

# City Charter Amendments

## Current Charter Provisions

### ARTICLE VI

SECTION 602. Qualifications. Members of the Council shall be electors of the municipality and residents of the City for a period of not less than three years. They shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality, and any such contract in which any member is or may become interested may be declared void by the Council.

SECTION 608. Ordinances. The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Cruz as follows:". No ordinance shall be finally adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting, nor until its publication at least once in the official newspaper of the City at least three days before its adoption, provided, however, that ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case an ordinance is amended before its final adoption and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be given a first reading or a republication as corrected.

SECTION 612. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency and adopted by a five-sevenths vote of the whole Council may go into effect at the will of the Council.

SECTION 613. Publication of Ordinances. The City Clerk shall cause each ordinance to be published at least once in the official newspaper at least three days before its adoption.

## Proposed Change

### ARTICLE VI

SECTION 602. Qualifications. No person shall be eligible to be nominated for or to hold office as a member of the Council unless he is a registered voter of the municipality, and shall have been for at least three (3) years next preceding his election or appointment, a resident of the City of Santa Cruz or of territory annexed thereto.

SECTION 608. Ordinances. The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Cruz as follows:". No ordinance, except an emergency ordinance, or an ordinance which takes effect upon adoption referred to in this article, shall be finally adopted by the Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than a regular meeting, nor until its publication as required in this Charter. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular meeting held not less than five (5) days after the date upon which said ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

SECTION 612. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes.

SECTION 613. Publication of Ordinances. The City Clerk shall cause each proposed ordinance, other than an emergency ordinance or an ordinance which takes effect upon adoption, to be published at least once in the official newspaper at least three (3) days before its adoption; or, as an alternative method of publication, the Council may order copies of any proposed ordi-

## Explanation

### ARTICLE VI

SECTION 602. The present charter says to be eligible for the office of city councilman, persons must have been city residents for three years. The proposed amendment would require persons to have been city residents or residents of newly-annexed areas for three years. Backers feel the present provision is unfair to residents in newly-annexed areas, and might hinder city annexation plans.

SECTION 608.

SECTION 612.

SECTION 613. These three sections provide for passage of ordinances and emergency ordinances. Effect of the changes would be to allow immediate passage of emergency ordinances, without prior publication for three days. Emergency ordinances would have to be published within 15 days after passage, however.

## Current Charter Provisions

SECTION 1031. Civil Service Commission. There shall be a Civil Service Commission consisting of three members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, each 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.

The first commissioners shall, by lot, fix their terms as two, three and four years from June 1, 1948.

### ARTICLE XII

SECTION 1203. Excepted Officers and Employees. The City Manager and any Assistant City Manager, the City Attorney and any Assistant or Deputy City Attorney, Police Judge, Auditorium Manager, Health Officer, if any, and all elected officers and members of boards or commissions, the leader and members of any municipal band or orchestra shall, so far as permitted by the State Retirement System for City officers and employees, be excluded from said employees' retirement system and shall not be eligible for benefits thereof.

### ARTICLE XIV

SECTION 1404. Board of Equalization. The Council shall meet at its usual meeting place on the second Monday in August of each year at ten o'clock A.M., as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and all assessments equalized. The Board of Equalization shall have power to hear complaints, to take testimony under oath, and to correct, modify, strike out, lower, or raise any assessment, provided, that at least one day's notice shall be given to any party whose assessment is proposed to be raised, excepting in case of a uniform increase in the assessed value of all property in the entire City. The City Clerk shall act as Secretary of such Board, and it shall be his duty to keep permanent records of all proceedings and to enter therein all resolutions and decisions of the Board.

SECTION 1409. Disbursement of City Money. Money shall be drawn from the Treasury only on warrants as herein prescribed. Every demand against the City, from whatever source, when approved by the City Manager, and when allowed by the Council, shall be signed by the Mayor; and a warrant prepared by the City Clerk shall be issued and signed by the Mayor and City Clerk or such other officers as the Council may designate. No demand shall be allowed, approved, audited, or paid, unless it shall specify each item of the claim and the date thereof; provided, however, that warrants for salaries of officers and employees shall be approved by the Secretary of the Civil Service Commission and allowed by the Clerk and paid regularly semi-monthly from the treasury, and matured bond principal and interest shall be paid without any demand therefor or approval thereof as prescribed herein for other claims. Warrants shall be of the form prescribed by the City Treasurer, or, at its option, by the Council.

SECTION 1415. Contracts for Public Works. Any public work or improvement costing more than \$1,500.00 shall be executed by contract, except where a specific work or improvement is authorized by the Council to be performed directly by a City

## Proposed Change

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.

### ARTICLE XII

SECTION 1203. The section is proposed for repeal.

### ARTICLE XIV

SECTION 1404. The section is proposed for repeal.

SECTION 1409. Disbursement of City Money. Money shall be drawn from the Treasury only on warrants, as hereinafter prescribed, signed by such officer or officers as the Council may designate. The Director of Finance shall examine all payrolls, bills, invoices, demands or other charges against the City, and shall issue no warrant for payment unless the claim, demand or charge is in proper form, correctly computed, and approved, is legally due and payable, and appropriation has been made therefor which has not been exhausted, and unless there is sufficient money in the Treasury to make payment. Warrants drawn in payment of demands or charges conforming to budget appropriations shall be approved by the City Manager prior to payment; all other claims, demands or charges shall require the approval of the Council prior to payment.

SECTION 1415. Contracts for Public Works. Any public works or improvement costing more than \$3,000 shall be executed by contract, except where a specific

## Explanation

SECTION 1031. The proposed change would enlarge the civil service commission from three members to five.

### ARTICLE XII

SECTION 1203. The section is proposed for repeal. Effect of the change would be to allow the city manager, city attorney, assistant city manager, assistant city attorney, and auditorium manager to take part in the state retirement system for city employees.

### ARTICLE XIV

SECTION 1404. Proposed for repeal. Effect of the change would be to eliminate any charter reference to the city council sitting as a board of equalization. The county board of supervisors has acted for many years as board of equalization for the city as well as the rest of the county, since assuming the functions of tax collection within the city.

SECTION 1409. The proposed change would allow payment of routine bills without item-by-item council approval, so long as the money to be spent has been included in the annual city budget.

SECTION 1415. The change would increase the lower limit for non-bid contracts from \$1500 to \$3000. Any work under that amount could simply be ordered



#### ARTICLE IX

SECTION 901. Police Court. The judicial power of the City shall be vested in a Police Court as heretofore established. The Police Court shall have jurisdiction concurrently with the Justice's Court of Class B in all criminal actions arising within the corporate limits of this City and which might be tried in such Justice's Court. The Police Court shall have no civil jurisdiction.

SECTION 902. Procedure. The rules of practice and mode of proceeding in the Police Court shall be the same as are or may be prescribed by law for Justice's Courts having like jurisdiction and in like cases; an appeal may be taken to the Superior Court of the State of California in and for the County of Santa Cruz from all judgments of said Police Court, in like manner and with like effect as in cases of appeals from Justice's Courts of like jurisdiction.

SECTION 903. Police Judge. The Police Judge shall be appointed as herein elsewhere provided; he shall be Judge of the Police Court. He shall be a qualified elector of the City of Santa Cruz at the time of his appointment and shall be an attorney at law admitted to practice in the Supreme Court of the State of California. His term of office shall be four years from his appointment.

#### ARTICLE X

SECTION 1021. Library Board. There shall be a Library Board consisting of five members to be appointed by the City Council from the qualified electors of the City, and no member of said Board shall hold any paid office or employment in the City government.

### Editor's Explanation

Editor's Note: Here are the proposed amendments to the Santa Cruz city charter which will appear on next Tuesday's ballot. The first two columns present the current charter's provisions. The third column is the proposed amendment. The fourth column explains the change.

Here is how the city charter proposals relate to the charter sections.

- Proposal 1—Amendment of Section 602.
- Proposal 2—Amendment of Sections 608, 612 and 613.
- Proposal 3—Repeal of Article IX (Sections 901, 902 and 903), plus addition of a new Article IX with a Section 901.
- Proposal 4—Amendment of Section 1021.
- Proposal 5—Amendment of Section 1031.
- Proposal 6—Repeal of Section 1203.
- Proposal 7—Repeal of Section 1404.
- Proposal 8—Amendment of Section 1409.
- Proposal 9—Amendment of Section 1415.
- Proposal 10—Addition of Section 1418.
- Proposal 11—Amendment of Section 1501, and renumbering it to become Section 1428.
- Proposal 12—Amendment of Section 1502, and renumbering it to become Section 1429.

nance to be posted at least three (3) days prior to its adoption in three (3) prominent places in the City, and cause a single publication in the official newspaper of a notice setting forth the title of the ordinance, a short statement of its content, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The City Clerk shall cause each emergency ordinance or ordinance which takes effect upon adoption to be published at least once in the official newspaper within 15 days after its adoption.

#### ARTICLE IX

SECTIONS 901, 902 and 903. All three present sections are proposed for repeal. An unrelated Section 901 is proposed for adoption, as explained below.

#### ARTICLE IX

SECTION 901. Transfer or Consolidation of Functions. The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of the Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

#### ARTICLE X

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.

#### ARTICLE IX

SECTIONS 901, 902 and 903. These sections, relating to police court establishment, are proposed for repeal.

A new Section 901, unrelated to the existing one, is proposed for adoption. The new section would allow the city council to transfer or consolidate functions with corresponding county or state offices. The council would also have power to halt the transfer or consolidation and resume administration of any programs affected.

#### ARTICLE X

SECTION 1021. The proposed change would enlarge the library board to seven members, and give greater representation to the unincorporated part of Santa Cruz county, so long as city and county have a combined library operation agreement such as the present one. The city council would name four board members, the county supervisors three.

department of public works, estimates, and estimates. All such contracts for more than \$1,500.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution, but not less than five times in a daily newspaper of general circulation published in this City, provided the Council or the City Manager, when so authorized, shall have power to reject all bids, and advertise again. All advertisements as to such contracts shall so provide. All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe.

#### ARTICLE XV

SECTION 1501. Property Rights of the City Inalienable. The rights of the City in and to the water-front and tidelands vested in it in fee or in trust, are inalienable, and its parks and other public places, except as herein provided, are inalienable unless authorized by a vote of two-thirds of the qualified electors of the City of Santa Cruz, had at a general or special municipal election.

SECTION 1502. Water System Inalienable. The Council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, or the rents or income therefrom, unless authorized so to do by vote of the people.

work or improvement is authorized by the Council to be performed directly by a City department or officer in conformity with detailed plans, specifications, and estimates. All such contracts for more than \$3,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution, provided the Council or the City Manager, when so authorized, shall have power to reject all bids and may readvertise in its discretion. All advertisements as to such contracts shall so provide. All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe.

SECTION 1418. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent (15%) of the total assessed valuation for purposes of City taxation, of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

SECTION 1428. City Property. The rights of the City in and to the waterfront and tidelands vested in it in fee or in trust, are inalienable, unless authorized by the affirmative vote of the majority of the qualified electors of the City of Santa Cruz. Other City property in use for a public purpose shall be inalienable unless authorized by the affirmative vote of a majority of the qualified electors of the City of Santa Cruz, except such other property as may be determined by the affirmative vote of five (5) members of the Council to be no longer necessary for public purposes.

SECTION 1429. Water System Inalienability. The Council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, or the rents or income therefrom, unless authorized so to do by majority vote of qualified electors of the City of Santa Cruz; provided, however, that property determined by the affirmative vote of five (5) members of the Council to be surplus, and not necessary as a part of the operating water system, may be disposed of.

rather than going through the long bidding process.

SECTION 1418. The section would be a new addition to the charter. Its effect would be a redefinition of the city's legal debt limits. The limit would exclude any indebtedness which is paid by utility fees instead of property tax levies.

SECTION 1428. The section would be a renumbered version of the present Section 1501. This section would be amended to allow the city council, by 5/7 vote to dispose of city property not in use for a public purpose. To dispose of waterfront, tidelands, or property in use for a public purpose, a majority vote of the public would be needed. At present, a 2/3 public vote is required to authorize disposal of any city property.

SECTION 1429. The section would be a renumbered version of present Section 1502. The section would be amended to allow the council to dispose of water department property not needed as part of the water system. At present, a public vote is required to authorize disposing of any water department property.