

ORDINANCE NO. NS-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SANTA ANA MUNICIPAL CODE CHAPTER 2, ARTICLE IV DIVISIONS 2-9 TO REQUIRE BOARD AND COMMISSION MEMBERS TO BE RESIDENTS OF THE CITY INSTEAD OF QUALIFIED ELECTORS

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares that the City of Santa Ana desires to remove barriers that prevent active participation by all City residents in City government. Consistent with this philosophy is the inclusion of all residents of the City for consideration for appointment to the City's Boards and Commissions. As a result and to be consistent with SB 225, the City Council of the City of Santa Ana has directed removal of the requirement that Board and Commission appointees be a "qualified elector" of the City. Instead, Board and Commission appointees will be required to be a resident of the City.

Section 2. The Santa Ana City Council hereby amends Chapter 2, Articles IV, Divisions 2-9 of the Santa Ana Municipal Code as follows (additions are in red and underlined, deletions are stricken):

CHAPTER 2 - ADMINISTRATION

ARTICLE IV. - OFFICERS, DEPARTMENTS, BOARDS AND COMMISSIONS

DIVISION 2. -APPOINTIVE BOARDS AND COMMISSIONS

Sec. 2-325. - Compensation for members of boards, commissions.

1. The members of the following boards and commissions of the city shall receive the compensation as set forth herein:
 - (a) *Community Development and Housing Commission.* Fifty dollars (\$50.00) per meeting, three (3) meetings maximum per month, plus twenty dollars (\$20.00) per month automobile allowance.
 - (b) *Personnel Board.* Fifty dollars (\$50.00) per meeting.
 - (c) *Planning Commission.* Fifty dollars (\$50.00) per meeting, three (3) meetings maximum per month, plus fifty dollars (\$50.00) per month automobile allowance.

- (d) *Historic Resources Commission*. Fifty dollars (\$50.00) per meeting, two (2) meetings maximum per month.
 - (e) *Parks, Recreation and Community Services Commission*. Fifty dollars (\$50.00) per meeting, two (2) meetings maximum per month.
 - (f) *Environmental and Transportation Advisory Commission*. Fifty dollars (\$50.00) per meeting, two (2) meetings maximum per month.
 - (g) *Youth Commission*. One (1) meeting per month, three (3) special meetings maximum per year with the compensation of fifty dollars (\$50.00) per meeting.
 - (h) *Arts and Culture Commission*. Each commission member shall receive a maximum compensation in the amount of \$50.00 for attendance at one regular meeting per month.
2. The members of the appointive boards and commissions may receive reimbursement for necessary traveling and other expenses when on official duty of the City when such expenditure has been appropriated by the City Council and authorized by the board or commission and subject to rules and regulations prescribed by ordinance or order of the City Council.

Sec. 2-326. – Appointments, removals, vacancies, term

- a) Except as otherwise specified in the 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 and commissions having at least seven (7) members, the City Council shall select seven (7) members from nominations made by the council member (or 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 the charter, or by the City Council from time to time. 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 councilmember, this rule may be waived by a 2/3 vote for 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 arising from whatever cause shall be filled in the same manner. Upon a vacancy occurring leaving an unexpired portion of the term, any appointment to fill such a 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 the Charter.

- c) If a member of a board or commission absents himself or herself 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 (1/2) 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 resident of the City ~~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 or qualified, but in no event shall any persons 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 two (2) year term which coincides with that of the Mayor, and which shall be limited to four (4) consecutive terms. Short or partial terms (as defined for City Council in Section 401 of the 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) For boards and commissions with at least seven (7) members, the City Council shall designate six (6)- 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 2-326.

Except for purposes of the fifty-percent (50%) nomination rule in subsection (a) above, residency in that ward is not required.

Sec. 2-327. –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. 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. 2-328. –Meetings; chairperson; recording secretary.

The election of each chairperson and vice-chairperson 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 chairperson or vice-chair person, shall elect one of its members for the unexpired term. The chairperson shall have the responsibility for informing the City Council of board, commission, or committee actions or inactions and the reasons therefore.

The City Manager or his or her designee 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 the charter, this code, 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.

Sec. 2-329. – Reserved.

DIVISION 3.- PERSONNEL BOARD

Sec. 2-330. –Personnel board-Membership.

The personnel board shall consist of seven (7) members to be appointed by the City Council from the ~~qualified residents 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 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 period of one (1) year after he or she 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. 2-331.-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. 2-332. –Attendance of witnesses; oaths and affirmations.

The personnel board 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 the personnel board shall have the power to administer oaths and affirmations in any investigation or proceeding pending before it.

DIVISION 4.- PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION

Sec. 2-333. Parks, Recreation, and Community Services Commission--Membership.

The members of the parks, recreation, and community services commission shall be appointed from the qualified residents electors for the City. Seven (7) members shall be appointed as required by section 2-326 of this code.

Sec. 2-334.-Same-Powers and duties.

The parks, recreation and community services commission shall have the power and duty to:

- a) Act in an advisory capacity to the City Council in matters pertaining to the acquisition, capital improvements, rehabilitation and maintenance of parks and recreational, cultural, zoo and facilities;
- b) Act in an advisory capacity and consider the proposed annual budget for the Parks, Recreation, and Community Services Agency and make recommendations to the City Manager and/or City Council;
- c) Act in an advisory capacity to the City Council in recommending policies and/or legislation on all matters pertaining to parks, recreation and community services;
- d) Perform such other duties as may be directed by the City Council;
- e) Act in an advisory capacity and provide a recommendation 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 parks programs; and additionally, it shall make recommendations on the sale, transfer, or usage of existing or future park property; and
- f) The commission shall report annually to the City Council on its goals and accomplishments.

Sec. 2-335-2-349. Reserved.

DIVISION 5 - PLANNING COMMISSION

Sec. 2-350. - Establishment.

There is created and established a planning commission for the city pursuant to Santa Ana city Charter section 900.

Sec. 2-350.1 –Planning commission-Membership.

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

Sec. 2-350.2 –Planning commission- Powers and duties

The planning commission shall have the 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; and
- 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. 2-351. - Meetings.

The planning commission shall meet at dates and times as set forth in its bylaws.

Sec. 2-352. -Reserved.

Sec. 2-353. - Committees.

The chairperson of the planning commission shall appoint as needed such temporary or standing committees for the study, investigation and report of particular matters as may be helpful in carrying out the responsibilities of the commission.

Sec. 2-354. - Reserved.

Sec. 2-355. - Director's duties.

It shall be the duty of the Executive Director of planning and building safety as chief administrative officer of the planning department of the city to make or cause to be made such investigations, studies, drawings, maps and reports and recommendations as requested by the planning commission in the furtherance of its transactions. In addition, the planning director shall report to the planning commission all information and data available to him or her which can be of assistance to the deliberations of the commission and shall advise and recommend to the commission on all technical matters relating to city planning.

Sec. 2-356. - City administrative officials' duties.

It shall be the duty of all officials of the city to furnish to the planning commission within a reasonable length of time any information available to such officials as may be requested by the commission and required by it for the effective carrying out of its responsibilities.

Sec. 2-357. - Submission of capital improvement plans.

On or before the first day of March in each year each city officer, department, office, board, commission or other city agency whose functions include recommending, preparing plans for or constructing public capital improvements shall submit to the planning director, as the agent for the planning commission, a list of capital improvements proposed by such officer or agency for planning, initiation or construction during the ensuing fiscal year.

Sec. 2-358. - Report to council on capital improvement schedule.

On or before the fifteenth day of May of each year the planning commission shall submit a report to the city council which shall contain any revisions recommended by it in the capital improvement program, as required by section 2-357 of this Code, and shall also contain the comments and recommendations of the commission regarding the capital improvements proposed by the various officers and agencies of the city as provided for in section 2-357.

Sec. 2-359. - Appeals from decisions of the building official.

The planning commission shall also hear appeals from the decisions of the building official in accordance with section 8-4 of this Code.

Sec. 2-360. –Attendance of witnesses; oaths and affirmations

The planning commission, when hearing appeals from the decision of the building official, 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 the planning commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before it.

Secs. 2-361—2-369. - Reserved.

DIVISION 6. - HISTORIC RESOURCES COMMISSION

Sec. 2-370. - Establishment.

There is created and established a historic resources commission for the city pursuant to and in accordance with the provisions of city Charter section 900.

Sec. 2-371. - Members.

The historic resources commission shall consist of nine (9) members. Seven (7) members shall be subject to appointment and removal and shall serve terms in accordance with section 2-326 of this Code. The remaining two (2) members shall be ex officio representatives from the planning commission and the community development commission, with one (1) member from each commission. Commission members should possess an expertise and experience in the disciplines of architecture, history,

architectural history, planning or other historic preservation related disciplines, such as urban planning, to the extent that such professionals are available in the community.

Sec. 2-372. - Meetings.

The historic resources commission shall meet at dates and times specifically set out and established in the bylaws of the commission.

Sec. 2-373. - Director's duties.

It shall be the duty of the executive director of the planning and building safety , as chief administrative officer of the planning department of the city, to make or cause to be made such investigations, studies, drawings, maps and reports and recommendations as requested by the historic resources commission in the furtherance of its transactions. In addition, the executive director of the planning and building safety shall report to the historic resources commission all information and data available to him or her which can be of assistance to the deliberations of the commission and shall advise and recommend to the commission on all technical matters to historic preservation.

Sec. 2-374. - Powers and duties.

The historic resources commission shall have the following powers and duties:

- (a) Consider all matters that may be referred to it by the city council or the city manager and shall render its recommendations, counsel and advice in regards thereto;
- (b) Carry out those duties enumerated in chapter 30 of this Code regarding places of historical and architectural significance;
- (c) Advise and make recommendations to the city council on applications for properties to be included in financial incentive programs participated in by the city for the preservation of historic resources;
- (d) Advise and make recommendations to the planning commission, city council and other city boards and commissions regarding historical projects and property;
- (e) Recommend to the city council policies and regulations regarding the protection, reuse and rehabilitation of historical property;
- (f) Recommend to the city council programs for the protection, retention and use of historic resources including utilizing federal, state, local and/or private funding sources and mechanisms, such as Certified Local Government Program, Mills Act Contracts, and the state Historic Building Code;
- (g) Recommend to the city council programs that confer recognition upon the owners of designated historic resources;
- (h) Encourage public understanding and involvement in historic and architectural heritage.

Secs. 2-375—2-449. - Reserved.

DIVISION 7. – YOUTH COMMISSION

Sec. 2-450. - Commission established; composition.

There is hereby created and established a youth commission for the City of Santa Ana, having such powers as set forth in this division. The youth commission shall consist of seven (7) regular members who shall be subject to appointment and removal pursuant to Section 2-326 of this Code. No member of the commission shall hold any paid office or be employed in the City government.

Sec. 2-451. - Requirements of membership.

Each member of the youth commission shall be a student enrolled and attending school in 7th through 12th grades, as well as a resident of the City of Santa Ana. Members shall consist of up to seven voting members, all residents of the City of Santa Ana. Should any member cease to reside within the City of Santa Ana, or cease to be a student enrolled and attending a school his/her office shall automatically be vacated.

Sec. 2-452. - Director's duties.

It shall be the duty of executive director of the parks, recreation and community services agency, and/or his/her designee, to report to the youth commission all information and data available to him/her which can be of assistance to the deliberations of the commission and shall advise the commission on any issues on which they require assistance and/or guidance.

Sec. 2-453. - Meetings.

The youth commission shall meet at dates and times set forth in the bylaws. The bylaws shall be approved by the City Council.

Sec. 2-454-2-455. Reserved.

Sec. 2-456. - Organization.

The commission shall elect from its members a chairperson and vice chairperson, each of whom shall serve in such position for the term of one (1) year. No member shall serve in the position of chairperson for more than one (1) term.

Sec. 2-457. - Responsibilities and duties of commission.

The youth commission shall have the following responsibilities and duties:

- (a) Act in an advisory capacity to the City Council in matters pertaining to youth and teen services, programs, and cooperation with other public and/or private agencies;
- (b) Act in an advisory capacity and consider the proposed annual budget for the Parks, Recreation and Community Services Agency and make recommendations regarding youth services to the City Manager and/or City Council;
- (c) Act in an advisory capacity to the City Council in recommending policies and/or legislation for improving the position of the youth in the City of Santa Ana; and
- (d) Perform such other duties as may be directed by the City Council.

Secs. 2-458—2-549. - Reserved.

DIVISION 8. - ARTS AND CULTURE COMMISSION

Sec. 2-550. - Establishment.

There shall be created, constituted and established a Santa Ana Arts and Culture Commission.

Sec. 2-551. - Members.

The arts and culture commission shall consist of seven (7) members. Members of the commission should be persons who are concerned about arts and cultural issues in the city and should be persons who have professional expertise or substantial volunteer involvement in the following areas: Visual, performing or literary arts; architecture, design or urban planning; education; history; science; film; or arts and cultural institution management. The commissioners shall be subject to appointment and removal and shall serve terms in accordance with section 2-326 of this Code.

Sec. 2-552. – Meetings.

The arts and culture commission shall meet on dates and times as established in the bylaws of the commission.

Sec. 2-552.5 - Duties of the city manager.

It shall be the duty of the city manager or his or her designee to provide staff support to the arts and culture commission and provide data, materials and resources which can be of assistance to the deliberations of the commission and shall advise and recommend to the commission on all technical matters.

Sec. 2-553. - Powers and duties.

The arts and culture commission shall have the following powers and duties:

- (a) The commission shall act as an advisory body to the city manager and the city council and make recommendations regarding but not limited to:

- (1) Policies, priorities and plans for the development and improvement of arts and cultural activities in Santa Ana, and, in conjunction with other appropriate agencies, in the greater Santa Ana area.
 - (2) Coordinating with the private sector and other governmental agencies in promoting arts and cultural excellence as a tool for the encouragement of economic development, business relocation and tourism.
 - (3) Organizing and promoting activities which celebrate the city and its unique cultural heritage.
 - (4) Allocation and budgeting of funds for arts and cultural funding.
 - (5) Payments for the design, execution and placement of public art projects, within established appropriations for the art projects.
 - (6) Encouraging the use of local artists in city public art projects.
 - (7) Guidelines for accepting, selecting, purchasing, commissioning, placing and preserving art projects and other city art acquisitions, gifts or extended loans of art.
 - (8) Deaccessioning of artworks, when necessary.
- (b) The commission shall advocate for arts education, cultural diversity, and other initiatives that further the growth and sustainability of the arts and cultural community in Santa Ana area.
 - (c) The commission shall have such other powers and duties as may be appropriate in carrying out the purposes and goals of this division and as set forth in reports or recommendations adopted by the city council.
 - (d) The commission shall consider matters referred to it by the city manager or the city council.

DIVISION 9. - ENVIRONMENTAL AND TRANSPORTATION ADVISORY COMMISSION

Sec. 2-554. –Environmental and transportation advisory commission

1. On December 2, 1991, the city council created and established under city council Resolution No. 91-112 the environmental and transportation advisory committee for the City of Santa Ana. This body shall now be known as the environmental and transportation advisory commission (ETAC). The environmental and transportation advisory commission shall be comprised of nine (9) members who shall be ~~qualified residents electors~~ of the city. The provisions of section 2-326 of this code shall govern the appointment, removal and terms of the members of ETAC and the existence of vacancies on ETAC Membership in ETAC may include (1) member who shall be nominated by the Santa Ana Chamber of Commerce and approved by a majority of the City Council and one (1) member

nominated by the Santa Ana Hispanic Chamber of Commerce and approved by the City Council within the nine (9) member limit. The members nominated by the Chambers need not be qualified residents electors of the city. Effective January 1, 2021, the members nominated by the Santa Ana Chamber of Commerce and the Hispanic Chamber of Commerce are limited to one, four (4) year term.

2. ETAC meetings and procedures shall be resolved and detailed in separately adopted by-laws.

Sec. 2-555. –Same-Duties and responsibilities.

1. The duties of ETAC shall consist of acting in an advisory capacity to the city council in the study, review, and recommendations with regard to the removal, planting, replanting or disposition of public trees in the public right of way. ETAC shall review and make recommendations regarding requests for public tree removal by individual property owners, neighborhood associations, or developers. The ETAC shall make recommendations on designated species for specific streets and neighborhoods.
2. ETAC will assist in the dissemination of news and information regarding the protection, maintenance, removal and planting of public trees on public property to the city council and citizens of the City of Santa Ana.
3. ETAC, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matters of question coming within the scope of the urban forest.
4. The duties of ETAC shall also consist of acting in an advisory capacity to the city council, in the study, review, and recommendation related to master planning of transportation and streetscape matters, and guiding principles on Water and Wastewater matters.
5. The ETAC shall provide general input regarding the City's Circulation Element, the Bicycle and Pedestrian Master Plans, and Citywide Complete Streets, and advice on major surface transportation programs. ETAC may also provide input on street environment, streetscape, and right of way aesthetics.

Secs. 2-556—2-599. - Reserved.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any

court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. This ordinance shall become effective thirty (30) days after its adoption.

Section 5. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of March, 2021.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-XXX to be the original ordinance adopted by the City Council of the City of Santa Ana on March _____, 2021 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Daisy Gomez
Clerk of the Council