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CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
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JUL 25 1980

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July 25, 1980

Honorable City Council
Council Chamber
City Hall
Sacramento, California 95814

RE: PROPOSED CHARTER AMENDMENTS

Members in Session:

SUMMARY

In prior actions, the City Council decided to submit to the people four proposed amendments to the City Charter. A fifth proposed amendment will be presented to the Council by staff on July 29, 1980. The attached resolution calls a Special Municipal Election to be held on November 4, 1980, for the purpose of submitting all five proposed charter amendments to the people.

BACKGROUND

At prior meetings, the City Council approved in principle four proposed amendments to the city charter, to be submitted to the voters on November 4, 1980. The proposed amendments, each of which is to be voted on separately, are:

1. Amendments to articles VII and VIII, relating to civil service and personnel matters, but excluding section 85 relating to veterans' preference.
2. Amendments to section 85, relating to veterans' preference.
3. Amendments to section 153, relating to the date on which elected officials take office.
4. Amendments to section 32, relating to the adoption of ordinances.

APPROVED
BY THE CITY COUNCIL

JUL 29 1980

OFFICE OF THE
CITY CLERK

July 25, 1980

By a separate report to be acted upon by the Council on July 29, 1980, the Director of Employee Relations is recommending a fifth proposed amendment. The proposal appears as "Measure C" on Exhibit A of the attached resolution. Measure C would amend section 103 to permit, but not require, the city to grant retro-active pay adjustments where such adjustments would also be permissible under the state constitution.

The attached resolution accomplishes every act necessary to place the five proposed charter amendments on the November ballot. The resolution calls a Special Municipal Election to be held on November 4, 1980, for the purpose of submitting the five proposed charter amendments to the qualified electors of the city; submits the five proposed amendments to be voted upon as five separate measures (the text of each measure is set forth in Exhibit A); requests that the Special Municipal Election be consolidated with the State General Election to be held on the same date; requests the County Registrar of Voters to render specified services in connection with the election; and directs the City Clerk to take such action as may be necessary to place the five proposals on the ballot.

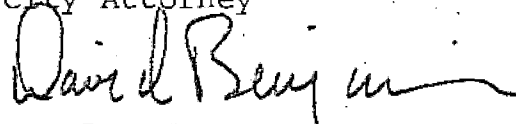
There are two further matters of which the Council should be aware. First, the Council may direct the City Attorney (or the City Clerk, in cases of conflict) to prepare an impartial analysis of each of the measures to be submitted to the voters. The impartial analysis is printed on the ballot preceding the arguments for and against the measure. Please advise us as to which measures, if any, such an analysis should be prepared. Second, the Council or Council members may file written arguments on any of the measures, which will also be printed on the ballot. The City Clerk has informed us that any such arguments must be submitted to her by August 14, 1980.

RECOMMENDATION

In order to submit the five proposed charter amendments to the qualified electors of the City, it is recommended that the attached resolution be adopted.


Very truly yours,

JAMES P. JACKSON
City Attorney



DAVID BENJAMIN
Deputy City Attorney

RECOMMENDATION APPROVED:


CITY MANAGER

43 B

RESOLUTION NO. 80-502

Adopted by The Sacramento City Council on date of

JULY 29, 1980

RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION FOR NOVEMBER 4, 1980, IN THE CITY OF SACRAMENTO FOR THE PURPOSE OF SUBMITTING PROPOSALS FOR THE AMENDMENT OF THE CHARTER OF THE CITY OF SACRAMENTO; REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO CONSOLIDATE SAID SPECIAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE; SUBMITTING SAID PROPOSALS TO THE ELECTORATE; PROVIDING FOR THE PLACEMENT OF SAID PROPOSALS ON THE BALLOT; REQUESTING SAID BOARD OF SUPERVISORS TO ORDER THE COUNTY REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH SAID SPECIAL ELECTION, AND CANVASS THE ELECTION RESULTS THEREAFTER; AND DIRECTING THE CITY CLERK TO PUBLISH SAID PROPOSED AMENDMENTS AND TAKE SUCH OTHER ACTION AS REQUIRED BY LAW

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

SECTION 1.

It is the intention of the Council of the City of Sacramento to submit, and it does hereby submit on its own motion to the qualified electors of the City of Sacramento at a Special Municipal Election, to be held on Tuesday, November 4, 1980, the proposed amendments to the Charter of the City of Sacramento as set forth in Exhibit A attached hereto and incorporated herein by this reference.

SECTION 2.

The measures to be placed on the Special Municipal Election ballot for November 4, 1980, by the County Registrar of Voters of the County of Sacramento shall be in the following words and figures:

MEASURE

Relating to City Charter Revision

Shall the Sacramento City Charter be amended by revising Articles VII and VIII, relating to the civil service and certain other departmental and personnel matters?

	/ YES /		
	/ NO /		

APPROVED BY THE CITY COUNCIL

JUL 29 1980

OFFICE OF THE CITY CLERK

- a. Precinct consolidation, establishment of polling places, securing election officers, and preparing and mailing notices of appointment.
- b. To designate by letter or number the measures to be voted upon.
- c. Printing sample ballots, sample ballot envelopes, polling place cards, ballot arguments, charter amendments, and mailing to registered voters.
- d. Printing of official ballots.
- e. Purchase precinct supplies and absent voter supplies.
- f. Provide for absentee voting, Office of the County Registrar of Voters.
- g. Cartage of voting booths, ballots, original books of affidavits, ballot boxes, and precinct supplies to precincts.
- h. Supervision and conduct of election.
- i. Electronic tabulation of votes.
- j. Canvass and certify to City Clerk results of election.
- k. All things necessary or incidental to the above functions as may be requested from time to time by the City Clerk.

SECTION 6.

The City Clerk is hereby authorized and directed to certify to the due adoption of this resolution and to transmit a copy thereof so certified to the Board of Supervisors of the County of Sacramento and to file a copy thereof so certified with the County Registrar of Voters of the County of Sacramento.

SECTION 7.

The City Clerk shall proceed to publish, give notice and take such other action necessary and consistent with this resolution, and in the manner provided by law for submitting these charter amendments to the electors.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

The City Council of the City of Sacramento hereby submits on its own motion to the qualified electors of the City of Sacramento at the consolidated Special Municipal and State General Election to be held on Tuesday, November 4, 1980, the following proposed amendment to the Charter of the City of Sacramento, to wit:

MEASURE A

TO REVISE ARTICLES VII AND VIII OF THE CHARTER OF THE CITY OF SACRAMENTO, RELATING TO CIVIL SERVICE AND CERTAIN DEPARTMENTAL AND PERSONNEL PROVISIONS; AMENDING CHARTER SECTIONS 80, 81, 82, 83, 84 and 95; REPEALING SECTIONS 86, 87, 97, 99, 101, 104, 106, 107, 108 AND 109; RENUMBERING SECTIONS 98, 100, 102 and 103; REPEALING, REENACTING, RENUMBERING AND AMENDING SECTIONS 88, 89, 90, 91, 92 AND 105, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

SECTION 1.

Sections 80, 81, 82, 83, 84 and 95 of the Charter of the City of Sacramento are amended to read, respectively, as follows:

Sec. 80 Creation of Commission.

The civil service commission shall consist of five citizens of the city who shall have no connection with city government. The city council shall appoint said members for such terms as are established by ordinance. Commission members in office on the effective date of this section shall continue in office during their unexpired terms unless removed as provided by law. Vacancies on the civil service commission from whatever cause shall be filled by the city council for the unexpired term.

Sec. 81 Executive Officer.

The civil service commission may appoint and define the duties of an executive officer of the civil service commission. The city council shall determine the compensation to be paid the executive officer. The executive officer, if other than the director of personnel, shall have no power to administer personnel services and programs. In legislative matters the executive officer may conduct investigations and make recommendations to the commission.

Sec. 82 Power to Administer Oaths.

The executive officer of the civil service commission and such other employees authorized by the commission shall have the power and authority to take affidavits and administer oaths in all matters relating to civil service. The commission shall have the power to subpoena witnesses, books, records and papers in the conduct of hearings held under §90.

Sec. 83. Exemptions and Classified Service.

The officers and employees of the city who shall be exempt from the rules and regulations of the civil service commission shall include:

- (a) Officers directly elected by the people;
 - (b) Members of advisory boards and commissions;
 - (c) The city manager, and any person or persons employed as assistant city manager, and confidential secretary;
 - (d) Those officials of the city government responsible for the operation of a city department or division, along with those persons who may be employed as assistants to such officials;
 - (e) The executive officer of the civil service commission;
- and
- (f) Those employees occupying positions in classes which are filled only on a part-time, seasonal, or limited term basis.

The city council shall, by resolution, designate those classes of positions, employees in which shall be considered exempt from the rules and regulations of the civil service commission, in accordance with the intent and meaning of this section.

Sec. 84. Examinations.

For the purpose of establishing eligible registers from which positions in the classified service shall be filled, it shall be the duty of the civil service commission to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the minimum qualifications requisite to the performance of the duties of such position as established by the civil service commission.

The civil service commission shall determine the manner in which eligibles for entry level positions shall be certified to the appointing authority except that the commission shall not use any method of certification which would result in fewer persons being certified than would be certified under the "rule of three ranks." As used herein the "rule of three ranks" shall be defined as the certification process whereby appointment is made from among the eligibles whose scores, at the time of certification, represent the three highest ranks on the list; for purposes of ranking, scores of eligibles on an eligible list shall be rounded to the highest whole percent and a rank shall consist of one or more eligibles with the same whole percentage score.

All promotional positions in the classified service shall be filled from the three candidates standing highest on the promotional eligibility list.

The commission shall determine the manner in which eligibles for entry level positions shall be certified not later than the time the job announcement is posted. The commission shall determine which positions are entry level positions and which positions are promotional positions.

Sec. 95. Police and Fire Departments.

There shall be in the City of Sacramento a police department and a fire department. All sworn police and uniformed fire positions in the classified service above the grade of police officer and firefighter respectively shall be filled by promotional examination only.

SECTION 2.

Sections 86, 87, 97, 99, 101, 104, 106, 107, 108 and 109 of the Charter of the City of Sacramento are repealed.

SECTION 3.

Section 98 of the Charter of the City of Sacramento, relating to firefighters, is renumbered Section 97.

SECTION 4.

Section 100 of the Charter of the City of Sacramento, relating to powers and duties of the chief of police, is renumbered Section 98.

SECTION 5.

Section 102 of the Charter of the City of Sacramento, relating to police officers, is renumbered Section 99.

SECTION 6.

Section 103 of the Charter of the City of Sacramento, relating to salaries of employees, is renumbered Section 100.

SECTION 7.

Section 88 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 86. Employee Development Programs.

Notwithstanding §84 or any other provision of this Charter, the civil service commission may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with the potential for development, in order to provide career development opportunities for such persons, including but not limited to members of disadvantaged groups, handicapped persons, and veterans entitled to preference under §85 of this article. Such programs may provide for probationary and permanent appointment to the classified service upon the satisfactory completion of the training period prescribed by the civil service commission. The civil service commission shall provide for the establishment of such programs when requested to do so by the city council.

SECTION 8.

Section 89 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 87. Probations.

Appointment or promotion to office or employment in the classified service shall not be deemed complete until a period of probation has elapsed. The civil service commission shall by rule establish a probationary period for each class in the classified service. A probationer may be discharged or reduced at any time within the probationary period and thereupon shall have no right to appeal under §90 of this Charter, except that any probationer who has been discharged or reduced in violation of any applicable state or federal law prohibiting discrimination in employment may appeal said discharge or reduction in accordance with the provisions of §90 of this Charter.

SECTION 9.

Section 90 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 88. Right of Appeal.

If discharged after the expiration of said period, the employee so discharged may appeal in accordance with the provisions of §90 of this Charter.

SECTION 10.

Section 91 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 89. Disciplinary Power.

The city manager or other official or board in whom is vested disciplinary or removal power shall be allowed full freedom on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant of the city, but in no sense to handicap or curtail the responsible administrative officer in securing efficient service.

SECTION 11.

Section 92 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 90. Power and Duties of the Civil Service Commission.

(a) It shall be the duty of the civil service commission to:

(1) Adopt and maintain the classification plan, which shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. The commission may establish additional classes and divide, combine, alter or abolish existing classes.

Each position in the classified service shall be allocated by the director of personnel to one of the classes established by the plan; provided, that whenever a new or additional position is authorized by the city manager, the director of personnel shall allocate each proposed position to an appropriate existing class or recommend the creation of new class to the civil service commission.

When action is taken by the commission to establish additional classes or to divide, combine, alter or abolish existing classes, or upon the reallocation of positions by the director of personnel, the civil service commission shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers, establishing lists for re-employment after resignation, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in the classified service, who may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The commission shall define the manner, time, and place by which such appeal shall be heard and the judgment of the commission shall be final.

(4) Hear appeals, upon written request, from any employee in the classified service, with reference to the allocation or reallocation of his position by the director of personnel.

(5) Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the city council, and provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

(b) The commission, subject to budgetary approval of the city council, may employ or contract for hearing officers to hear appeals of the actions specified in paragraphs (3) and (4) of sub-section (a) of this section and to prepare recommendations for the commission. The commission may adopt rules to implement this sub-section.

SECTION 12.

Section 105 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 101. Rewards.

The city council may reward any city employee for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the city council, but shall not exceed in any one instance one month's salary.

I hereby certify that the foregoing Charter Amendment was ordered submitted by the City Council of the City of Sacramento.

DATED:

CITY CLERK OF THE
CITY OF SACRAMENTO

The City Council of the City of Sacramento hereby submits on its own motion to the qualified electors of the City of Sacramento at the consolidated Special Municipal and State General Election to be held on Tuesday, November, 4, 1980, the following proposed amendment to the Charter of the City of Sacramento, to wit:

MEASURE B

TO AMEND SECTION 85 OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO VETERANS' PREFERENCE, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

Sec. 85 Veterans' Preference

(a) Subject to the provisions of paragraph (b) of this section, in all tests and examinations held by the civil service commission pursuant to the provisions of this Charter, any person who at the time of taking such test or examination has served in the armed forces of the United States in time of war and who received an honorable discharge therefrom or who, after such service to the United States in time of war, has continued in such service or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, as such persons are defined by state law in effect at that time and who has attained a percentage qualifying such applicant for any position under civil service regulations, shall be allowed an increase of ten points above the credit such applicant has attained in such examination.

(b) (1) Any person who has previously received a veteran's preference on an examination for federal employment, or for employment with any public agency in California, and who, by virtue of the preference was certified and subsequently appointed to a position with the federal government or any public agency in California, shall not be entitled to a preference under this section.

(2) No preference shall be granted under this section to any veteran who was discharged more than ten years prior to the final filing date stated on the examination announcement, or prior to the date on which an eligible list is established if no final filing date is stated on the announcement; provided, however, that veterans who are declared by the United States Veterans Administration to have a service connected disability of 30% or more at the time of taking such test or examination, if otherwise qualified for the preference provided for by subsection (a), shall be entitled to such preference without limitation as to the time during which such preference may be used.

(3) No preference shall be granted under this section to any person who retired from the armed forces at or above the rank of major, or its equivalent.

(4) The preference granted under this section shall not apply to promotions, or to promotional examinations.

I hereby certify that the foregoing Charter Amendment was ordered submitted by the City Council of the City of Sacramento.

DATED:

CITY CLERK OF THE
CITY OF SACRAMENTO

EXHIBIT A (Cont'd.)

The City Council of the City of Sacramento hereby submits on its own motion to the qualified electors of the City of Sacramento at the consolidated Special Municipal and State General Election to be held on Tuesday, November 4, 1980, the following proposed amendment to the Charter of the City of Sacramento, to wit:

MEASURE C

TO AMEND SECTION 103 OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO SALARIES OF EMPLOYEES, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

Sec. 103 Salaries of Employees.

(a) The annual compensation of the employees of the city shall be fixed by resolution of the city council. All salaries shall be paid not less frequently than semi-monthly and shall be in full compensation for all duties and services performed by such employees of the city.

(b) Nothing in this section prohibits the city from granting retroactive pay adjustments if such adjustments would be permissible under article IV, section 17 or article XI, section 10(a) of the California Constitution; provided, however, that nothing in this section requires that such retroactive pay adjustments be granted.

[If Measure A on this ballot is approved by the qualified electors, section 103 shall be renumbered section 100.]

I hereby certify that the foregoing Charter Amendment was ordered submitted by the City Council of the City of Sacramento.

DATED:

CITY CLERK OF THE
CITY OF SACRAMENTO

EXHIBIT A (Cont'd.)

The City Council of the City of Sacramento hereby submits on its own motion to the qualified electors of the City of Sacramento at the consolidated Special Municipal and State General Election to be held on Tuesday, November 4, 1980, the following proposed amendment to the Charter of the City of Sacramento, to wit:

MEASURE D

TO AMEND SECTION 153 OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE, TO BECOME EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

Sec. 153 Taking Office.

All elected officials shall take office the fourth Tuesday following the first Monday in the month of November in the year of their election, and their terms of office shall commence on said date.

I hereby certify that the foregoing Charter Amendment was ordered submitted by the City Council of the City of Sacramento.

DATED:

CITY CLERK OF THE
CITY OF SACRAMENTO

EXHIBIT A (Cont'd)

The City Council of the City of Sacramento hereby submits on its own motion to the qualified electors of the City of Sacramento at the consolidated Special Municipal and State General Election to be held on Tuesday, November 4, 1980, the following proposed amendment to the Charter of the City of Sacramento, to wit:

MEASURE E

TO AMEND SECTION 32 OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO THE ADOPTION OF ORDINANCES, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

Sec. 32 Ordinances

(a) Every proposed ordinance shall be introduced in writing. The enacting clause of each ordinance enacted by the council shall be "Be it Enacted by the Council of the City of Sacramento." The enacting clause of each ordinance enacted by the initiative or referendum process shall be "Be it Enacted by the People of the City of Sacramento." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

(b) Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, ordinances shall be adopted in compliance with either the procedure set forth in subsection (c) or subsection (d) of this section.

(c) The ordinance shall be first passed by the Council for publication of title. At least six days shall elapse between the date the ordinance was passed for publication of title and the date it is adopted by the Council. The title of the ordinance shall be published by printing said title in a newspaper of general circulation published within the City designated by the Council as the official newspaper of the City, no later than the third day immediately preceding the date of the adoption of the ordinance. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(d) In lieu of the procedure set forth in subsection (c) of this section, ordinances shall be published in the official newspaper of the City within ten days after adoption by the Council.

(e) Ordinances which take effect immediately upon adoption, may be adopted without compliance with subsections (b), (c) or (d) of this section.

(f) Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

(g) The following ordinances shall take effect immediately upon adoption or at such later dates, of less than thirty (30) days after adoption, as may be specified in the ordinances:

(1) An ordinance calling for or otherwise relating to an election;

(2) An ordinance adopted as and declared by the city council to be an emergency measure, containing a statement of the facts constituting such emergency, if adopted by the affirmative votes of at least six members of the council; provided, that no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by a public utility, other than one operated by the city, may be so enacted; and

(3) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately.

(h) Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

I hereby certify that the foregoing Charter Amendment was ordered submitted by the City Council of the City of Sacramento.

DATED:

CITY CLERK OF THE
CITY OF SACRAMENTO