REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:

JULY 15, 2014

TITLE:

SUBMISSION TO THE VOTERS AT THE NOVEMBER 4, 2014 MUNICIPAL ELECTION: PROPOSED CHARTER AMENDMENTS REGARDING DEPARTMENT HEADS AND CIVIL SERVICE; CREATION OF ETHICS COMMISSION, CITY COUNCIL COMPENSATION; AND LEGAL DEFENSE FUND AND CAMPAIGN CONTRIBUTION LIMITATIONS

CITY MANAGER

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For_____

CONTINUED TO _____

FILE NUMBER _____

RECOMMENDED ACTION

1. Adopt a resolution giving notice of the City's general municipal election to be held in the City of Santa Ana on November 4, 2014 for the submission of questions to the voters relating to changes in the City Charter regarding Department Heads and Civil Service (Charter Section 1002. Civil service and excepted service.), City Council Compensation (Charter Section 402. Compensation of members.) and Campaign Contribution Limitations (Charter Section 425. Disqualification due to campaign contributions and Section 1206. Campaign contribution limitation.); and requesting Board of Supervisors to consolidate election with the Statewide General Election.

2. Adopt a resolution on ballot questions.

3. Adopt a resolution authorizing submittal of written arguments for or against the various proposed City Charter and Municipal Code Amendments.

4. Approve guidelines for preparation of arguments for or against the proposed City Charter and Municipal Code Amendments, fix the date for the submission of Direct Arguments and Rebuttal Arguments, and post the notice for the argument process in accordance with the provisions of the California State Elections Code.

5. Authorize the City Attorney to prepare an Impartial Analysis for each of the proposed City Charter Amendments to be submitted for consideration by the voters.

6. Direct staff to process all other documents required to proceed with the proposed City Charter Amendments.

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:

CLERK OF COUNCIL

USE ONLY:

JULY 15, 2014

TITLE:

SUBMISSION TO THE VOTERS AT THE NOVEMBER 4, 2014 MUNICIPAL ELECTION: PROPOSED

CHARTER AMENDMENTS REGARDING DEPARTMENT HEADS AND

APPROVED

I] As Recommended

I] As Amended

[:1 Ordinance on 15‘

Reading III Ordinance on 2'1d Reading [:1 Implementing Resolution [1 Set Public Hearing For

CIVIL SERVICE; CREATION OF ETHICS COMMISSION, CITY COUNCIL

COMPENSATION; AND LEGAL DEFENSE FUND AND CAMPAIGN CONTRIBUTION LIMITATIONS

CONTINUED TO

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Contribution Limitations (Charter Section 425. Disqualification due to campaign contributions and Section 1206. Campaign contribution limitation); and

requesting Board of Supervisors to consolidate election with the Statewide General Election.

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of written arguments for or against the various proposed City Charter and Municipal Code Amendments.

Approve guidelines for preparation of arguments for or against the proposed City Charter and

Municipal Code Amendments, fix the date for the submission of Direct Arguments and Rebuttal Arguments, and post the notice for the argument process in accordance with the provisions of the

California State Elections Code.

Authorize the City Attorney to prepare an Impartial Analysis for each of the proposed City Charter Amendments to be submitted for

consideration by the voters.

Direct staff to process all other documents required to proceed with the proposed City Charter Amendments.

DISCUSSION

On May 20, 2014, the City Council directed staff to prepare necessary documents to place the proposed City Charter and Municipal Code Amendments on the ballot for the November 4, 2014 Election, as recommended by an ad hoc committee. The committee discussed the draft language proposals and approved the proposed questions presented herein.

The California Elections Code requires the adoption of the attached resolutions in order to place ballot measure questions before the voters on the November 4, 2014 ballot. The attached resolutions will allow voters to consider ballot questions as included in the resolution.

The attached resolutions also permit the filing of written arguments in favor of or against such measure by members of the City Council, any individual voter eligible to vote on the measure, a bona fide association of such citizens or any combination thereof, and establishes deadlines for submission of such arguments to the Clerk of the Council. The Elections Code specifies that members of the Council would be given preference and priority, if authorized by the City Council. The subject resolution would give that authorization to any member of the Council desiring to submit an argument.

The procedures for filing ballot arguments are detailed in the Elections Code. The Election Code procedures, as well as general guidelines for preparing arguments will be provided in a notice prepared by the Clerk of the Council and posted following final adoption of the election ordinance.

Whenever a City measure qualifies to be on a ballot, the City Council may direct the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure (Elections Code §9280). The analysis is printed in the Voter Information Pamphlet preceding the arguments for and against the measure.

STRATEGIC PLAN ALIGNMENT

Approval of this item supports the City's efforts to meet Goal #5 Community Health, Livability, Engagement & Sustainability, Objective #1 (Establish a comprehensive community engagement initiative to expand access to information and create opportunities for stakeholders to play an active role in discussing public policy and setting priorities).

FISCAL IMPACT

The cost to consolidate the General Municipal Election is estimated to be $225,000. Funds for these administrative costs are available in the General Non-Departmental, Contractual Services account no. 01105015 62300, FY 2013-2014 and 2014-2015.

APPROVED AS TO FUNDS AND ACCOUNTS:

Francisco Gutierrez,
Executive Director
Finance & Management Services Agency

Attachments 1-4 (labeled)

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Francisco Gutierrez, Executive Director _ Finance & Management Services Agency/W

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EXHIBIT 1

RESOLUTION REQUESTING CONSOLIDATION WITH THE COUNTY

EXHIBIT

1

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WITH

THE

COUNTY

RESOLUTION NO. 2014-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 4, 2014 FOR THE SUBMISSION TO THE VOTERS OF QUESTIONS RELATING TO THE AMENDMENT OF THE CITY CHARTER AND AMENDMENTS TO THE SANTA ANA MUNICIPAL CODE IN REGARD TO DEPARTMENT HEADS AND CIVIL SERVICE, CREATION OF AN ETHICS COMMISSION, CITY COUNCIL COMPENSATION AND BENEFITS AND CAMPAIGN CONTRIBUTION REGULATIONS AND REQUESTING THE BOARD OF SUPERVISORS OF ORANGE COUNTY TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATE'S GENERAL ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. A general election of the City of Santa Ana will be held on November 4, 2014, for the purpose of voting on the following proposed amendments to the City Charter and related Santa Ana Municipal Code provisions and these measures shall be submitted to the voters:

Measure ___: Shall the Santa Ana Charter be amended to create a Citizens Ethics Commission; reduce contributions for legal defense funds; limit campaign contributions, repeal disqualification and prohibition provisions consistent with the California Political Reform Act and Fair Political Practices Commission; and effective January 1, 2015, establish and restrict the salary of Councilmembers and Mayor in accordance with California Government Code sections 36516 and 36516.1 and AB1234 ethics law to provide benefits and expense reimbursements?

Measure ___: Shall the Santa Ana Charter be amended to provide that all executive management positions are at-will and not covered by civil service and further provide that individuals promoted from a civil

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1.

RESOLUTION NO. 2014-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA

GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 4,

2014 FOR THE SUBMISSION TO THE VOTERS OF QUESTIONS RELATING TO THE AMENDMENT OF THE CITY CHARTER AND

AMENDMENTS TO THE SANTA ANA MUNICIPAL CODE IN REGARD TO DEPARTMENT HEADS AND CIVIL SERVICE, CREATION OF AN

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AND
REQUESTING THE
BOARD OF
SUPERVISORS OF
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TO CONSOLIDATE
THE GENERAL

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and declares as follows:

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Measure ____: Shall the Santa Ana Charter be amended to provide that all executive management positions are at-Will and not covered by

civil service and further provide that individuals promoted from a civil

65A-4

service position to at-will position do not have the right to revert back to their former civil service position?

B. There will be a statewide general election held on November 4, 2014.

C. It is desirable that said general election of the City of Santa Ana be consolidated with the statewide general election to be held on the same date and; that within the City of Santa Ana, the precincts, polling places and election officers be the same, and that the Board of Supervisors of the County of Orange canvass the returns of both elections, in all respects as if there were only one election.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Orange is hereby requested to consent to and order the consolidation of the November 4, 2014 general election of the City of Santa Ana for the purpose of voting on a ballot measure relating to proposed charter amendments with the statewide general election to be held on the same date. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

Section 3. The Board of Supervisors of the County of Orange is hereby authorized to canvass the returns of said general municipal election pursuant to Section 10411 of the Elections Code of the State of California.

Section 4. The City of Santa Ana recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County of Orange for any such costs.

Section 5. The Clerk of the Council is hereby directed to file a certified copy of this resolution with the Board of Supervisors of the County of Orange and a certified copy of this resolution with the Registrar of Voters of the County of Orange.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this _____ day of _____ , 2014.

_____
Miguel A. Pulido
Mayor

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Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and

the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this day of , 2014.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

By: _____
Sonia R. Carvalho,
City Attorney

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____
NOT PRESENT:	Councilmembers:	_____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Resolution No. 2014-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____.

Date: _____

_____
Maria D. Huizar,
Clerk of the Council

APPROVED AS TO FORM:

By:

Sonia R. Carvalho,

City Attorney

AYES:

Councilmembers:

NOES:

Councilmembers:

ABSTAIN:

Councilmembers:

NOTPRESENT:

Councilmembers:

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR,

Clerk of the Council, do hereby attest to and certify that the attached Resolution No. 2014-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on .

Date:

Maria D. Huizar, Clerk of the Council

EXHIBIT A TO CITY COUNCIL RESOLUTION RE VARIOUS CITY CHARTER AND MUNCIPAL CODE AMENDMENTS

1. TEXT OF CHARTER AMENDMENT RELATED TO AT-WILL EMPLOYMENT

The City Charter for the City of Santa Ana is hereby amended as follows:

DEPARTMENT HEADS AND CIVIL SERVICE

Sec. 1002. Civil service and excepted service.

The civil service system of the City shall cover all employees of the City not excepted by this section.

(a) The excepted service shall comprise the following offices and positions:

(1) The individual offices held by all elective officers;
(2) The City Manager and his assistants, if any;
(3) The City Attorney and his legal assistants, if any;
(4) The Clerk of the Council;
(5) The director of finance;
(6) The director of personnel, if any;
(7) The head of each department of the City, ~~not otherwise specified herein, and~~ and the chief administrative officer ~~of the community redevelopment agency of the City of Santa Ana, and~~ of the housing authority of the City of Santa Ana~~, but not including the police chief or the fire chief~~;
(8) One private secretary to the City Manager;
(9) All members of boards and commissions;
(10) Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
(11) Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety (90) days;
(12) Positions of any class or grade exempted from the civil service for a maximum of six (6) months in any calendar year provided that the personnel board upon application of the City Manager and after public notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by two-thirds (2/3) of its members. Any such exemption shall

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(a)

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(8) (9) (10)

(11)

The excepted service shall comprise the following offices and The individual offices held by all elective

officers;

The City Manager and his assistants, if any;

The City Attorney and his legal assistants, if any;

The Clerk of the Council;

The director of finance;

The director of personnel, if any;

The head of each department of the Cityl

and the chief administrative officer ef

One private secretary to the City Manager;

All members of boards and commissions;

Positions occupied by persons employed to render professional,

scientific, technical, or expert service of an occasional and exceptional nature; Positions in any class or grade created for a special or temporary purpose, and which are to exist for a

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personnel board upon application of the City Manager and after public notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion

adopted by two-thirds (2/3) of its members. Any such exemption shall

not affect the tenure of any person whose appointment has become final under civil service;

(13) Part-time positions or employments requiring less than twenty (20) regular hours of employment per week;

(14) School crossing guards;

(15) All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under federal or state statutes.

(b) The civil service shall comprise all positions not specifically included by this section in the excepted service.

~~(c) In the event an officer or employee of the City holding a position in the civil service is appointed to a position in the excepted service and should subsequently be removed therefrom, he shall revert to his former position in the civil service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.~~

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2. TEXT OF CHARTER AMENDMENTS AND MUNICIPAL CODE REVISIONS RELATED TO CREATION OF ETHICS COMMISSION, COUNCIL COMPENSATION AND BENEFITS AND CAMPAIGN LIMITATIONS

The City Charter for the City of Santa Ana is hereby amended as follows:

CITIZENS ETHICS COMMISSION

Sec. 401.07. Ethics Commission.

The City of Santa Ana shall adopt an Ethics Commission to monitor, review and enforce the City of Santa Ana Code of Ethics and Conduct. This Ethics Commission shall be an independent body separate from the City with its own staff and legal counsel. Said Ethics Commission, along with its specific powers, duties and responsibilities, shall be established by ordinance of the City Council within six months of the effective date of this Charter section.

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CAMPAIGN CONTRIBUTION REGULATIONS

~~**Sec. 425. Disqualification due to campaign contributions.**~~

~~A councilmember shall not participate in, nor use his or her official position to influence, a decision of the City Council if it is 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 hundred fifty dollars ($250.00) or more to the councilmember or 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 purposes of this section.~~

Sec. 1206.05. Legal Defense Fund contribution limitation.

No person shall make, and no candidate for mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate's legal defense fund to exceed one thousand dollars ($1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own legal defense account. As used herein, "election cycle" means the period of time between the date of an election to the office of mayor or councilmember and the date of the next election to the same office. The candidate's legal defense account must be maintained in accordance with California Code of Regulations section 18530.45, including all requirements regarding establishment of the committee, recordkeeping, and reporting provided in subdivisions (c), (e), and (f) respectively.

Santa Ana Municipal Code Section 2-107 is hereby repealed and deleted:

~~**Sec. 2-107. Prohibited campaign contributions.**~~

~~No 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)~~

CAMPAIGN CONTRIBUTION REGULATIONS

Sec. 1206.05. Legal Defense Fund contribution limitation.

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establishment of the committee, recordkeeping, and reporting provided in subdivisions (cl. (e), and (fl resoectivelv.

Santa Ana Municipal Code Section 2-10? is

hereby repealed and deleted:

~~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. Financial interest, for purposes of this section, shall have the meaning it is defined to have in Title 9 of the California Government Code (the Political Reform Act). The mayor is a councilmember for purposes of this section.~~

CITY COUNCIL COMPENSATION AND BENEFITS

Sec. 402. Compensation and Benefits of members.

~~Each member of the City Council shall receive as compensation for his or her services as such a monthly salary in the sum of one hundred and twenty-five dollars ($125.00). The member elected to fill the office of mayor shall receive the additional amount of seventy-five dollars ($75.00) for each month said member shall fill the office of mayor. Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council.~~

Each City Council Member and the Mayor shall receive compensation for his or her services and shall receive health and welfare benefits, along with reimbursement or an allowance for their necessary and actual expenses. The City Council and Mayor compensation shall be calculated in accordance with the amount set forth in the schedule of California Government Code section 36516 and increased for the Mayor per section 36516.1. Compensation, health and welfare benefits and fixed allowances shall be fixed by ordinance for the Mayor and Council Members. Amendments to each must be adopted by not fewer than five affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing. Increases in Council Member or Mayor compensation must also conform to the restrictions and requirements of the Government Code provisions cited above.

Once a level of compensation, benefits or allowances for City Council members and the Mayor is established, such level will not be permitted to change automatically by linking such compensation to internal or external factors.

Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him or her ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official minutes.

CITY COUNCIL COMPENSATION AND BENEFITS

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