



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
April 1, 2025

TOPIC: Omnibus Amendments to Chapter 2 of the Santa Ana Municipal Code

AGENDA TITLE

Omnibus Amendments to Chapter 2 of the Santa Ana Municipal Code Including Meeting Frequency for the Personnel Board, Contracting Authority for the City Clerk and City Attorney, and Relying on State Law Regarding Campaign Contributions Effect on Proceedings Involving a License, Permit or other Entitlement for Use

RECOMMENDED ACTION

Approve the First Reading of an Ordinance of the City Council of the City of Santa Ana amending Chapter 2 of the Santa Ana Municipal Code as to Section 2-328 Regarding Meetings; Chairperson and Recording Secretary of Appointive Boards and Commissions, Adding Section 2-331.5 Regarding Meetings of the Personnel Board, Amending the Title of Article VII of Chapter 2, Amending Section 2-748 Regarding City Manager Contracting Authority, Adding Section 2-748 Regarding City Attorney and City Clerk Contracting Authority, and Repealing Section 2-107 Regarding Prohibited Campaign Contributions.

ORDINANCE NO. NS-XXXX entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE AS TO SECTION 2-328 REGARDING MEETINGS; CHAIRPERSON AND RECORDING SECRETARY OF APPOINTIVE BOARDS AND COMMISSIONS, ADDING SECTION 2-331.5 ENTITLED MEETINGS, AMENDING THE TITLE OF ARTICLE VII OF CHAPTER 2, AMENDING SECTION 2-748 REGARDING CITY MANAGER CONTRACTING AUTHORITY, ADDING SECTION 2-749 REGARDING CITY ATTORNEY AND CITY CLERK CONTRACTING AUTHORITY, AND REPEALING SECTION 2-107 REGARDING PROHIBITED CAMPAIGN CONTRIBUTIONS

GOVERNMENT CODE §84308 APPLIES: No

DISCUSSION

Section 2-328-Meetings; chairperson; recording secretary

Section 2-328 is part of Division 2 "Appointive Boards and Commissions" in Article IV "Officers, Departments, Boards and Commissions" in Chapter 2 of the Santa Ana Municipal Code ("SAMC"). Division 2 contains sections that are applicable to all City

Boards and Commissions. Section 2-328 addresses meetings, election of a chairperson and recording secretaries for all Boards and Commissions but also contains a provision specific to the Personnel Board which states that the Board will meet monthly provided that there is business on the agenda to come before it. This provision is being deleted and a new code section regarding meetings for the Personnel Board will be added to Division 3 which contains municipal code provisions specific to that Board.

Section 2-331.5- [New] Meetings

The City of Santa Ana Personnel Board was established by the City of Santa Ana Charter and Municipal Code. One of the Board's principal duties is to provide a final administrative review of disciplinary matters involving permanent employees of the City of Santa Ana who have been demoted, suspended, or dismissed/terminated from employment. The Board's appellate review is a full evidentiary hearing wherein the Board applies its independent judgment to the law, facts, and arguments presented in each case.

The duration of individual hearings varies. These proceedings include pre-hearing procedures, the evidentiary hearing, and Board deliberation and decision proceedings. Hearings are conducted in the evenings and require the coordination of many schedules due to the large number of individuals involved, including the employee/appellant and their representative(s), the City representative(s), City staff, the seven (7) Board members, Board counsel, witnesses, and a court reporter. Hearings take at a minimum twenty to twenty-five (20-25) calendar days to conclude; see attached Sample Timeline of an Appeal to the Personnel Board (Exhibit 1). However, the average case is heard over ten (10) – fourteen (14) evenings which will take eight (8) to twelve (12) months due to scheduling coordination.

The ordinance addition would change the Personnel Board meetings from a minimum of one meeting a month (assuming there is business before the Board) to a minimum of two meetings a month, on the second and fourth Thursdays of each month, provided the Board has business. This will facilitate advance scheduling and a more efficient execution of the Personnel Board appeals by establishing a minimum of two (2) evenings per month available for hearing appeals. The Personnel Board has met on this issue and identified that they prefer the second and fourth Thursdays of the month as Regular Meeting dates. Establishing the Regular Meeting dates does not preclude the Personnel Board from meeting more often while hearing an appeal.

Sections 2-748 and 2-749 [New] City Manager, City Clerk, and City Attorney Contracting Authority

On November 5, 2024, the voters approved a Charter amendment to provide contracting authority to the City Clerk and City Attorney based upon the purchasing policies and dollar limitations established for the City Manager or at such other amounts adopted by the City Council. A municipal code amendment is proposed to implement such contracting

authority and to make clarifying revisions to provisions of the code that address the City Manager's contracting authority.

Section 2-107 Prohibited Campaign Contributions

Effective January 1, 2023, SB 1439 removed the exception for local government agencies relating to the Levine Act provisions of the Political Reform Act of 1974. It was thereafter amended by SB 1243 effective January 1, 2025 increasing the threshold of campaign contributions from \$250 to \$500 and making additional amendments related to contract exclusions, an extended cure period, agent contributions and the definition of a "participant." The Levine Act prohibits an officer of an agency from accepting, soliciting, or directing a contribution of more than \$500 from any party, participant, or a party or participant's agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is made in the proceeding.

SAMC Section 2-107 provides in pertinent part that "[n]o councilmember or any campaign committee controlled by the councilmember shall solicit or accept any campaign contribution or loan of two hundred fifty dollars (\$250.00) or more from any person for a period of three (3) months following the date a final decision is rendered in any proceeding before the council involving a license, permit, or other entitlement, if the councilmember knows or has reason to know that the person had a financial interest in the proceeding." The Levine Act covers the same conduct as set forth in SAMC Section 2-107 over a longer period of time but with a \$500 threshold rather than the \$250 threshold of the SAMC. Section 2-107 only covers three months following the date of a final decision while the Levine Act covers twelve months after the date of the final decision. It is proposed to repeal Section 2-107 and to default to the Levine Act under state law.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

Sections 2-328 and 2-331.5- Frequency of Personnel Board Meetings

The estimated cost of the additional meeting per month is \$16,200 from the General Fund for the remainder of FY 24/25. The estimated cost of the additional meeting per month totals \$64,800 from the General Fund for FY 25/26. These funds are already budgeted for in the Human Resources General Fund account in the current fiscal year. The proposed FY25/26 budget will include sufficient recurring allocations for two meetings per month.

Account	Fiscal Year	Estimated Amount
01109050 62300 Contracted Services – Professional	24/25	\$13,575
01109050 62302 Contracted Services – Personnel	24/25	\$2,100
01109050 63001 Miscellaneous Operating Expenses	24/25	\$525

	Total 24/25	\$16,200
01109050 62300 Contracted Services – Professional	25/26	\$54,300
01109050 62302 Contracted Services – Personnel	25/26	\$8,400
01109050 63001 Miscellaneous Operating Expenses	25/26	\$2,100
	Total 25/26	\$64,800

Sections 2-748 and 2-749 [New] City Manager, City Clerk, and City Attorney Contracting Authority

There is no fiscal impact associated with this action. All contracts entered into pursuant to the City Clerk's and City Attorney's contracting authority would be taken from already budgeted accounts.

Section 2-107 Prohibited Campaign Contributions

There is no fiscal impact associated with this action. There are no expenditure of funds associated with this Section or repealing this Section.

EXHIBIT(S)

1. Timeline
2. Ordinance

Submitted By: Sonia Carvalho, City Attorney

Approved By: Alvaro Nuñez, City Manager