



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
April 5, 2022

TOPIC: City Charter

AGENDA TITLE:

Charter Review Ad Hoc Committee Informational Report

RECOMMENDED ACTION

Accept informational report and provide direction to staff.

DISCUSSION

Introduction

This report provides background information relating to recent proposals to amend the City Charter (the "Charter"), share the Charter Review Ad Hoc Committee's progress to date, and create an opportunity for the City Council to discuss and provide direction to staff for follow-up.

About the Charter

The City of Santa Ana is governed through a Charter authorized by the California Constitution. The Charter is a vital document which establishes a degree of autonomy to local governments and outlines certain authority and restrictions the City has over municipal affairs. The Charter addresses important aspects of Santa Ana's authority. The original Charter of the City of Santa Ana was adopted by the voters on 1952. Modifications to the original document have been approved by the voters on several occasions, with the last major amendment occurring as part of the November 8, 2018 General Municipal Election.

2020 Charter Review Ad Hoc Committee

From January to May 2020, an ad hoc committee of the City Council (the "2020 Ad Hoc Committee") met to explore proposals to amend the Charter. After a series of 11 meetings, and based upon feedback from City staff and the public, the ad hoc committee prepared 17 proposed Charter amendments (Exhibit 1). The proposed amendments consisted of administrative clean-up items and various policy issues from the then-seated members of the City Council. Ultimately, the City Council decided to not take any action.

About the 2022 Charter Review Ad Hoc Committee

In December 2021, Mayor Sarmiento established the 2022 Charter Review Ad Hoc Committee (the “2022 Ad Hoc Committee”), composed of Councilmembers Mendoza, Penalosa, and Phan) to explore possible Charter amendments to be considered as part of the November 8, 2022 General Municipal Election. In addition to reviewing the 17 proposed Charter amendments from the 2020 Ad Hoc Committee, the 2022 Charter Review Ad Hoc Committee members will be examining the following topics: (1) current City Council policy matters; and (2) a proposal to prohibit the use of all fireworks. It is important to note that in addition and separate to the work of the 2022 Ad Hoc Committee, the Police Oversight Ad Hoc Committee is considering establishing a police oversight board/commission, which could include an amendment to the Charter. If so, that recommendation would come from the Police Oversight Ad Hoc Committee and would not be considered by the 2022 Ad Hoc Committee.

2022 Charter Review Ad Hoc Committee Recommendations

The 2022 Charter Review Ad Hoc Committee will be preparing three sets of recommendations to the City Council: (1) recommendations to reconsider 16 of the 17 Charter amendments originally proposed by the 2020 Ad Hoc Committee; (2) a recommendation whether or not to prohibit the use of all fireworks; and (3) any new proposals to amend the Charter based upon policy issues from the current City Council. This report includes recommendations relating to the first item (reconsider previous proposed Charter amendments). Staff will return to the City Council at a future meeting with separate informational reports that will outline a recommendation relating to the prohibition on the use of fireworks, as well as any new proposals (City Council policy matters) from the 2022 Ad Hoc Committee to amend the Charter.

Recommendation: Reconsider 16 of the 17 Charter Amendments Proposed by the 2020 Ad Hoc Committee.

Below is an overview of 16 of the 17 Charter amendments that were originally proposed by the 2020 Ad Hoc Committee, all of which the 2022 Ad Hoc Committee recommends that the City Council move forward for the November 8, 2022 General Municipal Election.

	Proposed Charter Amendment	Purpose / Reason for Amendment
1	Section 400: Number, Selection and Term of Members	Clarifies when new councilmembers are sworn in
2	Section 404: Presiding Officer, Mayor	Moved term limit provisions from this section to Section 401.01 (new)
3	Section 401.05 (new): Code of Ethics and Conduct	Clarifies the applicability of the Code of Ethics and Conduct to include elected officials, the City Attorney, City Manager, Clerk of Council, Police Chief, and directors of all City departments
4	Section 405: Mayor Pro Tem	Clarifies when the selection of the mayor pro tem shall occur

5	Section 406: Council Judge of Elections and Qualifications of Members	Adds “or at a special meeting”
6	Section 413: Adoption (Ordinances)	Adds “resolutions” to title; clarifies effective date and who can sign, and provides that ordinances amended after the first reading must be re-introduced to be consistent with state law
7	Section 613: Claims—Formalities; Treasury Warrants	Finance recommends revising this section to streamline the process for paying invoices. The prescribed process in the Charter is outdated.
8	Section 1000: Civil Service System	Revises equal opportunity provisions; adds “with concurrence of the City Council” relating to the civil service rules
9	Section 1002: Civil Service and Excepted Service	Administrative clean-up; revisions to ensure compliance with CalPERS rules and other applicable laws and regulations
10	Section 1010: Prohibitions	Updates anti-discrimination provision and adds a provision requiring that the City Council adopt an anti-nepotism policy
11	Section 1011: Contract for Performance of Administrative Functions	Changes “personnel” to “human resources”
12	Section 1014: Work Stoppages	Removes this section in its entirety
13	Section 1208: Enforcement	Allows that the City to contract with a State or County entity to enforce the provisions of this section
14	Section 1400: Employees’ Retirement System	Revisions to be consistent with revisions in Section 1002
15	[various]	Replaces gender-specific language with gender-neutral language
16	[various]	Replaces "clerk of the council" with "city clerk"

The text relating to each proposed Charter amendment (Exhibit 1) is attached to the staff report.

Timeline to Submit Charter Amendments for the November 2022 General Election

In the event that the City Council decides to submit one or more proposed Charter amendments to the voters at the General Municipal Election on November 8, 2022, and to ensure sufficient time to prepare all the necessary documents and provide for a ballot argument process, the City Council must make the decision relative to submitting ballot measures by no later than the June 7, 2022 City Council meeting. Specifically, by the June 7, 2022 meeting, the City Council must accomplish the following:

- Adopt a resolution calling for the placement of a ballot measure regarding proposed Charter amendment(s) (§9280, 9282);
- Request that the Orange County Board of Supervisors consolidate with the Statewide General Election;

- Authorize the filing of direct arguments and rebuttals designating up to five (5) Councilmembers to author an Argument and Rebuttal statement;
- Direct the City Attorney to prepare an impartial analysis (§ 9280); and
- Direct the Clerk of the Council to publish legal notices as required by law.

The Clerk of the Council has prepared a detailed calendar of deadlines relating to adding ballot measures to be considered at the November 8, 2022 General Municipal Election (Exhibit 2).

Options for Consideration by the City Council

The City Council has the following options to consider relating to this item:

1. Concur with the 2022 Ad Hoc Committee regarding the proposed Charter amendments 1 through 16; or
2. Review the proposed Charter amendments 1 through 16 and direct staff to prepare revised proposed Charter amendments 1 through 17 as discussed; and
3. Direct City Attorney and Clerk of the Council to prepare necessary documents to place any of the proposed Charter amendments on the ballot for November 3, 2020 General Election.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Proposed Charter amendments text (redline / track changes)
2. Calendar of Deadlines

Submitted By: Kristine Ridge, City Manager

Approved By: Kristine Ridge, City Manager