



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
July 19, 2022

TOPIC: Proposed Voter Ballot Measure(s) for the November 8, 2022 General Municipal Election to Amend the City Charter

AGENDA TITLE:

Discuss and Provide Direction Regarding One or More Proposed Voter Ballot Measures to Amend the City Charter as Recommended by the Charter Review Ad Hoc Committee

RECOMMENDED ACTION

Discuss and provide direction regarding one or more proposed voter ballot measures for the November 8, 2022 General Municipal Election to amend the City Charter, as recommended by the Charter Review Ad Hoc Committee, as follows: to clarify when the term of mayor or councilmember is to begin; consolidate term limit provisions into one section; expand the applicability of the code of Ethics and Conduct and prescribe a procedure to report allegations of violation; clarify when the City Council may be the judge of elections; clarify the process for the adoption of resolutions and ordinances; streamline the process for claims and payments; update Civil Service provisions to be consistent with state and applicable laws; update anti-discrimination provisions to be consistent with federal and applicable laws; require the City to adopt a nepotism policy; change the name of a City department; eliminate work stoppage provisions to be consistent with state and applicable laws; allow enforcement of campaign contribution and campaign committee provisions by a state or county entity; replace gender-specific pronouns with gender-inclusive pronouns; change the title of a City official; adjust the Mayor's term from four two-year terms to two four-year terms; impose a lifetime ban relating to the term of Mayor and member of the City Council by removing the eight-year cooling-off provision; increase the salary of the Mayor and members of the City Council; and change the voting approval requirements to require a two-thirds vote of the City Council to adopt the City budget.

DISCUSSION

At the April 5, 2022 City Council meeting, staff presented 16 proposed Charter amendments for the November 8, 2022 General Municipal Election, as recommended by the Charter Review Ad Hoc Committee, to the City Council. The City Council concurred with the Charter Review Ad Hoc Committee's recommendation and directed staff to prepare the necessary documents required to prepare voter ballot measures for these 16 proposed amendments. At this same meeting, members of the City Council introduced

the following four topics: term limits for the Mayor and members of the City Council; a lifetime ban that would limit the Mayor and members of the City Council once they have reached their term limits; increasing the compensation of the Mayor and members of the City Council; and changing the voting requirement to approve the City budget.

On June 29, 2022, members of the Charter Review Ad Hoc Committee met to discuss in detail the following four topics: revising the term of Mayor from four two-year terms to two four-year terms, beginning in 2024; limiting the term of the Mayor and members of the City Council so that once they have reached their term limits they would no longer be eligible to serve (and removing the eight-year cooling off period), either (1) increasing the compensation of the Mayor and members of the City Council so that the Mayor's salary would equal 66 percent the salary of a Superior Court judge of the State of California and the councilmembers' salary would equal 66 percent of the Mayor's salary or (2) providing for increases to their salaries according to the change in the Consumer Price Index for All Urban Consumers; and changing the voting requirement to approve the City budget from a majority of the City Council to a two-thirds vote of the City Council.

These proposed Charter amendments, as recommended by the Charter Review Ad Hoc Committee, are summarized below.

Summary of Proposed Charter Amendments

Section 400: Number, Selection and Term of Members

The current Charter states that the term of each councilmember, including the mayor, shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results. This amendment clarifies that term of each councilmember, including the mayor, shall begin at 6:00 p.m. on the first regularly scheduled City Council meeting or at a special City Council meeting following certification of election results.

Section 401.01: Term Limits (new section)

This amendment removes term limit provisions for the mayor and councilmember, from Sections 404 and 401, respectively, and restates those term limit provisions in their entirety into a new Section 401.01 of the Charter. The purpose of this amendment is to reorganize all provisions relating to term limits into one new section.

Section 401.05: Code of Ethics and Conduct (new section)

The current Charter states that the City shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of the City. This amendment expands 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. Furthermore, this amendment prescribes a process for documenting

alleged violations of the Code of Ethics and Conduct in writing to the City Council, as well as a procedure for the City Council to review such alleged allegations.

Section 405: Mayor Pro Tem

The current Charter provides that at the first City Council meeting following any general or special election when councilmembers, including the mayor, are elected, the City Council shall elect a mayor pro tem. This amendment clarifies that the election of the mayor pro tem shall occur each calendar year at the first City Council meeting in January. Furthermore, this amendment clarifies that the mayor pro tem from the previous year cannot be elected as mayor pro tem for the following year, and that the mayor pro tem may be replaced by the affirmative votes of four members of the City Council.

Section 406: Council Judge of Elections and Qualifications of Members

This section declares that the City Council shall be the judge of the election and of the qualifications of its member(s) as defined in Section 401, and shall meet on the first regularly scheduled City Council meeting following certification of election results to declare such election results and install members. This amendment provides that the City Council may also meet at a special City Council meeting to do the same.

Section 413: Adoption (Ordinances)

The current Charter provides a procedure for the adoption of ordinances. This amendment adds resolutions as part of this procedure, as well as clarifies the following: that ordinances may not be amended after the first reading, and that if an ordinance is amended after the first reading, that it must be re-introduced to be consistent with state law; that a resolution or ordinance must be signed as soon as possible, but no later than 72 hours following its adoption; and that if the mayor does not sign a resolution or ordinance, that the mayor pro tem or any councilmember who voted to approve such ordinance or resolution may sign instead.

Section 613: Claims— Formalities; Treasury Warrants

The process for claims as prescribed in the Charter is outdated. This amendment revises this process to streamline the claims and payment process.

Section 1000: Civil Service System

This amendment revises the equal opportunity provisions to clarify that civil service rules and regulations shall provide for such matters as the City Council and Personnel Board may deem necessary, and clarifies that these matters shall be determined with concurrence of the City Council.

Section 1002: Civil Service and Excepted Service

This amendment provides administrative clean-up revisions to ensure compliance with CalPERS rules and other applicable laws and regulations.

Section 1010: Prohibitions

This amendments updates the Charter's anti-discrimination provisions, as well as requires that the City Council adopt an anti-nepotism policy.

Section 1011: Contract for Performance of Administrative Functions

In 2018, the City Council adopted a resolution changing the name of the Personnel Services Agency to the Human Resources department. To be consistent with these organizational changes, this amendment replaces the word "personnel" to "human resources".

Section 1014: Work Stoppages

Removes this section in its entirety to be consistent with state law and other applicable laws and regulations.

Section 1208: Enforcement

Section 1206 prescribes rules relating to campaign contribution limits for candidates for mayor or councilmember. Section 1207 prescribes rules relating to campaign committees and bank accounts. Section 1208 provides enforcement provisions relating to Sections 1206 and 1207. This amendment allows that the City to contract with a state or county entity to enforce such provisions.

Section 1400: Employees' Retirement System

This amendment revises the in-text references to Section 1002 to be consistent with the proposed revisions in Section 1002 relating to Civil Service.

Gender Pronouns (various sections)

Throughout the current Charter, references to City officials use gender-specific pronouns such as he/his/him or his or her. This amendment replaces gender-specific pronouns with they/them to be more inclusive. This change aligns with the contemporary use of pronouns relating to gender.

Clerk of the Council Title (various sections)

The Clerk of the Council intends to replace the title "clerk of the council" with "city clerk" to modernize and better identify this position.

Section 401: City Council Compensation

The Charter currently provides that the salaries of the Mayor and members of the City Council shall be established by the city council compensation formula provided for by California Government Code Section 36516. This compensation formula established the compensation of the Mayor and members of the City Council according to the population

size of the City. Currently, the salary of the Mayor and members of the City Council is \$1,000 monthly. Additionally, the Charter provides that no increase in compensation for the Mayor and members of the City Council shall be permitted without a vote of the electorate of the City of Santa Ana pursuant to a future Charter amendment.

At the June 29, 2022 Charter Review Ad Hoc Committee meeting, the members discussed two options relating to amending this section to increase the compensation of the Mayor and members of the City Council as follows: (1) increasing the compensation of the Mayor and members of the City Council so that the Mayor's salary would equal 66 percent the salary of a Superior Court judge of the State of California and the councilmembers' salary would equal 66 percent of the Mayor's salary; or (2) providing for increases that are commensurate with the Consumer Price Index for All Urban Consumers ("CPI-U") for the Los Angeles, Riverside, Orange County, CA area.

According to the California State Controller's website, a Superior Court Judge's maximum base salary is \$214,601. Sixty-six percent of this amount is \$141,636.66, and 66 percent of that amount is 93,480.20.

The Consumer Price Index is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. CPI will vary, depending upon the time period that is being reviewed.

Section 607: Budget Adoption

This amendment would change the voting requirement to approve the City budget from a majority of the City Council to a two-thirds vote of the City Council. This change would be consistent Section 609 relating to the two-thirds voting requirement to appropriate City funds.

Sections 400, 401, 404, or Proposed New Section 401.01)

The Charter Review Ad Hoc Committee directed staff to prepare a proposed Charter amendment to do the following: (1) adjust the Mayor's term from four two-year terms to two four-year terms (section 404); (2) impose a "lifetime ban" by removing the eight-year cooling-off provision (sections 401 and 404); and (3) tying the beginning of the term of Mayor to 2024 to coincide with the presidential election (section 404).

The full text of each of the Charter amendments is attached to this staff report as Exhibit 1.

Next Steps

At this time, staff is seeking direction from the City Council to identify which, if any, proposed Charter amendments to move forward for the November 8, 2022 General Municipal Election. Each proposed Charter amendment would need to be prepared as a

single voter ballot measure. The Clerk of the Council estimates that each voter ballot measure costs \$100,000.

At the direction of the City Council, staff will return to the City Council at the August 2, 2022 City Council meeting with a resolution calling for the placement on the November 8, 2022 General Municipal Election ballot of one or more measures to amend the City Charter, along with the necessary items to request that the County of Orange Board of Supervisors consolidate the City's General Municipal Election with the Statewide General Election, authorize the filing of arguments and rebuttals (and designating up to five councilmembers to author an Argument or Rebuttal statement), direct the City Attorney to prepare an Impartial Analysis, and direct the Clerk of the Council to publish legal notices as required by law. Included in this staff report is a sample resolution that would be presented to the City Council on August 2, 2022 (Exhibit 2).

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. Draft Charter Amendments
2. Draft Resolution (for discussion only)

Submitted By: Kristine Ridge, City Manager

Approved By: Kristine Ridge, City Manager