
File ID: 2024-01135

6/11/2024

Consent Item 15.

(Pass for Publication) An Ordinance Amending Chapter 2.100 to the Sacramento City Code, Relating to the City of Sacramento Active Transportation Commission

File ID: 2024-01135

Location: Citywide

Recommendation: 1) Review an Ordinance amending Chapter 2.100 to the Sacramento City Code, to comply with Chapter 2.40 of the Sacramento City Code, relating to boards and commissions generally; and 2) pass for publication the Ordinance title as required by Sacramento City Charter section 32c to be adopted June 18, 2024.

Contact: Katie Gresham, Program Specialist, (916) 808-8016; Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org; Office of the City Clerk; Matthew Ruyak, Assistant City Attorney, (916) 808-5346, mruyak@cityofsacramento.org, Office of the City Attorney

Presenter: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org

Attachments:

- 1-Description/Analysis
- 2-Ordinance (Redlined)
- 3-Ordinance (Clean)
- 4-Chapter 2.40 of the Sacramento City Code

Additional Description/Analysis

Issue Detail: In 2021, City Council affirmed that the Office of the City Clerk has legislative support responsibilities of the city's boards, committees, and commissions (commissions) to create consistency among legislative bodies, increase public participation, and foster collaboration between commissions and the City Council. On August 30, 2022, the City Council adopted Ordinance No. 2022-0024 amending Chapter 2.40 of the Sacramento City Code.

The proposed amendments to Chapter 2.100 resolves conflicts with Chapter 2.40, removes duplication of code sections, and includes recommended administrative corrections as needed. The amendments will increase consistency and transparency amongst commissions.

Policy Considerations: Resolving conflicts within Chapter 2.40 and Chapter 2.100 of the

Sacramento City Code increases transparency and uniformity in commissions.

Economic Impacts: Not applicable.

Environmental Considerations:

California Environmental Quality Act (CEQA): This action is not a project subject to CEQA because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§ 15002(d), 15378(b)(2), 15061(b)(3).)

Sustainability: Not applicable.

Commission/Committee Action: On August 30, 2022, the Office of the City Clerk presented to the City of Sacramento Active Transportation Commission a review of the updates to the Sacramento City Code Chapter 2.40. On May 14, 2024, the Personnel and Public Employees Committee passed a motion to forward the proposed ordinance to the City Council for adoption.

Rationale for Recommendation: The recommended amendment to Chapter 2.100 to the Sacramento City Code resolves conflicts with section 2.40 of the Sacramento City Code, ensures consistency and transparency with amongst commissions.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

ORDINANCE NO. 2024-XXXX

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 2.100 OF THE SACRAMENTO CITY CODE, RELATING TO THE ACTIVE TRANSPORTATION COMMISSION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 2.100 of the Sacramento City Code is hereby amended to read as follows:

CHAPTER 2.100 CITY OF SACRAMENTO ACTIVE TRANSPORTATION COMMISSION

2.100.010 Commission established.

The City of Sacramento ~~a~~Active ~~t~~ransportation ~~e~~Commission is hereby established.

2.100.020 Purpose of commission.

The commission is established for the purpose of providing advice on strategies related to walking, ~~and~~ bicycling, and rolling in the city.

2.100.030 Powers and duties of commission.

The powers and duties of the commission are as follows:

- A. Advise ~~staff and the~~ city council on the implementation, criteria, and priority of pedestrian, ~~and~~ bicycling, and rolling-related policies and projects.
- B. Provide input to ~~staff~~ city council on the pursuit of grant funding opportunities.
- C. Provide input on program development in walking, ~~and~~ bicycle safety, and rolling education, law enforcement, and other areas pertinent to walking, ~~and~~ bicycling, and rolling in the city.
- D. Review and discuss current walking, ~~and~~ bicycling, and rolling issues and advise ~~staff and~~ city council.

- E. Advise ~~staff city council~~ on the need for periodic updates of the pedestrian master plan and bikeway master plan.
- F. Provide for public participation and involvement ~~with respect regarding the implementation of~~ walking, ~~and bicycling, and rolling~~ projects and programs ~~implementation~~, and other active-transportation matters.
- G. Annually, report to and make recommendations to the ~~mayor and city~~ council regarding the status of walking, ~~and bicycling, and rolling~~ in the city and activities of the commission.

2.100.040 Appointment of members and qualifications.

- A. Number of members. ~~Until such time as the seat described in subsection A.3.c below sunsets, the commission shall consist of 12 members; thereafter~~ ~~the active transportation commission shall consist of~~ has 11 members:
 - 1. ~~Each councilmember shall recommend~~ ~~One member shall be recommended~~ for appointment ~~by each councilmember~~ (8 members total);
 - 2. ~~The mayor shall recommend~~ ~~One member shall be recommended~~ for appointment ~~by the mayor~~; and
 - 3. ~~The Personnel and Public Employees Committee shall recommend~~ ~~Two three~~ members ~~shall be at large and recommended~~ for appointment ~~by the personnel and public employees committee~~:
 - a. One ~~shall must have (i) demonstrated interest in active transportation; and (ii) shall~~ be qualified by training or professional experience and demonstrated leadership in one of the following categories: a licensed civil engineer, a licensed ~~or~~ traffic engineer,; or a professional transportation planner.
 - b. One must be at least 16 years old and not older than 22 years old at the time of appointment.

~~bc.~~ One ~~shall~~ must have ~~(i) demonstrated interest in active transportation; and (ii) have experience with transportation advocacy around transportation issues.~~ This seat sunsets on January 31, 2027, or when vacated, whichever comes first.

B. Qualifications.

In addition to any requirements or restrictions in chapter 2.40:

~~1. Members shall live in the City of Sacramento.~~

~~21. Members shall~~ must have an expressed interest or demonstrated history of community involvement ~~or interest in walking, or bicycling, or rolling issues; and,~~

~~3. No current employee of the city shall be appointed to the commission.~~

~~**2.100.050 Term of office; vacancy.**~~

~~A. Members of the active transportation commission shall serve a term of four years, except as provided below.~~

~~B. The terms of those members recommended for appointment by councilmembers in even-numbered council districts and the member recommended for appointment by the mayor, shall expire two years after the initial appointment.~~

~~C. If a vacancy occurs during the term of any member, a successor to serve the unexpired term shall be appointed in accordance with the requirements set forth in section 2.100.040.~~

~~**2.100.060 Chairperson and organization of the Commission.**~~

~~At its first meeting, and annually thereafter, the commission shall elect a commission chairperson and a vice chairperson, who each shall hold office at the pleasure of the commission. When there is a vacancy in the office of chairperson or vice chairperson, the commission shall fill that office from among its members. The commission may adopt rules and procedures for the conduct of its business and may do any other thing necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff support to the commission shall be provided by one or more city employees designated by the city manager or his or her designee.~~

~~2.100.070 Commission meetings.~~

~~The commission shall establish a time and place for regular meetings to be held at least once each month. The meetings shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (California Government Code section 54950 et seq.). The commission shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.~~

~~2.100.080 Quorum; Voting.~~

~~The quorum required for the commission to conduct business is six members. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.~~

2.100.0950 General provisions requirements.

Unless specifically provided otherwise in this chapter, the provisions of chapter 2.40 apply to the commission and its members.~~the general requirements set forth in chapter 2.40 governing the appointment of board and committee members, attendance at board and committee meetings, voting, term limits, and removal, apply to the committee.~~

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

ORDINANCE NO. 2024-XXXX

Adopted by the Sacramento City Council

Date Adopted

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RELATING TO THE ACTIVE TRANSPORTATION COMMISSION**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 2.100 of the Sacramento City Code is hereby amended to read as follows:

CHAPTER 2.100 CITY OF SACRAMENTO ACTIVE TRANSPORTATION COMMISSION

2.100.010 Commission established.

The City of Sacramento Active Transportation Commission is hereby established.

2.100.020 Purpose of commission.

The commission is established for the purpose of providing advice on strategies related to walking, bicycling, and rolling in the city.

2.100.030 Powers and duties of commission.

The powers and duties of the commission are as follows:

- A. Advise city council on the implementation, criteria, and priority of pedestrian, bicycling, and rolling related policies and projects.
- B. Provide input to city council on the pursuit of grant funding opportunities.
- C. Provide input on program development in walking, bicycle safety, and rolling education, law enforcement, and other areas pertinent to walking, bicycling, and rolling in the city.
- D. Review and discuss current walking, bicycling, and rolling issues and advise city council.

- E. Advise city council on the need for periodic updates of the pedestrian master plan and bikeway master plan.
- F. Provide for public participation and involvement regarding the implementation of walking, bicycling, and rolling projects and programs, and other active transportation matters.
- G. Annually, report to and make recommendations to the city council regarding the status of walking, bicycling, and rolling in the city and activities of the commission.

2.100.040 Appointment of members and qualifications.

- A. Number of members. Until such time as the seat described in subsection A.3.c below sunsets, the commission shall consist of 12 members; thereafter the commission has 11 members:
 - 1. Each councilmember shall recommend one member for appointment (8 members total);
 - 2. The mayor shall recommend one member for appointment; and
 - 3. The Personnel and Public Employees Committee shall recommend three members for appointment:
 - a. One must be qualified by training or professional experience and demonstrated leadership in one of the following categories: a licensed civil engineer, a licensed traffic engineer, or a professional transportation planner.
 - b. One must be at least 16 years old and not older than 22 years old at the time of appointment.
 - c. One must have experience with transportation advocacy. This seat sunsets on January 31, 2027, or when vacated, whichever comes first.
- B. Qualifications.

In addition to any requirements or restrictions in chapter 2.40:

1. Members must have an expressed interest or demonstrated history of community involvement or interest in walking, bicycling, or rolling issues.

2.100.050 General provisions.

Unless specifically provided otherwise in this chapter, the provisions of chapter 2.40 apply to the commission and its members.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

Chapter 2.40 BOARDS AND COMMISSION GENERALLY

Note

Article I. General

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2.40.200 Review of boards and commissions.

Note

* Prior history: prior code §§ 60.01.001—60.01.008, 60.02.010, 60.02.011, 60.03.015, 60.04.017, 60.04.018 and Ords. 2019-011, 2017-0026, 2016-0055, 2016-0036, 2015-0026, 2012-0048, 2012-004, 2009-045, 2008-001, 2006-065 and 2006-041.

Article I. General

2.40.010 Definitions.

The following definitions apply in this chapter:

“Boards and commissions” means all boards, commissions, and committees with members who are appointed by the mayor or the city council. “Boards and commissions” includes city boards and commissions. “Boards and commissions” does not include committees that are composed solely of members of the city council.

“City boards and commissions” means boards, commissions, and committees established by the charter, ordinance, or resolution. “City boards and commissions” does not include committees that are composed solely of members of city council. (Ord. 2022-0024 § 2)

2.40.020 Intent.

It is the intent of the city council, in enacting this chapter, to assure that appointees for seats on boards and commissions possess those high ethical standards required of them to properly fulfill their functions; to disclose any conflicts of interest that would render applicants and appointees ineffective in the performance of their duties, or which would jeopardize the interests of the city; to protect applicants and appointees against untrue allegations with respect to their background and integrity; and to establish a uniform administrative framework for all city boards and commissions. (Ord. 2022-0024 § 2)

Article II. Appointment Procedures

2.40.030 Recommendations by the Personnel and Public Employees Committee.

Unless otherwise specified in this code, an ordinance, or a resolution, the Personnel and Public Employees Committee has the power and duty to recommend persons for all board and commission seats that are appointed by the mayor or the city council. (Ord. 2022-0024 § 2)

2.40.040 Applications.

Except for members of the city council and city employees appointed in the capacity of their employment, each person seeking appointment to a seat on any board or commission shall submit an application on a form supplied by the city clerk. The application shall be submitted in a manner prescribed by the city clerk. The application must require information or documentation to effectuate the intent of this chapter, consistent with requirements of the law, including this code, ordinances, and resolutions. The application shall be signed by the applicant under penalty of perjury. (Ord. 2022-0024 § 2)

2.40.050 Procedures for concurrence in appointments to boards and commissions.

A. Concurrence in an appointment for a seat on a city board or commission shall be by vote of the city council.

B. A concurrence vote on an appointee for a seat on a city board or commission shall not be taken unless the appointee has filed with the city clerk the application required by section [2.40.040](#).

C. The city council may direct that a hearing on the concurrence or appointment be held by the city council Personnel and Public Employees Committee if:

1. Before the city council meeting at which the appointment or concurrence vote is scheduled, that committee has not reviewed the appointment or concurrence at a committee meeting; or

2. Any member of the city council after review of the application, requests that said committee hold a hearing on the appointment or concurrence.

D. If the Personnel and Public Employees Committee holds a hearing pursuant to subsection C of this section, the city council vote on concurrence shall be held after that hearing. (Ord. 2022-0024 § 2)

2.40.060 Vacancies.

A. If a seat on a board or commission becomes vacant during a member's term, the vacancy shall be filled in the same manner that a member is required to be initially appointed to that seat, pursuant to this code, ordinance, or resolution.

B. If, at the end of a member's term, the member is not reappointed and a successor is not appointed, the member may continue to serve until they are reappointed or a successor is appointed. (Ord. 2022-0024 § 2)

Article III. Members of Boards and Commissions

2.40.070 Applicability.

Despite any other contrary provision of this code, an ordinance, or a resolution, this article applies to members of any board or commission who are appointed by the mayor or the city council. (Ord. 2022-0024 § 2)

2.40.080 Failure to attend meetings.

A. The failure of any member to attend a meeting called pursuant to law, without a minimum of four hour's advance notice of the absence to the city clerk, is an unexcused absence.

B. Three consecutive unexcused absences from regular meetings, or absence from one-fourth of all meetings called pursuant to law in a twelve-month period, shall be deemed good cause for removal of such member from office under the provisions of section 232 of the Sacramento City Charter.

C. In the case of any board or commission for which no regular meeting date and time has been established, two consecutive unexcused absences from meetings that have been called pursuant to law, or their absence from one-fourth of all meetings that have been called pursuant to law in a twelve-month period, shall be deemed good cause for removal from office under the provisions of Section 232 of the Sacramento City Charter.

D. The absence of any board or commission member on account of the performance of his or her official duties shall not be deemed a failure to attend a meeting described in subsection B or C of this section. (Ord. 2022-0024 § 2)

2.40.090 Terms.

A. The term of each member of a city board or commission is a period of four years.

B. This section does not apply to the following:

1. Members of city boards and commissions who were appointed before July 1, 2022;

2. Members of city boards and commissions whose terms are otherwise provided in the charter;

3. Members of the Sacramento Youth Commission; and

4. Members of the Ann Land and Bertha Henschel Memorial Funds Commission. (Ord. 2022-0024 § 2)

2.40.100 Limitation on number of consecutive terms served.

A. No person appointed to any board or commission by the mayor with the concurrence of the city council or by the city council shall be appointed to serve more than two consecutive terms.

B. Subsection A of this section shall not apply:

1. If the appointee is the mayor or a member of the city council;

2. If the appointee is appointed jointly by the mayor or city council and any other appointing authority;

3. If the board or commission is established by the charter; or

4. If the appointee is a city employee who is appointed in the capacity of their employment.

C. A member appointed to complete 75% or more of an unexpired term shall be eligible to serve up to two consecutive terms; the unexpired term will be considered as the first full term of the two consecutive full terms. A member appointed to complete less than 75% of an unexpired term shall be eligible to serve up to two full consecutive terms in addition to the partial unexpired term.

D. A person who is prohibited from being appointed to a consecutive term pursuant to subsection A shall be eligible for reappointment to a board or commission two years after the last date the member served on the board or commission. (Ord. 2022-0024 § 2)

2.40.110 City employees ineligible.

City employees are ineligible to be members of boards or commissions, unless they are appointed in the capacity of their employment. (Ord. 2022-0024 § 2)

2.40.120 Removal of members for failure to comply with the law.

A. Each member of a board or commission shall comply with all laws or requirements relating to the member's office (including provisions of any resolution, ordinance, or local, state or federal law). This includes, but is not limited to the following:

1. Taking and subscribing the oath or affirmation for public officers (Cal. Const., art. XX, § 3);

2. Filing a statement of economic interests, if required by the city's conflict of interest code adopted pursuant to the Political Reform Act (Cal. [Gov. Code](#), § 81000 et seq.); and

3. Completing training in general ethics principles and ethics laws (Cal. [Gov. Code](#), § 53235).

B. For purposes of charter section 232, a failure of any member of a board or commission to comply with subsection A is deemed good cause for removal from office. (Ord. 2022-0024 § 2)

Article IV. Meetings of Boards and Commissions

2.40.130 Applicability.

This article applies to all city boards and commissions, despite any other contrary provision of this code, ordinance, or resolution. (Ord. 2022-0024 § 2)

2.40.140 Meetings generally.

A. Each regular meeting of a city board or commission shall be noticed and held in accordance with the provisions of sections 4.04.020.A and [4.04.030](#).

B. Each meeting shall be conducted in accordance with the Council Rules of Procedure.

C. If a quorum is not established within 15 minutes after the meeting's noticed start time, the meeting shall be cancelled.

D. With the approval by the city clerk, city boards and commissions may notice and hold special meetings in accordance with the Ralph M. Brown Act (Cal. [Gov. Code](#), § 54950 et seq.). (Ord. 2022-0024 § 2)

2.40.150 Record of vote.

On all matters voted upon by each city board or commission, the ayes, nays, and members present and not voting shall be entered upon the minutes or other record of the meeting by the city clerk or secretary. (Ord. 2022-0024 § 2)

2.40.160 Ad hoc committees and subcommittees.

A. City boards and commissions may not establish ad hoc committees.

B. A city board or commission may establish a subcommittee upon approval by the city council. Before consideration by the city council, the city board or commission must make its request to establish a subcommittee to the Personnel and Public Employees Committee.

C. A subcommittee of a city board or commission shall comply with the following:

1. Subcommittee appointments shall be made by the chairperson of the city board or commission.

2. A subcommittee is a city legislative body subject to the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) and the Sacramento Sunshine Ordinance (Sacramento City Code chapter 4.04).

3. A city board or commission member who is not a member of the subcommittee may attend a subcommittee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.

D. The city clerk shall assign staff to assist subcommittees with their operations. (Ord. 2022-0024 § 2)

2.40.170 Chairperson and vice-chairperson.

A. Each city board and commission shall elect one of its members to serve as chairperson and another to serve as vice-chairperson for each calendar year. A member may serve as the chairperson or vice-chairperson for no more than two calendar years.

B. The chairperson shall be the presiding officer and shall ensure the orderly conduct of the meeting.

C. If the chairperson is absent, the vice-chairperson shall act in the capacity of the chairperson. (Ord. 2022-0024 § 2)

2.40.180 City clerk is secretary.

Pursuant to charter section 71, the city clerk shall act as secretary of city boards and commissions. (Ord. 2022-0024 § 2)

2.40.190 City attorney is legal counsel.

Pursuant to charter section 72, the city attorney shall serve as legal counsel to city boards and commissions. (Ord. 2022-0024 § 2)

2.40.200 Review of boards and commissions.

At least every five years, the city clerk shall report on the status of boards and commissions to the Personnel and Public Employees Committee. This report may include, but is not limited to, recommendations to amend the membership requirements, to amend the scope of the body's authority, or to dissolve the body. (Ord. 2022-0024 § 2)