 general election shall serve shortened or extended terms. Beginning with terms starting immediately following the 2006 General Election, for board and commissions with at least seven (7) members, the City Council shall designate seven (7) board and commission seats by ward, and one city-wide. These designations shall be solely for the purpose of nominations and calculations of terms as provided in this Section 901. Except for purposes of the fifty-percent (50%) nomination rule in subsection (a) above, residency in that ward is not required.



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Sec. 901.1. – Reserved. Prohibition against serving as treasurer for campaign committee.

If any member of an appointive board or commission shall become the treasurer of a campaign committee which receives contributions for any candidate for mayor or councilmember, his or her office shall become vacant and shall be so declared by the City Council. Any provisions of this Article IX notwithstanding, no person who serves as the treasurer of a campaign committee which receives contributions for any candidate for mayor or councilmember shall be eligible for appointment to any appointive board or commission.

Sec. 902. –Reserved. Appropriations therefor.

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

Sec. 903.- Reserved. Existing boards and commissions.

Members of existing appointive boards and commissions at the time this charter takes effect shall continue in office and shall perform their duties until other provisions shall have been made as provided in this charter for the performance of such duties and for the discontinuance of such boards or commissions.

Sec. 904. –Reserved. Meetings; chairman.

The election of each chairman and vice-chairman shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairman or vice-chairman, shall elect one of its members for the unexpired term. The chairman shall have the responsibility for informing the City Council of board, commission, or committee actions or inactions and the reasons therefor.

Each board or commission, other than the personnel board, shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this charter and shall be filed with the Clerk of the Council for public inspection. The personnel board shall meet monthly, provided there is business on the agenda to come before it. In the event no business is placed on the board's agenda before the Friday preceding the tentative Wednesday meeting date, no meeting need be held; provided, however, that in no event shall more than three (3) months intervene between meetings of such board.

Sec. 905. – Reserved. Compensation.

The members of appointive boards and commissions shall receive such compensation, if any, as may be prescribed by ordinance and may receive reimbursement for necessary traveling and other expenses when on official duty of the City when such expenditure has been so authorized by the board or commission and subject to rules and regulations prescribed by ordinance on order of the City Council.

Sec. 906. – Reserved. Attendance of witnesses; oaths and affirmations.

Each appointive board or commission 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. 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. 907. – Reserved. Board of recreation and parks—Membership.

The members of the board of recreation and parks shall be appointed from the qualified electors of the City. Seven (7) members shall be appointed as required by this charter.

One additional member shall be appointed by the governing board of each school district operating one or more elementary schools located within the City of Santa Ana, except that there shall not be more than four (4) such additional members. If more than four (4) school districts operate elementary schools within the City, appointment of the additional members shall be made by the governing boards of those districts having the largest assessed value of property lying within the City of Santa Ana. No member of the board of recreation and parks shall hold any paid office or employment in the City government.

Sec. 908. – Reserved. Same—Powers and duties.

The board of recreation and parks shall have power and be required to:

- (a) Consider matters that may be referred to it by the City Council, the City Manager, or the director of recreation and parks and render such counsel and advice in regard thereto as may be requested by the referring authorities; and consider all matters regarding



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programs, usages, or services of the department of recreation and parks other than administrative matters;

- (b) By its own motion, make such studies and investigations as it may deem necessary for the formulation of recreation and park policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with recreation and park matters and report its findings and recommendations to the City Council, the City Manager, or the director of recreation and parks, or to any or all such authorities as it may see fit;
- (c) Recommend to the City Council and the City Manager as to the acceptance or rejection of offers of donations of money, personal property, or real estate to be used for recreation and park programs; and additionally, it shall make recommendations on the sale, transfer, or usage of existing or future park property;
- (d) Consider the annual budget during the process of its preparation by the director of recreation and parks and make recommendations with respect thereto to the City Manager and the City Council;
- (e) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with recreation and park programs of the City.

Sec. 909. – Reserved. Planning commission—Membership.

The planning commission shall consist of seven (7) members to be appointed by the City Council from the qualified electors of the City, and no member of said commission shall hold any paid office or employment in the City government.

Sec. 910. – Reserved. Planning commission—Powers and duties.

The planning commission shall have power and be required to:

- (a) Periodically review the City's General Plan;
- (b) Make studies and plans for future civic land use, including use as public recreation facilities;
- (c) Annually review the City's capital improvement program solely for consistency with the General Plan;
- (d) Exercise such functions as to land subdivisions, zoning, and other City planning as may be prescribed by ordinance.
- (e) By its own motion, make such studies and investigations as it may deem necessary for the formulation of planning and land use policies and report its findings and recommendations to the City Council or the City Manager, or to both such authorities, as it may see fit.

Sec. 911. – Reserved. Personnel board—Membership.

The personnel board shall consist of seven (7) members to be appointed by the City Council from the qualified electors of the City. None of the members shall be removed from office without reasonable and sufficient cause, in accordance with procedures as provided by ordinance. None of the members shall hold public office or employment in the city government or be a candidate for any other public office or position, be an officer of any local, state or national partisan political club or organization, or while a member of the personnel board or for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City.

Sec. 912. – Reserved. Same—Powers and duties.

The personnel board shall have power and be required to:

- (a) Hear appeals pertaining to the disciplinary suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the civil service; and as otherwise provided for in the civil service rules and regulations;
- (b) Consider matters that may be referred to it by the City Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;
- (c) By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the City Council, or to both such authorities, as it may see fit;
- (d) Conduct public hearings on all proposed amendments to or repeal of civil service rules and regulations in the manner as prescribed by ordinance, and advise the council of its findings in such matters within sixty (60) days.

Sec. 425. Reserved. – Disqualification due to campaign contributions.

A councilmember shall not participate in, no use his or her official position to influence, a decision of the City Council if it reasonably foreseeable that the decision will have a material financial effect, apart from its effect on the public generally or a significant portion thereof, on a recent major campaign contributor. As used herein, "recent major campaign contributor" means a person who has made campaign contributions totaling two

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hundred fifty dollars (\$250.00) or more to the councilmember of to any campaign committee controlled by the councilmember in the twelve-month period immediately preceding the date of the decision. The mayor is a councilmember for the purposes of this section.

Sec. 610. Reserved. - Funds—General fund; stabilization fund.

All money paid into the City treasury shall be credited to and kept in separate funds in accordance with the provisions of this charter, state law, or ordinance. For the purpose of this charter, the "General Fund" is established as a medium of control and accounting for City activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by this charter, state law, or ordinance pledged for special purposes shall be credited to the general fund.

The City Council shall maintain a revolving fund to be known as the "Stabilization Fund", for the purpose of placing the payment of running expenses of the City during the fiscal year on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five (5) months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible on a cash basis. All moneys so transferred from the stabilization fund shall be returned thereto before the end of the fiscal year.

Sec. 704. - Reserved. Director of finance; qualifications, powers and duties.

To become eligible for the position of director of finance, the person appointed by the City Manager shall be qualified to administer and direct an integrated department of finance. The director of finance shall have power and be required to:

- (a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;
- (b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded;
- (c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands, or other charges against the City, and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such charges;
- (d) Settle claims, demands, or other charges, including the issuing of warrants therefor;
- (e) Maintain general and cost accounting systems for the City government and each of its offices, departments, and other agencies; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of appropriations, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of the receipts and disbursements from each receiving and expending agency of the City government; to be made daily or at such intervals as he may deem expedient;
- (f) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the exact financial condition of the City, and, as of the end of each fiscal year, submit a complete financial statement and report;
- (g) Administer the license and business tax program of the City;
- (h) Direct treasury administration for the City, including the receiving and collecting of revenues and receipts from whatever source; have custody of all public funds belonging to or under the control of the City or any office, department, or other agency of the City government; and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, in compliance with all of the provisions of the state constitution and laws of the state governing the handling, depositing, and securing of public funds;
- (i) Direct centralized purchasing and a property control system for the City government under rules and regulations to be prescribed by ordinance.

Sec. 1107. - Reserved. Gifts to officers and employees prohibited.

It shall be unlawful for any person or organization that is financially interested in any decision pending action by any agency, officer or employee of the City, or in any contract to which the City is a party to make any gifts aggregating in value more than twenty-five dollars (\$25.00) in any one calendar month to any officer, or employee of the City. No person or organization shall be deemed to have a financial interest in a decision or contract by reason of any interest which is shared by a significant portion of the general public. No gift is unlawful which is similarly made or offered to a significant portion of the general public. Any person who makes, acts as the agent or intermediary in the making of, or arranges for the making of, any gift which is unlawful hereunder is guilty of a misdemeanor. Any officer or employee who receives any gift which he knows, or reasonably should know, is unlawful hereunder is guilty of a misdemeanor.



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Impartial Analysis City of Santa Ana Measure Z

Measure Z was put on the ballot by a vote of the Santa Ana City Council. The Measure calls for amendments to the Santa Ana City Charter to modernize and remove outdated language to reflect changes or conflicts in the City or State law concerning gifts and campaign contributions and designated City funds; create consistency in the Municipal Code regarding Boards and Commission; and move the qualifications for the Finance Director to the Municipal Code.

Measure Z amends Article IX of the City Charter entitled "Appointive Boards and Commissions." The amendment provides that the City Council shall establish appointive boards and commissions by ordinance and shall specify in such ordinance the powers and duties of each appointive board and commission. If Measure Z is approved by the voters, the appointive boards and commission can then be established by the City Council in the Municipal Code.

Measure Z repeals sections 425 and 1107 of the City Charter related to gifts and campaign contributions. The City Municipal Code contains Article IX entitled "Gifts to Public Officials."

Measure Z repeals section 704 of the City Charter regarding the qualifications, powers and duties of the Finance Director. The duties and powers of all other Executive Directors are contained in the Municipal Code.

Measure Z requires a majority of the Santa Ana voters that vote in the election on November 6, 2018 to approve the measure in order for it to become law. If approved, the Charter amendments would go into effect on December 7, 2018.

In summary:

A "YES" vote on the measure is a vote in favor of amending Article IX of the City Charter and repealing sections 425, 1107, and 704 of the City Charter.

A "NO" vote on the measure is a vote against amending Article IX of the City Charter and repealing sections 425, 1107, and 704 of the City Charter.

The above statement is an impartial analysis of Measure Z. If you desire a copy of the measure, please call the City Clerk at (714) 647-6250 and a copy will be mailed at no cost to you.

s/ Sonia Rubio Carvalho
Santa Ana City Attorney



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Argument in Favor of Measure Z

This measure is effectively a clean up of technical language in the City Charter. It will clarify sections that need updating without interfering with City operations in any noteworthy ways.

Some of the proposed changes would transfer information from the Charter to the Municipal Code, including the qualifications, powers, and duties of the Executive Director of Finance and the listing of three of the City's Boards and Commissions.

These technical adjustments are to ensure that all of the Executive Directors, and Boards and Commissions are listed in one place (the City's Municipal Code). They do not alter how the Executive Directors are selected or how Boards and Commission Members are appointed.

This measure will also update provisions in the City Charter related to City Council Campaign Contributions and Gift Limits so that they are not in conflict with State Law.

Voting YES on Measure Z will correct outdated language for greater clarity to the public and ensure consistency in the City's official practices. This measure was unanimously supported, without opposition, by the City Council.

s/ Juan Villegas
Council Member

s/ P. David Benavides
Councilmember

s/ Jose Solorio
City Council Member

No argument against this measure was submitted.