

City of Sacramento  
**Parks and Community Enrichment Commission Report**  
915 I Street Sacramento, CA 95814  
www.cityofsacramento.org

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**File ID:** 2022-01694

10/6/2022

**Discussion Item 5.**

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**Update on Chapter 2.40 of the Sacramento City Code, Relating to Boards and Commissions Generally (Oral Report)**

File ID: 2022-01694

**Location:** Citywide

**Recommendation:** Receive and file.

**Contact:** Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

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

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance

**Description/Analysis**

**Issue Detail:** To assist the City Council and city-appointed board, commission, and committee members to achieve the high levels of professional service our community expects, the Personnel and Public Employees (P&PE) Committee has accepted the role and responsibility of developing the model for oversight, facilitation, and staffing responsibilities for city boards, commissions, and committees.

To ensure the City's boards, commissions, and committees have a uniform administrative framework, P&PE directed the City Clerk to review and recommend updates to Sacramento City Code Chapter 2.40 relating to Boards and Commission Generally.

On August 30, 2022 the City Council adopted an ordinance which does the following:

- Defines the term "boards and commissions" to include committees.
- Updates the procedures for appointing persons to a board or commission.
- Formalizes the long-standing practice for members to hold over in expired terms until a new

appointment is made.

- Makes city employees ineligible to be members of boards and commissions unless they are appointed in the capacity of their employment.
- Standardizes terms and term limits across most boards and commissions.
- Clarifies the grounds for removal of members of boards and commissions.
- Stipulates that boards and commissions may establish subcommittees with council approval and prohibits establishing ad hoc committees.
- Limits the amount service as a chairperson to two consecutive calendar years.
- Clarifies the role of the City Attorney and City Clerk providing clear legal and administrative support for the City's boards and commissions.
- Directs the City Clerk to, at least every five years, report to P&PE on the status of boards and commissions.

The Office of the City Clerk will present on the updated ordinance to ensure that commissioners have an understanding of the municipal code that governs city boards, commissions, and committees. In an effort to continuously uplift commissions, we intend to continue presenting on topics to educate our advisory bodies.

**Policy Considerations:** This ordinance clarifies that boards and commissions follow the same standards as the city council. Such standards include Sacramento City Charter, Political Reform Act, California Constitution, California Government Code, City's Sunshine Ordinance, Ralph M. Brown Act, and the Council Rules of Procedure.

**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 November 9, 2021, the P&PE Committee gave direction to the City Clerk to review and recommend updates to Sacramento City Code Chapter 2.40 relating to Boards and Commission Generally. On May 24, 2022, the P&PE Committee reviewed the ordinance update and unanimously approved forwarding the ordinance to the City Council for adoption. At the August 30, 2022 City Council approved the ordinance.

**Rationale for Recommendation:** This ordinance establishes a uniform administrative framework for all boards, commissions, and committees.

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** Not applicable.

**Background:** Generally, people are recommended for seats on a board or commission by councilmembers, the mayor, or by P&PE. They are then appointed by the Mayor with the concurrence of the City Council. Serving as an appointee provides a way for residents who have special experience or interests to participate in the City's decision-making process on numerous issues.

The specific role of most boards and commissions is to review and make recommendations to the City Council on matters within its scope of authority and responsibility. This is most commonly achieved at publicly noticed meetings, serving as a venue for public input and participation in the determination of city policies and operating procedures.

The City of Sacramento has over 25 boards, commissions, and committees. Most commissions serve in an advisory capacity to the City Council. However, a few commissions are quasi-judicial, complaint review, or appeals boards. Below is a listing of active city boards, commissions, and committees:

- Active Transportation
- Administration, Investment, & Fiscal Management Board
- Aggie Square Public Financing Authority
- Animal Care Services Citizens Advisory Committee
- Ann Land and Bertha Henschel Memorial Funds Commission
- Board of Plumbing Examiners
- Civil Service Board
- Compensation Commission
- Construction Code Board of Appeals
- Defined Contribution Plans Committee
- Ethel Macleod Hart Trust Fund Advisory Committee
- Housing Code Advisory and Appeals Board
- Measure U Advisory Committee
- Parks and Community Enrichment Commission
- Planning and Design Commission
- Preservation Commission
- Retirement Hearing Commission
- Sacramento Arts, Culture, and Creative Economy Commission
- Sacramento Community Policy Review Commission
- Sacramento Disabilities Advisory Commission
- Sacramento Ethics Commission
- Sacramento Heritage, Inc. Board of Directors
- Sacramento Independent Redistricting Commission
- Sacramento Youth Commission

- Stadium Area Public Financing Authority
- Utilities Rate Advisory Commission

## **ORDINANCE NO. 2022-0024**

Adopted by the Sacramento City Council

August 30, 2022

### **An Ordinance Adding Chapter 1.14 to the Sacramento City Code, Relating to Mayor and Councilmember Vacancies, and Amending Chapter 2.40 of the Sacramento City Code, Relating to Boards and Commissions Generally**

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

#### **SECTION 1.**

Chapter 1.14 is hereby added to the Sacramento City Code to read as follows:

#### **Chapter 1.14 PROCEDURE FOR MAYOR OR COUNCILMEMBER VACANCIES**

##### **1.14.010 Application.**

Each person seeking the recommendation of the Personnel and Public Employees Committee to fill a vacancy for mayor or other member of the city council shall submit an application on a form supplied by the city to 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 described in section 2.40.020, consistent with the provisions of the law, including this code, ordinances, and resolutions. The application shall be signed by the applicant under penalty of perjury.

##### **1.14.020 Procedures for appointment as mayor or other council member.**

The following procedure shall apply to the appointment to fill a vacancy in the office of mayor or other member of the city council:

- A. No person shall be appointed unless such person has filed with the city clerk the application required by section 1.14.010 and a statement of economic interests required by article 2 of chapter 7 of the Political Reform Act (Cal. Gov. Code, §§ 87200-87210) at least seven days prior to such appointment. The city clerk shall forward to the city council copies of all such forms and statements prior to the meeting at which any such appointment occurs. Nothing herein shall require the statement of economic interests to be filed at the same time as the application.
- B. The city council may direct that a hearing on the appointment be held by the city council Personnel and Public Employees Committee if:

1. Before the city council meeting at which the vote on the appointment is scheduled, that committee has not reviewed the application at a committee meeting; or
  2. Any member of the city council, after review of the materials required by subsection A of this section, requests that the committee hold a hearing on the appointment.
- C. If the Personnel and Public Employees Committee holds a hearing pursuant to subsection B of this section, the city council vote on appointment shall be held after that hearing.

## **SECTION 2.**

Chapter 2.40 of the Sacramento City Code is hereby amended to read as follows:

### **Chapter 2.40 BOARDS AND COMMISSIONS GENERALLY**

#### **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.

##### **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.

## **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.

### **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.

### **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.

#### **2.40.60 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.

### **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.

#### **2.40.80 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.

#### **2.40.90 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 commission 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.

**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.

#### **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.

#### **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.

### **Article III. 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.

#### **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).

#### **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.

#### **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.

#### **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.

**2.40.180 City clerk is secretary.**

Pursuant to charter section 71, the city clerk shall act as secretary of city boards and commissions.

**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.

**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.


Adopted by the City of Sacramento City Council on August 30, 2022, by the following vote:

Ayes: Members Ashby, Harris, Jennings, Loloe, and Mayor Steinberg

Noes: Members Schenirer, Guerra, Valenzuela, and Vang

Abstain: None

Absent: None

Attest:  09/07/2022  
Mindy Cuppy, City Clerk

*The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.*

Passed for Publication: July 19, 2022

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