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CITY ATTORNEY ANALYSIS

The existing provisions of Article X of the Charter of the City of Santa Cruz establish seven (7) enumerated boards or commissions, and sets forth their powers and duties, as well as the number of members, qualifications for membership, and manner of appointment. These are the Planning Commission, Library Board, Civil Service Commission, Recreation Commission, Airport Commission, Museum Commission and Water Commission. Under the existing Article X, the City Council cannot consolidate or eliminate the enumerated Boards or Commissions, nor can the Council enlarge or reduce the number of members of these seven Boards or Commissions. Existing provisions also restrict the authority of the City Council to enlarge, restrict or transfer the functions of these Boards or Commissions without holding an election to amend the Charter.

The existing Article X authorizes the City Council to create additional Boards or Commissions and to prescribe their powers and duties by ordinance. The restrictions which apply to the seven enumerated Boards and Commissions, do not apply to the other Boards and Commissions which the Council has established by ordinance such as the Arts Commission, Historic Preservation Commission, Off-Street Parking Commission and Zoning Board.

The new Article X would eliminate the current Charter provisions relating to the seven enumerated Boards and Commissions and provide that all Boards and Commissions would be established by ordinance. It would require that the ordinance creating any Board or Commission set forth its powers and duties, and establish the

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number, manner of appointment, and term of office of its members.

If this measure is approved, all Boards and Commissions in existence at the time this amendment takes effect will continue in existence and continue to exercise their respective powers and duties, for a period not to exceed two (2) years, or until the Council adopts a new ordinance either abolishing such Board or Commission, or setting forth its powers and duties, the number, manner of appointment, and term of office of its members.

This amendment would permit the Council to establish Boards and Commissions or amend their powers and duties to meet changing requirements; to consolidate their functions for more efficient operation; and to eliminate those Boards and Commissions which may become obsolete or no longer necessary.

This amendment would also eliminate all references to gender which now exists in Article X of the Charter of the City of Santa Cruz.

ARGUMENT IN FAVOR OF BALLOT MEASURE ON CITY CHARTER

Many Santa Cruz citizens contribute to our community by serving on the Boards and Commissions that advise the City Council. The Boards and Commissions section of the City Charter is over thirty years old. It writes into law only those Boards and Commissions that existed in 1948. These bodies cannot be altered in any way without formal amendment of the Charter.

Times have changed. For example, the Planning Commission's duties have expanded greatly in recent years, but the Charter leaves no-way of changing the structure of the Commission to handle the increased work load. Any change would require a costly and time-consuming election.

This charter amendment provides a flexible method of revitalizing our Boards and Commissions. The City Council would be able to make periodic adjustments to the powers and duties of these advisory bodies in order to meet changing requirements. This proposal will make City Boards and Commissions more responsive to present and future City needs.

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I. By repealing Article X of the Charter of the City of Santa Cruz, which Article now reads as follows:

"Section 1001. In General. There shall be the following enumerated boards and commissions which shall have the power and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 1002. Appropriations. The City Council shall include in its annual budget appropriations of sufficient funds for the efficient and proper functioning of such boards and commissions.

Section 1003. Appointment. ^{or} Term. The members of each of such boards of commissions shall be appointed by the City Council. They shall be subject to removal by motion of the City Council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding June 1st, beginning in 1949. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in such succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Section 1004. Existing Boards. The respective terms of office of all members of the boards and commissions enumerated in this Article or in existence at the time this

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Charter takes effect shall terminate on June 1, 1948, and upon the appointment and qualification of their successors.

Section 1005. Compensation. The members of boards and commissions shall serve without compensation for their services as such, but shall receive reimbursement for necessary travelling and other expenses when on official duty out of the City on order or authority of the City Council.

Section 1006. Meetings. Chairman. As soon as practicable, following the first day of June of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer, at the pleasure of such board or commission.

Each board or commission shall hold a regular meeting at least once each month. All proceedings shall be open to the public unless the nature of any investigation or proceeding is such that in the opinion of such board or commission the public interest would best be served by closing such meeting to the public and the reasons therefore are declared as a part of such action. The vote of a majority of the entire membership of such board or commission shall be necessary for it to take such action.

The City Manager shall call the first meeting of each board or commission and shall designate a city employee to act as secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be available for public inspection.

Section 1007. Oaths. Affirmations. Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 1011. Planning Commission. There shall be a City Planning Commission appointed by the City Council, one member to be elected from its own membership to provide active liaison with the Commission, but who shall neither have a vote nor be eligible to be chairman thereof, and seven members from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. The City Engineer, or an assistant or deputy, shall be in attendance at all regular meetings of the Commission, without vote. The City Attorney shall attend meetings of the Commission, without vote, when his services are required.

Section 1012. Planning Commission. Powers and Duties.

The Planning Commission shall have the power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of a Master Plan, or any part thereof, for the physical development of the City;
- (b) Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;
- (c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City; and
- (d) Exercise such functions with respect to zoning as may be prescribed by ordinance.

Section 1021. Library Board. There shall be a Library Board consisting of five (5) members to be appointed by the City Council from the qualified electors of the City; provided, however, that should the County of Santa Cruz consolidate its library functions with the City, and during such time as a Consolidated Library System is administered by the City, the Library Board shall consist of seven (7) members, four (4) of whom shall be appointed by the Council from the qualified

electors of the City, and three (3) of whom shall be appointed by the Council from the qualified electors of the County of Santa Cruz, with the approval of the Board of Supervisors of the County of Santa Cruz. No member of said Board shall hold any paid office or employment in the City or County government.

Section 1022. Library Board. Powers and Duties. The Library Board shall have charge of the administration of the Santa Cruz Public Library in accordance generally with the provisions of Chapter 3 of Division 11 of the Educational Code of California as now in effect or as hereafter amended and shall have power and be required to:

(a) Make and enforce such by-laws, rules and regulations as may be necessary for the administration, government and conduct of the City Library;

(b) Approve or disapprove the appointment of a Head Librarian; and

(c) Accept money, personal property or real estate donated to the Santa Cruz Public Library or to the Library Board of Santa Cruz or its predecessor, to be held in trust.

Section 1023. Claims Against Library Fund. All claims and demands payable out of the library fund shall be approved by the board of library trustees before they can be approved or paid, and such approval shall be entered upon their minutes and endorsed upon said claims or demands. They shall be signed by the president and secretary of said board. After such approval and signing, they shall be delivered to the City Clerk and be presented by him to the Mayor for consideration and approval.

Section 1031. Civil Service Commission. There shall be a Civil Service Commission consisting of five (5) members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, an appointee shall

neither hold City office or employment, nor be a candidate for any other City office or position, and shall not be an officer of any local, state or national partisan political club or organization.

Section 1032. Civil Service Commission. Powers and

Duties. The Civil Service Commission shall have power and be requires to:

(a) Act in an advisory capacity to the City Council and the City Manager on Personnel Administration;

(b) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of Civil Service rules and regulations;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager;

(d) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal, and report in writing to the appointing power, City Manager and City Council, its findings, conclusions and recommendations;

(e) Perform such other duties with reference to personnel administration as the Council may require by ordinance or resolution.

Section 1041. Recreation Commission. There shall be

a Recreation Commission which shall be appointed by the City Council, one member to be elected from its own membership, to provide active liaison with the Commission, but who shall neither have a vote nor be eligible to be chairman thereof, and seven members to be electors of the City, none of whom shall hold any paid office or employment in the City government.

Section 1042. Recreation Commission. Powers and Duties.

The Recreation Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to public recreation, including playgrounds music and entertainment;

(b) Consider the annual budget of the Recreation Department during its preparation and make recommendations with respect thereto to the City Manager and the City Council;

(c) Assist in the Planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;

(d) Accept money, personal property or real estate, donated to the City for recreational purposes, subject to the approval of the Council.

Section 1051. Airport Commission. There shall be an Airport Commission, consisting of five members, which shall be appointed by the City Council. They shall be qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

Section 1052. Airport Commission. Powers and Duties.

The Airport Commission shall have power and be required to:

(a) Act in an advisory capacity to the Council in all matters pertaining to the Municipal Airport and to aviation policy matters generally to the extent that they affect the City;

(b) Consider and recommend to the City Council rules and regulations for the management and operation of the Municipal Airport.

Section 1061. Museum Commission. There shall be a Museum Commission consisting of seven members which shall be appointed by the City Council. The members shall be qualified electors of the County of Santa Cruz, none of whom shall hold any paid office or employment in the City government.

Section 1062. Museum Commission. Powers and Duties.

The Museum Commission shall have power and be required to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz Museum and the maintenance thereof;
- (b) Consider and recommend to the City Council appropriate means for the maintenance of the Museum;
- (c) Accept money, personal property or real estate donated to the City for museum purposes, subject to the approval of the Council.

Section 1081. Water Commission. There shall be a

Water Commission appointed by the City Council, consisting of seven members including the Water Superintendent and six members from the qualified electors of the City, none of whom (except the Water Superintendent) shall hold any paid office or employment in the City government.

Section 1082. Water Commission. Powers and Duties.

The Water Commission shall have power and be required to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz water system and the maintenance and management thereof;
- (b) Make a study of long range plans for securing new sources of domestic water supply for the City, including re-examination of prior reports thereon to ascertain the value thereof, if any, at this time, ⁽¹⁰⁾ report to the City Council from time to time their conclusions and recommendations for the improvement and extension of the water system of the City, including sources, storage, transmission and distribution of water to the inhabitants, and all subjects related thereto, including estimated costs of carrying out such recommendations."

And by adding a new Article X, to read as follows:

"ARTICLE X.

APPOINTIVE BOARDS AND COMMISSIONS

Section 1001. In General. The City Council may create advisory or administrative boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

The purposes of the boards and commissions shall be to provide active assistance to the Council in the development, evaluation or effectuation of City policies and programs, as may be provided herein or in the ordinance establishing such boards or commissions. In carrying out their responsibilities, the boards and commissions shall consult with, inform and advise the Mayor, Council, or City Manager, but they shall have no authority to direct the operation of any department.

Section 1002. Creation. Appointment. The boards or commissions provided for herein shall be established by ordinance. The ordinance creating any board or commission shall set forth its powers and duties, and shall establish the number, manner of appointment, and term of office of its members.

Section 1003. Existing Boards and Commissions. All boards and commissions in existence at the time this amendment takes effect, shall, without interruption, continue in existence, and shall continue to exercise their respective powers and duties, provided by ordinance, or provided in this Article prior to its amendment for a period not to exceed two (2) years, or until the Council abolishes such board or commission, or amends its powers and duties by ordinance.

Until the Council provides otherwise by ordinance, the respective terms of office of all members of the boards and commissions in existence at the time this amendment takes effect shall remain as provided in this Article prior to this

amendment.

Section 1004. Committees. The City Council may create at any time such advisory committees as in its judgment are required to assist the Council in the development or evaluation of City policies or programs. Each committee created by the City Council shall be created by motion or resolution setting forth the committee's purpose.

Section 1005. Appropriations. The City Council shall include in the annual budget, appropriations of funds for the efficient and proper functioning of the boards, commissions and committees created pursuant to this Article.

Section 1006. Meetings. The Mayor shall call the first meeting of each board, commission or committee, and the City Manager shall assign City employees, as needed, to staff each board, commission or committee and to keep a record of its proceedings and transactions. Each board, commission and committee shall prescribe rules for the orderly conduct of its meetings, and procedures which shall be consistent with this Charter and which shall uphold the public's right to speak. In accordance with its responsibility to inform the Council and the public on matters of public concern, each board, commission and committee shall conduct its meetings openly and in public.

Section 1007. Oaths. Affirmations. Each member of any such board or commission and secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission."

The Council of the City of Santa Cruz hereby submits to the registered and qualified electors of the City for their adoption or rejection at a special municipal charter amendment election to be held in said City of Santa Cruz on Tuesday, June 3, 1980 (which said election will be consolidated with the State-wide primary election to be held on June 3, 1980) the following proposal to amend the Charter by repealing Article X thereof and by adding a new Article X as follows:

CITY OF SANTA CRUZ CHARTER AMENDMENT

MEASURE X C

Shall the Charter of the City of Santa Cruz be amended by repealing Article X thereof, providing for the creation of boards and commissions, the method of appointment of members of boards and commissions, and the powers and duties of various enumerated boards and commissions, and by adding a new Article X to provide the authority for the City Council to create, by ordinance, such boards and commissions as in its judgment are required, and to provide for the powers and duties of such boards and commissions, and to establish the number, manner of appointment, and term of office of the members of such boards and commissions, the text of which is set forth in Section 3 of Resolution No. NS-13,758 adopted by the City Council of the City of Santa Cruz on Tuesday, February 26, 1980, and on file in the office of the City Clerk?

Yes

No

I hereby certify that the foregoing Charter Amendment Proposals were ordered submitted to the qualified electors of the City of Santa Cruz by the Council of the City of Santa Cruz.

Dated: March 4, 1980

Ruth M. Rayon
City Clerk

SECTION 4.

A special municipal charter amendment election is hereby called to be held in the City of Santa Cruz on Tuesday, June 3, 1980, for the purpose of submitting to the qualified electors of said City the proposals set forth in Section 3 of this Resolution to amend the Charter of the City of Santa Cruz as set forth in said measure and in this resolution provided, and is hereby submitted by the Council of the City of Santa Cruz on its own motion.

(b) The Board of Supervisors of the County of Santa Cruz is hereby requested to order the consolidation of said special municipal election with the state-wide primary election to be held on Tuesday, June 3, 1980. Said Board of Supervisors of the County of Santa Cruz is further requested to order the County Clerk of the County of Santa Cruz (1) to set forth on all sample ballots to be mailed to the qualified electors of the City of Santa Cruz for said consolidated election the text of the ballot measures as set forth hereinabove, arguments (if any) for and against the said measures, and other authorized material (if any), and (2) to provide absent voter ballots for said election for use by qualified electors of the City of Santa Cruz who are entitled thereto, in the manner provided by law.

(c) The Board of Supervisors of the County of Santa Cruz is hereby further authorized and requested to canvass, or to cause to be canvassed, as provided by law, the returns of said special municipal election and to certify such canvass of the votes cast for and against said proposal to the City Council of the City of Santa Cruz.

SECTION 5.

The City Clerk is hereby authorized and directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk of Santa Cruz County. Said Resolution shall be so filed no later than Tuesday, March 5, 1980.