

CITY OF SANTA CRUZ

CHARTER REVIEW COMMITTEE RECOMMENDATIONS

I. ELECTIVE OFFICERS

A. MANNER OF ELECTION

We recommend that the Mayor be selected by the Council from among its members for a two-year term. The Mayor will be elected and may be removed by a vote of four Council members. This manner of selection should provide more continuity in leadership than currently exists. It should allow the Council to choose as Mayor the person it considers best suited to provide political leadership to the City, articulate adopted Council policy and represent the Council with the City's staff as well as other governmental agencies.

We recommend that each Council seat be made a separate office to be filled by election at-large, for a four-year term with the present limit of two consecutive terms. In the Committee's view, this "numbered seat" manner of election would encourage elections which focus on issues and records, resulting in a strengthened political mandate for the City Council. In addition, provision has been made for filling Council vacancies either by special election or by appointment until the next Council election.

B. POWERS AND DUTIES

The Mayor is empowered to represent the Council at meetings of the City staff, and to be fully informed on all phases of budget preparation. The role of the Council has been strengthened in a number of ways. For example, the Council may hire or remove a City Manager, City Clerk, City Attorney or Public Information Officer on a vote of four members. Further, the Council is empowered to confirm the appointment of Department Heads.

We recommend that far more flexibility be granted to the Council in the establishment of procedures for agenda preparation, the calling of public hearings and the creation or abolition of offices and departments. The Council is empowered to create a reorganized system of boards and commissions to which it may grant needed powers and responsibilities.

At numerous places in the Charter, the Council's position as the sole legislative body of the City has been reaffirmed and opportunities for its exercise of initiative have been expanded. For example, the Council could initiate budget transfers, employ analytical or clerical staff, and take responsibility for setting its own salary by ordinance, effective after the next general municipal election following a change.

II. APPOINTIVE OFFICERS

The selection and tenure of the City Manager, City Clerk, City Attorney and Public Information Officer are subject to a vote of four Council members, except during the 60 days preceding and 90 days following a general municipal election. This "moratorium" on the dismissal of appointive officers is provided to discourage hasty or ill-considered actions by the City Council and to encourage the conduct of elections that focus clearly on long-standing records and substantive issues. The appointment of Department Heads would be subject to a confirming vote of four Council members.

Throughout the Charter, the responsibilities of appointive officers have been more clearly distinguished from the legislative powers of elected officials. This distinction is manifest in the assignment of opportunities for policy initiatives, rules for the conduct of meetings and public hearings, and the provision for flexibility in the organization and composition of boards, commissions and committees.

III. BOARDS, COMMISSIONS AND COMMITTEES

It was the intention of the Committee to encourage the revitalization of our system of boards, commissions and committees. Therefore, we recommend that the Council be empowered to create by ordinance or resolution a series of such bodies to assist the Council in the development, evaluation or effectuation of policies and programs. The jurisdictions to be covered would correspond to four basic areas of public concern: physical layout and environment; public services; municipal utilities; and general administration. This list may be expanded. The Committee also chose to allow for flexibility in the designation of the powers and duties of boards, commissions and committees, and to permit them to establish their own rules and procedures. However, we firmly believe that these bodies must serve as representative, responsive and effective vehicles for citizen participation and communication. Accordingly, we have set forth alternative methods for the appointment of members, to be used as necessary or appropriate to the purposes and composition of each. The preferred method of appointment is the designation of one member of each board, commission or committee by each Council member, the appointees to serve concurrently with the appointing Council member. However, we have allowed for appointments by a vote of four Council members as a transitional necessity, or when the above method is deemed inapplicable or inappropriate. Complete flexibility is permitted in the appointment of committees. Finally, we have underscored the importance of the open and receptive conduct of public meetings.

IV. CITIZEN PARTICIPATION

The Committee believes that informed and effective participation of citizens in the political process is of vital importance and must be encouraged. This belief animates the preceding recommendations, and those that follow are directed specifically to that end.

We recommend the appointment by the Council of the Public Information Officer. The primary responsibility of this officer will be to make available to the public current information on City policies and operations; resource materials pertaining to policies, government and planning; and general assistance to inquiries about these subjects.

In order to facilitate the expression and due consideration of neighborhood concerns, we recommend that the Council establish procedures for recognizing neighborhood associations as units of local representation. Recognition would entail an agreement by the City to keep such associations informed of proposed City actions that would affect particular neighborhoods, and the eligibility of such associations for any funds which may be budgeted for them. All units of the City government are enjoined to observe procedures that facilitate the communication of neighborhood concerns, and to accord due consideration to the views and recommendations of neighborhood representatives. We suggest that the Council act promptly to undertake a study of methods for implementing the authorizing language of this Article. We have excellent resource materials on this subject which we will make available to a committee formed for this purpose.

Finally, throughout the Charter and particularly with regard to conduct of meetings and hearings, the Committee has affirmed the necessity of procedures and practices that encourage public participation in government, and the individual and collective voicing of public concerns. Our sentiments about government as a creation and instrument of its citizens are given forceful expression in our preamble to the Charter.

V. OTHER CHANGES

We endorse a number of changes in the Charter which would bring it into conformity with current law and practice, remove obsolete provisions, and permit legislative or administrative flexibility.

For example, certain oaths, residency requirements, and provisions concerning appropriations, conflicts of interest, and the conduct of meetings have been preempted or prohibited by State law.

Inflation has prompted us to raise from \$3000 to \$5000 the cost of a public works project that may be executed without formal bids. And, should the Council by a vote of 5 members determine that an emergency situation exists, this limit may be waived to secure urgently needed services.

Violations of City ordinances would automatically constitute infractions unless the Council classifies certain violations as misdemeanors. This reverses the present provision.

The section on fair employment practices has been expanded to bar age and sex discrimination, in conformity with current Council policy. Because the appropriate scope of the veterans' preference is undergoing re-evaluation throughout the country, we considered it prudent to make this policy a legislative prerogative of the City Council.

Finally, we have aimed at clarity of expression throughout the Charter, and we have attempted to replace obsolete, negative, and sexist language.

We have prepared two outlines to accompany our draft of a revised Charter:

The first is a guide to proposed changes in each Article.

The second is a key to comparison of the current Charter with our draft of a revised Charter.

Close study of these documents will suggest the exhaustive nature of the Committee's work. Great attention to detail was required to ensure that a revised Charter would be internally consistent. For example, a decision to subject the appointment of Department Heads to confirmation by the Council necessitated revision of the section on "interference" between the Council and the City Administration. A provision for the employment of staff by the Council required a complementary change in the Article on "civil service".

Comparison of the present Charter with the proposed revisions will reveal that many current provisions have been deleted in the interest of legislative flexibility. The Committee gave careful study to the implications of each such change before concluding that it was advisable. Even a decision to leave an Article intact involved considerable research and reflection. For example, we recommend that Article XVI (School Department) be retained. Although charter school districts are now rare in California, the Committee could discover no disadvantage in our situation. Rather, we concluded that there was merit in the present system, as charter school districts have greater autonomy and flexibility.

This Committee report provides a broad overview of the proposed changes. However, only a careful study of the draft Charter will make clear the complexity and integrity of the Committee's proposals.