

SPECIAL JOINT MEETINGS

SACRAMENTO CITY COUNCIL
SACRAMENTO COUNTY BOARD OF SUPERVISORS
AND
AD-HOC CHARTER COMMISSION

MONDAY, MAY 7, 1990, AND
MONDAY, JUNE 11, 1990

AT THE

BOARD OF SUPERVISORS CHAMBERS
700 H STREET, SUITE 1450
SACRAMENTO, CALIFORNIA

I HEREBY CALL Special Meetings of the Sacramento City Council, to meet jointly with the Sacramento County Board of Supervisors and the Ad-Hoc Charter Commission, in the Board of Supervisors Chambers, on the dates and times specified below, for considering and acting upon the following matters:

Monday, May 7, 1990, at 2:00 p.m. -
Special Districts and Personnel Provisions, and

Monday, June 11, 1990, at 2:00 p.m. -
Certification of the Final EIR and Approval of Commission Charter.

Members of the public are invited to attend the public hearings and present their comments.


NOTICE IS HEREBY GIVEN that a quorum of the City Council may be present at the League of Women Voters' State of the Community Luncheon, being held May 7, 1990, at 11:30 a.m., in the Sacramento Community Center Metro Room.

ISSUED: This 30th day of April, 1990.



ANNE RUDIN
MAYOR

ATTEST:



VALERIE A. BURROWES
CITY CLERK

2



SACRAMENTO AD-HOC CHARTER COMMISSION

MONDAY

JUNE 11, 1990

2:00 P.M.

This meeting will be held jointly with the City Council and the Board of Supervisors on June 11, 1990 at 2:00 p.m. in the Board of Supervisors Chambers, 700 H Street, #1450.

A G E N D A

- ITEM NO. 1) Roll Call
- ITEM NO. 2) Charter Commission Certification of Final EIR
- Action Required: Approve Resolution Certifying Final EIR**
- ITEM NO. 3) Board of Supervisors Certification of Final EIR
- Action Required: Request Board of Supervisors Approve Resolution Certifying Final EIR**
- ITEM NO. 4) City Council Certification of Final EIR
- Action Required: Request City Council Approve Resolution Certifying Final EIR**
- ITEM NO. 5) Communication From County Counsel and City Attorney Regarding Land Use Regulation Policy
- Action Required: Receive and File**
- ITEM NO. 6) Charter Commission Approval of Final Draft Charter
- Action Required: Approve Resolution Approving Final Draft Charter and Ballot Language and Authorizing Submission of Final Charter and Ballot Language to Citizen's Committee on Local Governmental Reorganization Corporation**
- ITEM NO. 7) City Council Endorsement of Final Charter, Ballot Language and Recommendation Transmitting Document to Registrar of Voters for November Election
- Action Required: Request the City Council Approve Resolution Endorsing the Final Charter, Ballot Language and Request that Citizen's Committee on Local Governmental Reorganization Transmit Document to Voter Registrar for November Election**
- ITEM NO. 8) Board of Supervisors Endorsement of Final Charter, Ballot Language and Recommendation to Transmit Document to Registrar of Voters for November Election
- Action Required: Request the Board of Supervisors Approve Resolution Endorsing Final Charter, Ballot Language and Request that Citizen's Committee on Local Governmental Reorganization Transmit Document to Voter Registrar for November Election**
- ITEM NO. 9) Ideas and Questions From Commissioners
- Action Required: Receive and File**
- ITEM NO. 10) Opportunity for Public Comment on Other Matters Not on This Agenda but Within the Jurisdiction of This Commission
- Action Required: Receive and File**
- ITEM NO. 11) Adjourn

SACRAMENTO AD-HOC CHARTER COMMISSION

1010 8th Street, Sacramento, CA 95814 • 440-5600

June 7, 1990

TO: Honorable Members, Sacramento County Board of Supervisors
Honorable Mayor and Members, Sacramento City Council
Sacramento Ad-Hoc Charter Commission

FROM: Bob Smith, Executive Director

SUBJECT: FINAL EIR CERTIFICATION

Attached for your review is the Final EIR and a copy of a resolution certifying that the EIR for the project is adequate and has been completed in compliance with the California Environmental Quality Act (CEQA) guidelines and local procedures adopted by the Sacramento County Board of Supervisors, and that the Sacramento Ad-Hoc Charter Commission has reviewed and considered the information in the EIR.

Commission Staff Recommendation: Commission Staff recommends that the Ad-Hoc Charter Commission, the Board of Supervisors, and the City Council all Certify the Final EIR and adopt the attached resolutions to that effect.



BOB SMITH, Executive Director
Sacramento Ad-Hoc Charter Commission

PH:adj

Attachments
Final EIR
Resolutions

90'124

RESOLUTION NO. 90-0898

**ADOPTED BY THE BOARD OF SUPERVISORS OF
THE COUNTY OF SACRAMENTO**

ON DATE OF June 11, 1990

**RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE PROPOSED CHARTER**

WHEREAS, A city-county Charter for the proposed consolidated City and County of Sacramento has been drafted by the Sacramento Ad Hoc Charter Commission. Such Charter, upon certification of the EIR and final approval of the Charter language by the Sacramento Ad Hoc Charter Commission, shall be presented to the voters by the Citizens Committee on Local Governmental Reorganization, a nonprofit corporation; and

WHEREAS, an Environmental Impact Report ("EIR") for the proposed Charter for the City-County of Sacramento ("project") was prepared by the Environmental Impact Section of the Sacramento County Planning and Community Development Department ("Environmental Impact Section") pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et. seq.) and the Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines") (Cal. Admin. Code, title 14, section 15000 et. seq.); and local procedures adopted by the County of Sacramento pursuant thereto; and

WHEREAS, the Environmental Impact Section distributed copies of the draft EIR to those public agencies which have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the draft EIR was given in compliance with CEQA Guidelines section 15085 and a duly noticed hearing was held by the Sacramento Ad Hoc Charter Commission to take oral comments; and

WHEREAS, the draft EIR was thereafter supplemented to respond to the comments received, as provided in CEQA Guidelines section 15088 and, as so revised and supplemented, the draft EIR, combined with the comments and responses, became the final EIR for the project; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Sacramento:

The Board of Supervisors of the County of Sacramento hereby certifies that the EIR for the project is adequate and has been completed in compliance with the California Environmental Quality Act, the CEQA Guidelines and

City of Sacramento
Board of Supervisors
Resolution from
City/County Consolidation
Metg of June 11, 1990.

The foregoing is a correct copy of a
Resolution adopted by the Board of
Supervisors, Sacramento County,
California

on June 11, 1990

Dated June 14, 1990
Clerk of said Board
of Supervisors

By Harry A. Donaldson
Deputy Clerk

local procedures adopted by the Sacramento County Board of Supervisors pursuant thereto, and that the Board of Supervisors for the County of Sacramento has reviewed and considered the information contained in the EIR.

Based upon the EIR and all other oral and documentary evidence, the Board of Supervisors of the County of Sacramento hereby determines that the project will result in certain significant adverse environmental impacts upon the environment set forth in Exhibit A, attached hereto and incorporated herein by reference.

Measures have been proposed to mitigate certain significant adverse environmental impacts to less than significant levels and those measures are set forth in Exhibit A, attached hereto and incorporated herein by reference.

Other mitigation measures and/or project alternatives have been proposed to reduce other significant environmental impacts to less than significant levels. However, these mitigation measures and/or project alternatives are within the responsibility and jurisdiction of another public agency, more specifically, the proposed city-county council of supervisors. Such mitigation measures and/or alternatives can and should be adopted by the proposed council of supervisors. Such mitigation measures and the reasons they are found to be infeasible are set forth in Exhibit B, attached hereto and incorporated herein by reference.

Because of the overriding importance of the project, the Board of Supervisors of the County of Sacramento, after weighing its benefits against the environmental harm it will cause, has chosen to approve the project despite the resulting potential adverse environmental impacts. These considerations and the facts supporting this conclusion are set forth in Exhibit B, attached hereto and are incorporated herein by reference.

Upon approval and adoption of the project, a Notice of Determination shall be filed with the County Clerk of Sacramento County pursuant to the provisions of section 21152 of the Public Resources Code and CEQA Guidelines section 15094.

ON A MOTION by Supervisor I. COLLIN, Seconded by Supervisor J. STRENG, the foregoing Resolution was passed and adopted by the BOARD OF SUPERVISORS of the County of Sacramento, State of California, this 11th day of June, 1990, by the following vote, to wit:

AYES: SUPERVISORS: Collin, T. Johnson, Smoley, Streng, G. Johnson

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None



Denise A. Williams
Clerk of the Board of Supervisors

Grantland Johnson
GRANTLAND JOHNSON, Chairman
Board of Supervisors
Sacramento County

FILED

JUN 11 1990

JUN 11 1990

BOARD OF SUPERVISORS
BY *Denise A. Williams*
CLERK OF THE BOARD

Hally A. Donaldson
Deputy Clerk, Board of Supervisors

In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on

RESOLUTION OF THE SACRAMENTO
AD HOC CHARTER COMMISSION
CERTIFYING THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE PROPOSED CHARTER

WHEREAS, A city-county Charter for the proposed consolidated City and County of Sacramento has been drafted by the Sacramento Ad Hoc Charter Commission. Such Charter, upon certification of the EIR and final approval of the Charter language by the Sacramento Ad Hoc Charter Commission, shall be presented to the voters by the Citizens Committee on Local Governmental Reorganization, a nonprofit corporation; and

WHEREAS, an Environmental Impact Report ("EIR") for the proposed Charter for the City-County of Sacramento ("project") was prepared by the Environmental Impact Section of the Sacramento County Planning and Community Development Department ("Environmental Impact Section") pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et. seq.) and the Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines") (Cal. Admin. Code, title 14, section 15000 et. seq.); and local procedures adopted by the County of Sacramento pursuant thereto; and

WHEREAS, the Environmental Impact Section distributed copies of the draft EIR to those public agencies which have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the draft EIR was given in compliance with CEQA Guidelines section 15085 and a duly noticed hearing was held by the Sacramento Ad Hoc Charter Commission to take oral comments; and

WHEREAS, the draft EIR was thereafter supplemented to respond to the comments received, as provided in CEQA Guidelines section 15088 and, as so revised and supplemented, the draft EIR, combined with the comments and responses, became the final EIR for the project; and

NOW, THEREFORE, THE SACRAMENTO AD HOC CHARTER COMMISSION DOES RESOLVE AS FOLLOWS:

Section 1. The Sacramento Ad Hoc Charter Commission hereby certifies that the EIR for the project is adequate and has been completed in compliance with the California Environmental Quality Act, the CEQA Guidelines and local procedures adopted by the Sacramento County Board of Supervisors pursuant thereto, and that the Sacramento Ad Hoc Charter Commission has reviewed and considered the information contained in the EIR.

Section 2. Based upon the EIR and all other oral and documentary evidence submitted to the Sacramento Ad Hoc Charter Commission, the Sacramento Ad Hoc Charter Commission hereby determines that the project will result in certain significant adverse environmental impacts upon the environment set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. Measures have been proposed to mitigate certain significant adverse environmental impacts to less than significant levels and those measures are set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 4. Other mitigation measures and/or project alternatives have been proposed to reduce other significant environmental impacts to less than significant levels. However, these mitigation measures and/or project alternatives are within the responsibility and jurisdiction of another public agency, more specifically, the proposed city-county council of supervisors. Such mitigation measures and/or alternatives can and should be adopted by the proposed council of supervisors. Such mitigation measures and the reasons they are found to be infeasible are set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 5. Because of the overriding importance of the project, the Sacramento Ad Hoc Charter Commission, after weighing its benefits against the environmental harm it will cause, has chosen to approve the project despite the resulting potential adverse environmental impacts. These considerations and the facts supporting this conclusion are set forth in Exhibit B, attached hereto and are incorporated herein by reference.

Section 6. Upon approval and adoption of the project by the Sacramento Ad Hoc Charter Commission, the Executive Director of the Commission is hereby directed to file a Notice of Determination with the County Clerk of Sacramento County pursuant to the provisions of section 21152 of the Public Resources Code and CEQA Guidelines section 15094.

PASSED AND ADOPTED this ____ day of _____, 1990 by the following roll call vote:

AYES:

NOES:

ABSENT:

Roy E. Brewer
Chairman, Sacramento Ad
Hoc Charter Commission

Exhibit A

SIGNIFICANT MITIGATABLE IMPACTS ASSOCIATED WITH THE ADOPTION OF THE CITY-COUNTY CHARTER

A number of potentially significant environmental impacts have been identified in the EIR for the Proposed Charter for the City-County of Sacramento. Each significant impact listed below can be mitigated to a less than significant level and the mitigation measure was adopted and incorporated into Charter by the Sacramento Ad Hoc Charter Commission

SIGNIFICANT ENVIRONMENTAL IMPACT	MITIGATION STRATEGY RECOMMENDED IN EIR	MITIGATION MEASURE ADOPTED BY CHARTER COMMISSION
<u>LAND USE AND PLANNING</u>		
The proposed Charter does not include a requirement that the zoning code be in conformance with the general plan.	Require conformance between the City-County general plan and zoning ordinance in the Charter.	Section 904(a) of the Charter has been amended to read, "The zoning code must be consistent with the City-County general plan.
The county and city zoning ordinances have differing special and combining zones. Overlay zones often protect sensitive environmental areas. The Charter does not require general plan consistency.	Clarify overlay zone initiation and adoption procedures and general plan consistency requirement in the Charter.	Section 906(c) has been added to the Charter. This section reads: All overlay zones must be consistent with the City-County general plan." The Charter language is clear that the responsibility for creation, initiation and approval of any overlay zones belongs to the council of supervisors.

A disincentive to adopting community plans is built into the Charter. Community plans should be uniformly required.

Make community plans mandatory for all communities or change the community plan amendment procedures so the the disincentive is eliminated.

Charter section 903(a) has been amended to read, "Each local community council shall prepare and update a community plan."

The requirement that a conditional use permit or variance be consistent with the general plan would no longer apply under the Charter.

Write in the Charter a provision calling for use permits and variances to be consistent with the general plan.

Charter section 909 (c) has been added to read: "All use permits and variances must be consistent with the City-County general plan."

LCCs will have greater control over local issues...therefore there is a potential for conflicts when dealing with undesirable "NIMBY" projects.

Expressly require zones for areas and facilities of Countywide significance in the zoning code, and specify that applications for rezoning involving these properties are decided by the Council of Supervisors.

Overlay zones and general plan adoption and amendment are the responsibility of the Council of Supervisors. Further, section 908, "Fair Share Plans," has been added to the Charter.

Adoption of the Charter could reduce LAFCO control over conversion of agricultural land to urban use.

Include open space and prime agricultural land use protections in the charter to ensure that state mandated protections currently provided by LAFCO are maintained.

LAFCO policy language has been inserted into the Charter at sections 901(b) and 901(c) establishing policies to promote planned urban development and the preservation of open space and agricultural lands

Discontinuance of
LAFCO could occur
should it be determined
that it does not apply to
a City-County.

Strong policies on
logical, orderly growth
and protection of
agricultural lands.

City-County
consolidation and the
adoption of the Charter
does not eliminate the
LAFCO in Sacramento
County. The Charter
provides that both cities
and the remaining
special districts shall
continue to change
boundaries and make
other changes of
organization in the
manner provided by
general state law, which
provides for LAFCO
jurisdiction over
changes of organization.
Further, strong policies
on logical, orderly
growth and protection
of agricultural land
have been incorporated
into the Charter in
sections 901(b) and
901(c) (see above.)
If this language does not
mitigate the impact to
less than significant
levels, see Exhibit B and
Statement of Overriding
Considerations.

PUBLIC SERVICES
AND UTILITIES

Expansion of the urban services district (now called "urban services area") could allow the expansion of services into agricultural or open space lands thereby causing premature urbanization.

Incorporate language in the Charter establishing criteria for the expansion of the services districts.

Section 1001(b) of the Charter was amended to include the following language: "Only areas that are urbanized, or identified for urban uses in the general plan, and in need of extended services offered solely in the urban services area may be annexed by the urban services area. Upon annexation, the annexed territory shall receive only those extended services offered in the urban services area." General municipal services which make urban development possible are not provided by annexation to the urban services area.

Exhibit B

STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS THAT CERTAIN MITIGATION MEASURES ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY - IMPACTS ASSOCIATED WITH THE PROPOSED CHARTER FOR THE CITY-COUNTY OF SACRAMENTO

The adoption of the proposed City-County Charter is projected to create certain significant environmental impacts set forth below.

The Board of Supervisors of the County of Sacramento has chosen to approve the project despite these resulting potentially adverse significant environmental impacts without the mitigation measures set forth in the EIR. The Board of Supervisors of the County of Sacramento finds that these mitigation measures all require the inclusion of certain provisions within the future City-County General Plan or future City-County zoning ordinance. Therefore, such mitigation measures are within the responsibility and jurisdiction of another public agency - the future Council of Supervisors of the City and County of Sacramento - and not within the jurisdiction of the Sacramento Ad Hoc Charter Commission or the Board of Supervisors of the County of Sacramento.

The Board of Supervisors of the County of Sacramento has also balanced the benefits of the proposed project against the unavoidable environmental risks and has determined that City-County consolidation and adoption of the Charter outweigh the potential adverse environmental effects of the project and, specifically, finds that the Charter will provide the following significant benefits to the community which outweigh the potential adverse environmental impacts identified in the EIR and which are not mitigatable at this time:

- A more efficient and cost effective local government;
- A significant improvement in the ability of local officials to develop a common political consensus in solving difficult area-wide problems;
- A stronger opportunity for the mayor to be elected upon and implement a political agenda to improve the human, economic, physical and social conditions of the Sacramento community;
- A more balanced general planning process through the use of local community councils, while ensuring that regional concerns are addressed by the council of supervisors representing the entire Sacramento community;

- Better opportunity for citizen involvement, especially in local community planning matters.

SIGNIFICANT IMPACTS

MITIGATION STRATEGY IN EIR (WITHIN JURISDICTION OF ANOTHER AGENCY)

LAND USE AND PLANNING

Application of the city's commercial policies to the city-county could expand high activity nodes into the county which could encourage more intensive commercial development that could conflict with the predominantly agriculturally based county land use pattern.

Incorporate more specific language in the City-County general plan relating to the location and allowable densities within high activity nodes so that agricultural land uses are not adversely impacted.

If the city's policy of full urbanization were applied to the City-County general plan, it could result in a substantial amount of new development outside current city limits.

Redefine urban boundaries within the City-County to reduce the potential for full urbanization. Include explicit policies concerning growth and an implementation element in the City-County general plan.

If the city's more intensive residential uses were applied to the entire City-County, lower density housing and rural-residential lifestyle options could be reduced. This may also decrease lands available for agricultural purposes.

Include designations that differentiate between the low-density rural and low-density urban uses in the City-County general plan.

Deletion of the city's condominium conversion policy could result in unrestricted conversion of rental units and lack of support for rental rehabilitations.

Include policies in the City-County general plan that restrict conversion of rental units to condominiums and support rental rehabilitation.

Deletion of the county agricultural land use designations could result in significant loss of agricultural lands and open space.

Incorporate designations and policies similar to those currently in the county general plan in the City-County general plan to provide protection of agricultural lands and open space.

The county and city zoning ordinances have differing special and combining zones. These overlay zones often protect sensitive environmental areas. The Charter is not clear on whether or not overlay zones can be initiated by the LCCs.

Include special district and combining zones for the delta, existing waterways, neighborhood preservation, and transportation corridors in addition to those called out in the Charter, in the city-county general plan. [The Charter was amended to provide for overlay zone and general plan consistency. Section 906(c) was added to require that all overlay zones be consistent with the City-County general plan. The Charter is clear that only the council of supervisors may create, initiate and approve overlay zones. (Charter, § 906(a).)]

An open space zoning ordinance to implement the open space element of the general plan would not be required under the Charter because such requirement under state law is contained in a chapter of the Government Code which does not apply to Charter cities.

Specifically call for the adoption of a range of open space zoning categories to implement goals and policies of the open space element of the general plan.

Discontinuance of LAFCO could occur, threatening open space and prime agricultural lands.

Not mitigatable to less than significant levels. [Language was included in Charter sections 901(a) and 901(b) to address this potential impact. See also Exhibit A.]

POPULATION/HOUSING

A significant adverse impact on the availability of lower-income housing with special needs could occur if the City-County general plan excluded the current city policies.

Include in the City-County general plan policies that increase densities where possible to provide more affordable housing and promote housing facilities for limited income single-parent households.

BIOLOGICAL RESOURCES

No mention is made of native plants in the city's general plan policies nor does it include a policy for the protection of fish communities in city waterways.

Recognize the importance of native plants and contain provisions for the protection of vernal pools, the habitat needs of anadromous fish and incorporate protection for other migratory species in the City-County general plan.

City and county zoning requirements contain certain inconsistencies regarding floodplains, parkways and protection of riparian habitats. Should the weaker policies be adopted, the Sacramento area vegetation and wildlife resources could be adversely affected.

Incorporate specific protections for the floodplain and riparian habitat near the smaller creeks as well as the two large rivers into the City-County general plan and zoning ordinance.

GEOLOGY, SOILS AND SEISMICITY

The city zoning ordinance includes no special zones relating to geologic conditions. If its weaker policies were adopted, local geologic hazards would be less well controlled, soil loss could diminish agricultural productivity, and mineral resource development would be allowed to contribute to environmental degradation.

Incorporate detailed provisions for seismic safety, include the issue of soil conservation and recognize the importance of the mining industry and the need for measures to mitigate the environmental affects of this industry in the City-County general plan and relevant zoning.

HYDROLOGY AND WATER QUALITY

Current city and county zoning designations provide differing levels of protection to floodplains and waterways.

Provide for comprehensive floodplain management that would recognize the sensitive character of the riparian areas of the costs and hazards associated with the development of floodplains in the City-County general plan.

CULTURAL RESOURCES

The city has implemented zoning and created a City Preservation Board. The county does not provide any comparable policy. Adoption of less protective policies could result in the destruction of historic resources.

Establish guidelines for the protection of historic resources in the City-County general plan. Adopt the city ordinances relating to the preservation of historic resources.

RESOLUTION NO.

90-469

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF

6-11-90

APPROVED
BY THE CITY COUNCIL

JUN 11 1990

OFFICE OF THE
CITY CLERK

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CHARTER

WHEREAS, A city-county Charter for the proposed consolidated City and County of Sacramento has been drafted by the Sacramento Ad Hoc Charter Commission. Such Charter, upon certification of the EIR and final approval of the Charter language by the Sacramento Ad Hoc Charter Commission, shall be presented to the voters by the Citizens Committee on Local Governmental Reorganization, a nonprofit corporation; and

WHEREAS, an Environmental Impact Report ("EIR") for the proposed Charter for the City-County of Sacramento ("project") was prepared by the Environmental Impact Section of the Sacramento County Planning and Community Development Department ("Environmental Impact Section") pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et. seq.) and the Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines") (Cal. Admin. Code, title 14, section 15000 et. seq.); and local procedures adopted by the County of Sacramento pursuant thereto; and

WHEREAS, the Environmental Impact Section distributed copies of the draft EIR to those public agencies which have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the draft EIR was given in compliance with CEQA Guidelines section 15085 and a duly noticed hearing was held by the Sacramento Ad Hoc Charter Commission to take oral comments; and

WHEREAS, the draft EIR was thereafter supplemented to respond to the comments received, as provided in CEQA Guidelines section 15088 and, as so revised and supplemented, the draft EIR, combined with the comments and responses, became the final EIR for the project; and

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Council:

The Sacramento City Council hereby certifies that the EIR for the project is adequate and has been completed in compliance with the California Environmental Quality Act, the CEQA Guidelines and local procedures adopted by the Sacramento County Board of Supervisors pursuant thereto,

and that the Sacramento City Council has reviewed and considered the information contained in the EIR.

Based upon the EIR and all other oral and documentary evidence, the Sacramento City Council hereby determines that the project will result in certain significant adverse environmental impacts upon the environment set forth in Exhibit A, attached hereto and incorporated herein by reference.

Measures have been proposed to mitigate certain significant adverse environmental impacts to less than significant levels and those measures are set forth in Exhibit A, attached hereto and incorporated herein by reference.

Other mitigation measures and/or project alternatives have been proposed to reduce other significant environmental impacts to less than significant levels. However, these mitigation measures and/or project alternatives are within the responsibility and jurisdiction of another public agency, more specifically, the proposed city-county council of supervisors. Such mitigation measures and/or alternatives can and should be adopted by the proposed council of supervisors. Such mitigation measures and the reasons they are found to be infeasible are set forth in Exhibit B, attached hereto and incorporated herein by reference.

Because of the overriding importance of the project, the Sacramento City Council, after weighing its benefits against the environmental harm it will cause, has chosen to approve the project despite the resulting potential adverse environmental impacts. These considerations and the facts supporting this conclusion are set forth in Exhibit B, attached hereto and are incorporated herein by reference.

Upon approval and adoption of the project, a Notice of Determination shall be filed with the County Clerk of Sacramento County pursuant to the provisions of section 21152 of the Public Resources Code and CEQA Guidelines section 15094.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

**LAW OFFICES OF
WILLIAM L. WILLIAMS, JR.
1900 POINT WEST WAY, SUITE 248
SACRAMENTO, CA 95815-4705**

Telephone: (916) 648-1719
Facsimile: (916) 648-3932

RECEIVED
JUN 11 1990
Sacramento AD-HOC Charter Comm.

June 11, 1990

SACRAMENTO COUNTY AD-HOC
CHARTER COMMISSION
1010-8TH Street
Sacramento, CA 95814

HAND DELIVERED

Re: SECTION 1904 OF THE PROPOSED CITY/COUNTY CHARTER

To the Ad-Hoc Charter Commission Members:

Attached for your reference are copies of two letters from William McPoil, a representative for the Sacramento County Employees Organization (SCEO) to Roy Brewer, Chairman of the Ad-Hoc Commission, and to Daniel Bonebrake, Employee Relations Officer for the County of Sacramento. While it is hoped that the Commission members have already received copies of these letters, these letters voice SCEO's strong objection to the current proposed language for Section 1904 of the City/County Charter.

To avoid needless repetition of the arguments contained in these letters, in summary, SCEO's position is that the current proposed language of Section 1904 is unlawful on its face as it institutionalizes a role for the AFL-CIO in the unit determination process to the detriment of SCEO and any other unaffiliated labor organization representing County and City employees. The proposed language violates SCEO's and its member's rights under the State and Federal Constitutions and under the Meyers-Milius-Brown Act. (See Government Code sections 3502 and 3503.) Relatedly, the proposed language of Section 1904 is not "reasonable" within the meaning of Government Code section 3507 and again, will not stand judicial scrutiny. (Reinbold v. City of Santa Monica (1976) 63 Cal.App.3d 433; Huntington Beach Police Officers' Association v. City of Huntington Beach (1976) 58 Cal.App.3d 492.)

SACRAMENTO COUNTY AD-HOC

June 11, 1990

Page 2

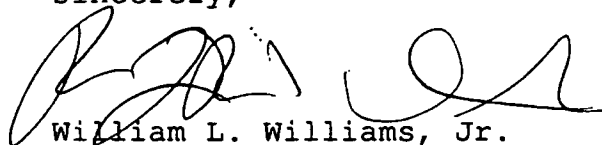
Further, SCEO and the County are currently still involved in the meet and confer process regarding Section 1904. SCEO and County representatives met as late as yesterday in this regard. Pending the completion of that process, any adoption of the current proposed language of Section 1904 is unlawful. (Seal Beach Police Officers' Association v. City of Seal Beach (1984) 36 Cal.3d 591; Vernon Firefighters v. City of Vernon (1980) 107 Cal.App.3d 842.)

Beyond the legal deficiencies of the language, there is a simple issue of fairness. The unit determination process which will ostensibly be governed by Section 1904 can be determinative as to which labor organization, if any, will represent a given bargaining unit. Much like legislative reapportionment, the lines drawn between bargaining units can be determinative of the outcome of a representation election. To give one group of unions, the AFL-CIO, a clear advantage in that process is unfair to both the unaffiliated unions and to the many employees who will be making a choice on bargaining representatives. With all due respect to the Commission, the current proposed language and the process under which it was developed smacks of a "sweetheart" deal.

While SCEO is prepared to strongly press its position in any and all appropriate forums, it is not our intent to unnecessarily obstruct the Charter drafting process. Rather, SCEO would request and urge that the Commission reassess this issue from both a legal and ethical standpoint and defer action regarding Section 1904 until such time as the meet and confer process is completed.

We thank you for your consideration of this matter.

Sincerely,

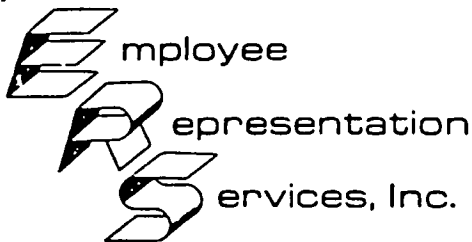


William L. Williams, Jr.
Attorney for SCEO

WLW/ks

cc: SCEO Board
William McPoil
Daniel Bonebrake
Paul Hahn

ww053



(916) 369-8712

STEVE ALLEN
PAUL BECHELY
CHARLES M. HOWARD
WILLIAM D. McPOIL
MAY PROSSER-STRONG
VAL R. SCHIELE
ED TAKACH
DENNIS WRIGHT

PLEASE REPLY TO:

3080 FITE CIRCLE, SUITE 107, SACRAMENTO, CA 95827-1808 (800) 458-4-ERS
O 330 WASHINGTON STREET, SUITE 707, MARINA DEL REY, CA 90292-5130
O 1800 SHASTA STREET, SUITE 'B', REDDING, CA 96001-0417
O P.O. BOX 11830, RENO, NV 89510-1830
O 2276 MARK WEST SPRINGS ROAD, SANTA ROSA, CA 95404-9606
O 1891 CENTRO WEST, UNIT A, TIBURON, CA 94920-1910

HARRY DUPLÉ
EXECUTIVE DIRECTOR

WILLIAM L. WILLIAMS, JR.
RETAINED COUNSEL

May 30, 1990

Mr. Roy E. Brewer, Chairman
Sacramento Ad-Hoc Charter Commission
1010 8th Street
Sacramento, CA 95814

RE: SECTION 1904 OF THE PROPOSED CITY/COUNTY CHARTER

Dear Mr. Brewer:

This will serve to reiterate the position presented by myself on behalf of the Sacramento County Employees' Organization (SCEO) at last evening's meeting. It is SCEO's position that the involvement and/or responsibility of the Executive Secretary of the Sacramento Central Labor Council, AFL-CIO, in selecting a panel member on behalf of all recognized organizations is inappropriate.

While SPOA, Local 39 and Local 522 may have entered into an agreement with City and County labor relations officers, the fact that SCEO was excluded from those negotiations at the very least shows bad faith on the part of the Commission. The Commission's response to that issue last evening was that all of the unions were notified and given proposed language, and that only SPOA, Local 39 and Local 522 raised an objection. Therefore, since SCEO did not raise an objection, in the Commission's view the issue was closed. It must be noted that SCEO was not invited to the negotiations and did not waive the right to negotiate on this issue. That decision made by the Commission is contrary to good faith negotiations and labor relations law, specifically Government Code Sections 3504 and 3504.5, as cited in Seal Beach Police Officers Association v. City of Seal Beach etc., et al., 36 Cal. 3d 591 (1984). While the Commission has communicated with the bargaining units/unions to a degree, nowhere do my records indicate any correspondence that clearly sets forth an invitation to negotiate this change as required by the above cited Government Code Sections.

May 30, 1990
Roy E. Brewer
page two

As was stated at the meeting, SCEO represents the largest single bargaining unit in the City and County of Sacramento. With 2600 members, it seems only reasonable that your Commission would have notified SCEO as soon as it became aware of the fact that proposed language was being objected to.

In closing, let me restate SCEO's position. Any and all language pertaining to bargaining units, and in particular resolution of disputes in unit determination as stated in Section 1904, be held in abeyance pending negotiations and agreement between the City and County, SCEO and any other unit including SPOA, Local 39 and Local 522. SCEO has not yet taken a position to support or oppose, but certainly, this single issue raises doubt as to whether SCEO could support the merger given the fact that SCEO has been excluded from the negotiations up to this point.

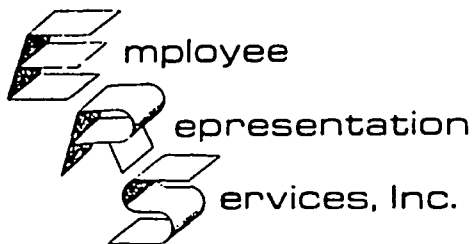
Sincerely,

Christina Achly-Martin

for WILLIAM D. MCPOIL
Representative

cc: Karolyn W. Simon, Winston Ashizawa, John German, David Kalb, Warren Knieriem, Marian Lozano, Virginia Moose, Julie Nauman, Wendell Phillips, James Shelby, Tina Thomas, Chris Tooker, Bob Walters, Augustin Zuniga, George Dean, Wendy Hoyt, Tony Ihanovich, Mike Reyna, Steve Lakich, Daniel Bonebrake, SCEO

WDM/cam/ltr53090.rb



(916) 369-8712

STEVE ALLEN
PAUL BECHELY
CHARLES M. HOWARD
WILLIAM D. McPOIL
MAY PROSSER-STRONG
VAL R. SCHIELE
ED TAKACH
DENNIS WRIGHT

PLEASE REPLY TO:

23050 FITE CIRCLE, SUITE 107, SACRAMENTO, CA 95827-1808 (800) 456-4-ERS
O 330 WASHINGTON STREET, SUITE 707, MARINA DEL REY, CA 90292-5130
O 1800 SHASTA STREET, SUITE 'B', REDDING, CA 96001-0417
O P.O. BOX 11830, RENO, NV 89510-1830
O 2276 MARK WEST SPRINGS ROAD, SANTA ROSA, CA 95404-9606
O 1891 CENTRO WEST, UNIT A, TIBURON, CA 94920-1910

HARRY DUPLÉ
EXECUTIVE DIRECTOR

WILLIAM L. WILLIAMS, JR.
RETAINED COUNSEL

June 5, 1990

Hand Delivered

Daniel Bonebrake
Employee Relations Officer
Department of Personnel Management
700 H Street, 5th Floor
Sacramento, CA 95814

RE: MEET & CONFER PROCESS;
SECTION 1904 OF THE PROPOSED CITY/COUNTY CHARTER

Dear Mr. Bonebrake:

As you may be aware by copy of my letter of May 30, 1990, to Roy E. Brewer, Chairman of the Sacramento Ad-Hoc Charter Commission, the Sacramento County Employees' Organization (SCEO) has taken strong exception to the anticipated adoption of the proposed City/County Charter as it pertains to the arbitration mechanism to resolve unit determination disputes. (Section 1904)

As originally proposed, Section 1904 read in part:

"... In the event that the parties cannot agree on the selection of the arbitration panel, the mayor, with the concurrence of a majority of the council of supervisors shall establish an alternate process to select an impartial labor arbitrator to resolve any outstanding unit determination disputes...."

That language has now been modified to read:

"... In the event the interested or recognized employee organizations cannot agree on the selection of their member of the panel, the Executive Secretary of the Sacramento Central Labor Council, AFL-CIO, shall select the one panel member on behalf of all recognized employee organizations...."

That language as modified is totally unacceptable to SCEO for a number of reasons. First, SCEO as an unaffiliated labor organization, will be extremely prejudiced by the apparent institutionalization of an AFL-CIO role in the selection process. It is the position of SCEO that the language on its face violates its members' associational rights under the State and Federal Constitutions and further abrogates SCEO's and its members' rights under Government Code Sections 3502 and 3503.

June 5, 1990
page two

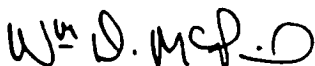
Moreover, the adoption by the Commission of the modified proposed language is a clear violation of the notice and meet and confer obligations as contained in Government Code Sections 3504.5 and 3507 relative to such rules/regulations. Though SCEO was satisfied with the language as initially proposed, it was not notified or otherwise included in the "process" that resulted in the current modified proposed language. Further, based upon conversations between Kathryn Noblet, Vice-Chair of SCEO, and Paul Hahn, Deputy Executive Director of the Ad-Hoc Charter Commission, it is apparent that the Commission has no intention of meeting and conferring regarding this matter. This is unlawful in that the Commission itself comes within the definition of a "public agency" within the meaning of Government Code Section 3501 giving rise to its obligations under Government Code Sections 3504.5 and 3507.

In any case, we are directing this correspondence to your office, as the representative of the County employer. There can be no question of the County's coming within the purview of the Meyer-Miliias-Brown Act with regard to the meet and confer process. SCEO hereby makes demand of the County to enter into the meet and confer process regarding the above matter. Please respond to us in writing at your earliest convenience so that we may begin that process.

Pending completion of the meet and confer process, SCEO would object to any action taken on the proposed Charter by the Ad-Hoc Commission. SCEO is currently exploring all available options with regard to the above matter and is prepared to take any and all actions necessary to preserve its rights as an unaffiliated recognized employee organization. (see Seal Beach Police Officers' Association v. City of Seal Beach (1984) 36 Cal.3d 591.)

By copy of this letter, we are again informing the Ad-Hoc Commission of our objections to the proposed City/County Charter language and the process by which it was developed.

Sincerely,



WILLIAM D. MCPOIL
Representative

cc: Members, Sacramento Ad-Hoc Charter Commission
Kathryn Noblet
William L. Williams, Jr. Esq.
Paul Hahn, Deputy Executive Director

WDM/cam/ltr6590.db



COUNTY OF SACRAMENTO

BRIAN H. RICHTER
County Executive

DEPARTMENT OF PERSONNEL MANAGEMENT
GERALD M. PAULY, Director

Telephone (916) 440-7097

June 11, 1990

TO: Sacramento County Board of Supervisors
Sacramento City Council
Sacramento Ad-Hoc Charter Commission

RE: AFFIRMATIVE ACTION OFFICER

At its June 5, meeting the Charter Commission decided against my recommendation that the affirmative action officer be appointed by the CAO.

At that meeting, I suggested orally, as an alternative to my basic request, that my concerns about affirmative action being removed from the mainstream of city-county administrative processes would be lessened if the proposed charter were to include specific language to clarify that the council of supervisors may provide affirmative action staff to other departments of the city-county government.

Attached is a proposed modification of Subsection (d) of Section 1302. The modification makes it clear that affirmative action staff may be authorized to assist other city-county officials to carry out their personal affirmative action responsibilities. Subsection (b) of Section 1302 gives them those responsibilities. This proposed modification better assures that they will be given the staff resources to successfully perform those responsibilities.

Respectfully submitted,



GERALD M. PAULY
Director of Personnel Management

GMP:pag

Attachment

cc: Walter Slipe, City Manager
Donna Giles, Director of Personnel, City of Sacramento
Steve Lakich, Director of Employee Relations, City of Sacramento
Brian H. Richter, County Executive
Susie Mitchell, Chief, Special Employment/Affirmative Action
County of Sacramento
Dan Bonebrake, Employee Relations Officer, County of Sacramento

Section 1302. Equal Opportunity.

(a) It shall be a policy of the city-county government to provide equal opportunity in employment for all persons, and to provide a continuing affirmative action program, to include goals and timetables as permitted by law, for equal employment opportunity at each level of government.

(b) The mayor, chief administrative officer, council of supervisors, each elective official and each appointing power shall exercise personal leadership in establishing, maintaining and carrying out a continuing affirmative action program for equal employment opportunity designed to promote equal opportunity in every respect of personnel policy and practice in the employment, development, advancement and treatment of employees.

(c) There is hereby established the position of affirmative action officer. The affirmative action officer shall be appointed by the Mayor subject to confirmation by a majority vote of the council of supervisors. The affirmative action officer shall be responsible for administering the affirmative action program and assuring that the city-county exercises leadership in establishing, maintaining and carrying out a continuing affirmative action program for equal employment opportunity designed to promote equal opportunity in every respect of personnel policy and practice in the employment, development, advancement and treatment of employees.

(d) The affirmative action officer, ^{chief administrative officer, and other} shall be provided with staff, ^{appointing} subject to the budgetary approval of the council of supervisors, as necessary to carry ^{powers} out the responsibilities of the affirmative action officer ^{program} pursuant to this section.

(e) It shall be the policy of the city-county government to provide equal opportunity to minority business enterprises and women's business enterprises in the letting of contracts by the city-county and may establish programs to provide preferences to these businesses as provided by law.

OPINIONS

A10

Let's vote on merger plan

The Sacramento County Board of Supervisors and the City Council are due to meet today in a key joint session dealing with the proposed city-county consolidation.

An Ad-Hoc Charter Commission, appointed by city and county governments two and a half years ago to study the issue, hopes to win the two bodies' endorsement of the draft proposal so that it can be placed on the November ballot.

But first the commission must dispose of a roadblock involving the powers of the mayor in the proposed two-tier government. The commission says it is "strongly united" in favor of a non-voting mayor with veto and line-item authority over actions by the 11-member Council of Supervisors. A line-item veto override would require seven votes, and general policy veto overrides would require eight votes.

Most of the council members are said to approve this concept. However, a majority of the supervisors would prefer a mayor with less authority, such as that vested in the present mayor's office. That consists of voting with the eight council members and making some lesser appointments, but not exercising veto power.

The commission says it will reconsider the issue of the mayor's powers if the council and board, each by majority vote, recommend a veto power change. Otherwise, the commission believes the

council members and supervisors ought to give the benefit of the doubt to its appointees on the commission and transmit the proposed charter to the ballot.

We believe this would be a sound decision. It would be unwise indeed to stall off action on this significant issue until perhaps 1992, while growth-induced problems of traffic congestion, air pollution, and water shortages mounted.

Without endorsing the draft plan, it is possible to say that it is a generally reasonable response to the need for an area comprising a million people to face up to growth in the 1990s and inevitable city-hood drives. Besides a countywide Council of Supervisors, the draft plan calls for a second tier of 20 elected Local Community Councils, each with five districts.

Since the last draft plan was presented in December, the Commission has proposed a constructive solution to fire protection. All 12 fire districts in the county and the city fire department would be merged into a sub-government matching supervisorial districts, each with its stable financing source. Other special districts would remain outside the merged entity, although the charter would contain the mechanism for a future vote to dissolve the districts and join merged city-county.

The deliberations and debate over city-county consolidation have gone on long enough. It's time to vote.

COUNTY OF SACRAMENTO
Inter-Department Correspondence

June 6, 1990

To: Chairperson and Members
Board of Supervisors

From: L. B. Elam
County Counsel

Subject: City-County Consolidation
Charter Land Use Regulatory Powers
Agenda - June 12, 1990 - Item No.

On May 21, 1990, the Board of Supervisors directed this Office to prepare an analysis of the Land Use Regulatory Provisions contained in the proposed Charter for Consolidation. This memorandum responds to that request. In particular, it contains a discussion of Article 9 of the proposed Charter (April 30, 1990 version). The focus of the following discussion will be upon what the Charter does say, what it does not, and the types of questions which will arise under its provisions.

The purpose of Article 9 is to: (i) give "local communities . . . authority over land use planning matters of a local nature" through the creation and empowerment of twenty (more or less) elected Community Councils; and (ii) give the "City-County government. . . authority over land use planning matters of a County-wide nature." (Secs. 802(a), 803(a), 804(a), 901). "County-wide land use planning matters" will, at least at times, also involve "matters of a local nature." 1/ The Charter does not attempt to define a "County-wide matter" or "matter of a local nature." Nor does it contain standards for differentiating County-wide from local issues, as a basis for distinguishing between Council of Supervisors and Community Council authority.

1/ That such is true is evidenced by the "Overlay Zone," "Neighborhood Preservation Zone," and "Fair Share" provisions. (Secs. 906, 907, 908). In one way or another, each of those provisions integrate decision-making by Community Councils and the Council of Supervisors.

Rather, the Charter offers a structural differentiation. In general, the Council of Supervisors is empowered to adopt the General Plan, Community Councils are empowered to "rezone" and grant land use administrative approvals, and a Planning Commission consisting of Community Council elected officials appointed by the Council of Supervisors is made the arbiter of contested decisions of Community Councils.

The State Planning Act generally applies to general law cities and charter and general law counties. It does not apply to charter cities or consolidated governments, except in isolated instances by virtue of express reference. ^{2/} The Charter requires enactment by the Council of Supervisors of a General Plan containing those elements mandated by the State Planning Act. (Gov.C., Sec. 65302; Charter, Sec. 902(a)). Otherwise, the State Planning Act is made expressly inapplicable to the City-County government, except as its provisions, "which are otherwise consistent with the Charter," may be adopted by the Council of Supervisors. (Sec. 901). Which provisions of the State Planning Act are "consistent" with the Charter, is not answered.

The Charter's scheme for land use regulation departs from traditionally exercised lines of authority. It juxtapositions competing County-wide and local interests in the decision-making process, and provides only a structural mechanism for resolution of the competition. It also abandons the comfortable framework of State law. Such a system requires careful evaluation to ensure that what the framers intended will be realized. In particular, it should not be assumed that the competing institutions will adopt, pursue or rely on commonly accepted regulatory mechanisms in the performance of their assigned functions.

For purposes of illustration, the following discussion constitutes a non-exclusive list of issues which may arise in connection with the competition ordained by the regulatory scheme between "County-wide" and "local" interests. It should be kept in mind that with the exception of the language chosen to prescribe various powers, the Charter expresses no preference for "County-wide" vis-a-vis "local" control. The purpose clause simply acknowledges both objectives, according each apparent equal weight. (Sec. 901). Therefore, in the interpretation of ambiguities in the Charter, a Court should weigh the competing interests equally -- as the framers have chosen to do. The Courts will not impute to an enactment intent which is not expressed on its face. American River Fire Prot. Dist. v. Board of Supervisors (1989) 211 Cal.App.3d 1076, 1082.

^{2/} See, for example, Government Code, Sections 65008, 65096, 65100, 65300, 65800, 65803, 65804, 65850, 65850.2, 65851, 65852.3, 65852.4, 65852.7, 65860.

1. Zoning

a. Vested Exclusively in Community Councils.

The power to "rezone" is vested directly and apparently exclusively in Community Councils. (Sec. 904(b)).

Council of Supervisors determinations relating to Neighborhood Preservation Zones is limited to review of General Plan consistency. (Sec. 907).

The Council of Supervisors is empowered to "site Fair Share Facilities" pursuant to ordinance procedures -- but not to "rezone" in order to accommodate them. Apparently the Council of Supervisors is vested with paramount "siting" authority in contravention of existing zoning. (Sec. 908(c)-(d)).

The Council of Supervisors is also "solely" empowered to "initiate and approve" Overlay Zones "for geographically specific resources and facilities," including mineral resources and airports. (Sec. 906). This provision is patently ambiguous, and could be interpreted to empower the Council of Supervisors to apply Overlay Zones to particular property. The better interpretation, however, is that the Council of Supervisors is empowered to formulate such zones -- to the exclusion of Community Councils. The Charter does not otherwise expressly deny Community Councils the power to formulate the permitted uses in a zone pursuant to its rezoning power. Exclusive jurisdiction is reserved to the Council of Supervisors to establish such zones by Section 906. When and where such zones are applied, however, would appear to be within the exclusive rezoning discretion of Community Councils under Section 904(b).^{3/} Thus, we do not

^{3/} Although Overlay use entitlements invoke County-wide interests, no one can deny the purely local nuisances potentially emanating from mining, parks and airport operations. Whereas the Charter very clearly confers siting powers for "Fair-Share" facilities in the Council of Supervisors, the express power to apply "Overlay Zones" to land is conspicuously absent. (Compare Secs. 906(a), 907(c)-(d)). Overlay Zones may embrace "housing" and "other uses as the Council of Supervisors deems appropriate." An interpretation that the Council of Supervisors may directly regulate land use through application of "Overlay Zones" would permit emasculation of Community Council "rezoning" powers in the name of "geographic specificity" -- a result wholly inconsistent with the purpose of Article 9 that local matters be locally regulated. (Compare Secs. 901, 906(b)).

believe that the question of whether a Community Council would be empowered to "rezone" "Overlay Zoning" by the Council of Supervisors, would even arise. (Compare Secs. 904(b), 906(a)).

Community Councils are empowered to "rezone," not "zone." (Sec. 904(b)). We would attach no significance to that choice of words, other than, perhaps, that the framers recognize that all urban and rural land will already be zoned before the new government is created.

b. Interim Urgency Zoning.

Government Code Section 65858 empowers the legislative body of a city or county to enact, by four-fifths votes, urgency ordinances prohibiting various land uses for up to two years pending completion of planning studies. Section 65858 constitutes the statutory authority for the so-called short-term "freeze" or "moratorium" on development. On rare occasions, the Board of Supervisors has historically employed this power.

As a part of the State Planning Act, Section 65858 could not be applied to the consolidated government unless to do so would be consistent with the Charter. (Sec. 901) Application of Section 65858 to the government would vest the Council of Supervisors with the power to restrict uses otherwise authorized under rezoning actions by Community Councils. As discussed above, the Charter vests zoning power in Community Councils. Therefore, exercise by the Council of Supervisors of a Section 65858 use restriction power would not be consistent with the Charter. Action by a Council of Supervisors prohibiting uses otherwise authorized by Community Councils would be as intrusive to local control as action authorizing uses otherwise prohibited. (Section 901).

Under the Charter, Community Councils would be empowered to "rezone" in accordance with "procedural guidelines contained in the zoning code" enacted by the Council of Supervisors. (Sec. 904(b)-(1)). Therefore, the Council of Supervisors could empower individual Community Councils to "rezone" on an interim, urgency basis to restrict land uses during pending studies. The Council of Supervisors could also initiate such "rezonings" by making applications to individual Community Councils. (Sec. 904(b)-(1)).

The Council of Supervisors would not under the Charter be empowered to require Community Councils to act. Nor, as the Charter is presently worded, would the Council of Supervisors be permitted to act, itself.

c. Rezoning by Motion or Resolution.

The State Planning Act mandates that "zoning" and "rezoning" be by ordinance. (Gov.C., Sec. 65850, 65854-65857). However, the State Act cannot be made applicable to the consolidated government if doing so would be "inconsistent with the Charter." (Sec. 901).

Community Councils in whom the zoning power is vested, are authorized to act "only" by "motion or resolution." (Sec. 805(b-3)). Therefore, the Council of Supervisors would not be empowered to invoke Government Code Sections 65850 and 65854 through 65857 by requiring Community Councils to "rezone" by ordinance. (Sec. 901).

The implications of "rezoning" by motion or resolution will be developed in the following discussion.

d. Initiative-Referendum.

Under the Charter, the Initiative is made available to electors of the City-County subject to the same terms as the Elections Code makes it available to City electors. (Sec. 1501). The referendum extends to ordinances enacted by the Council of Supervisors under the same circumstances. (Sec. 1502).

The Initiative would not extend to "zoning" or "rezoning" decisions. Only Community Councils may zone. (Sec. 904(b)). The Charter expressly denies the Initiative to "local communities." (Sec. 1501). The Initiative is available only as to legislative acts within the power of a "legislative body" (the Council of Supervisors). (Elec.C., Secs. 4000, 4010); Bagley v. City of Manhattan Beach (1976) 18 Cal.3d 22, 26-27; Blotter v. Farrell (1954) 42 Cal.2d 804; Arnel v. City of Costa Mesa (1981) 126 Cal.App.3d 330, 337.

Similarly, the Referendum would not extend to "rezonings" by Community Councils. The Charter expressly makes the Referendum inapplicable to "motions and resolutions" by Community Councils. (Sec. 1502). As discussed above, Community Councils are permitted to "rezone" only by motion or resolution. (Sec. 805(b-3)). 4/

4/ Enactment and amendment of the General Plan by the Council of Supervisors constitute legislative action which is subject to the County-wide Initiative and Referendum process. (Charter, Sec. 902(b); 1501, 1502); Selby Realty Co. v. City of San Buenaventura (1973) 10 Cal.3d 110, 118; O'Loane v. O'Rourke (1965) 231 Cal.App.2d 774, 779-783; 66 Ops.Cal.Atty.Gen. 258 (1983).

e. Legislative Action?

There is a serious question whether zoning by Community Councils under the Charter would constitute legislative, as distinguished from quasi-judicial actions.

California Courts have traditionally and uniformly held that the zoning of land, rezoning and denial of rezoning applications constitutes "legislative action." Accordingly, it is exceedingly difficult for a landowner or any other plaintiff to attack the legality of such "zoning" decisions. As legislative acts, zoning decisions are presumed to be valid, and the burden is on a plaintiff to show facts which establish invalidity beyond "a reasonable doubt." Lockard v. City of L.A. (1949) 33 Cal.2d 453, 460-461; Elysian Hts. Residents Assn., Inc. v. City of L.A. (1986) 182 Cal.App.3d 21, 32. Findings by the legislative body are not required, because the grant or denial of a rezoning application is presumed to be valid. Cormier v. County of San Luis Obispo (1984) 161 Cal.App.3d 850, 855-856; Ensign Bickford Realty Corp. v. City Council (1977) 68 Cal.App.3d 467, 472-473. The validity of the action must be judicially sustained if there is any reasonable basis to uphold the legislative determination, whether or not the Court agrees with it. Consol. Rock Products Co. v. City of L.A. (1962) 57 Cal.2d 515, 522; Lockard v. City of L.A. (1949) 33 Cal.2d 453, 460-461; Cormier v. County of San Luis Obispo (1984) 161 Cal.App.3d 850, 857.

The grant or denial of variances, use permits or other administrative decisions, on the other hand, are treated as quasi-judicial in nature. They are subject to far more strict judicial scrutiny than zoning action, and are generally easier to invalidate. The administrative body must make findings explaining the basis of its decision, and the decision is invalidated if the hearing record of the administrative body does not contain substantial evidence to support those findings. Topanga Assn. Etc. v. County of L.A. (1974) 11 Cal.3d 506, 513-517; Mountain Defense League v. Board of Supervisors (1977) 65 Cal.App.3d 723.

The Hybrid character of the "rezoning" power vested by the Charter in Community Councils raises serious questions whether the Courts will hold that the grant or denial of rezoning applications constitutes a "legislative" act. Should the Courts hold that by virtue of the unique characteristics associated with "rezoning" actions they have become quasi-judicial in character, both decisions to rezone land and decisions refusing to rezone land will be far more vulnerable to judicial invalidation than would otherwise be the case.

Under the Charter, among other things, the zoning decision will not be implemented by ordinance. 5/ Legislative decisions are ordinarily final at the level of the legislative body. Rezoning decisions by Community Councils are appealable to a Planning Commission. (Secs. 904(b-3), 911(a)). The Charter places "rezonings" beyond the reach of the Initiative and Referendum, which are traditionally reserved for "legislative" action. (Secs. 1501, 1502). The Planning Commission in considering appeals of "rezoning" decisions is required to state its "reasons" for sustaining or rejecting the appeal. (Sec. 911(c-2)). "Legislative" action is not required to be supported by findings. Cormier v. County of San Luis Obispo, supra, pgs. 855-856; Ensign Bickford Realty Corp. v. City Council, supra, pgs. 472-473. Although a reliable legal prediction concerning the "legislative" or "quasi-judicial" character of the Charter rezoning power cannot be made, all of the foregoing factors will support a conclusion that the Charter, itself, would make "rezonings" under the consolidated government a "quasi-judicial" and not "legislative" act.

Such a result would assist the Council of Supervisors to overturn rezoning decisions in any disputes with Community Councils and the Planning Commission over the legality of "rezoning" action or inaction. However, "rezoning" action or inaction would also be more vulnerable to effective challenge by developers and other adversaries of the government. The long view is that stripping rezoning action and inaction of its "legislative" character would redound to the detriment of the public-at-large.

2. The General Plan

Zoning Consistency

Council of Supervisors control of the General Plan constitutes the cornerstone of the goal of vesting the "City-County government" with "authority over land use planning matters of a County-wide nature." (Secs. 901, 902(b)). A General Plan, however, neither grants nor restricts land use entitlements.

5/ It is the character of an action, not its form, which determines whether it is legislative, administrative or quasi-judicial. (Gov.C., Secs. 65301.5, 65356); Selby Realty Co. v. City of San Buenaventura (1973) 10 Cal.3d 110, 118; 66 Ops. Cal. Atty. Gen. 258, 259-260 (1983). Although rezoning by resolution would not per se convert the action from "legislative" to "quasi-judicial," the assignment of the rezoning function to a body which does not legislate by ordinance would constitute a relevant factor.

Selby Realty Co. v. City of San Buenrventura (1973) 10 Cal.3d 110, 116, 118-120; Elysian Hts. Residents Assn., Inc. v. City of L.A. (1986) 182 Cal.App.3d 21, 28-29, 31; Rancho La Costa v. County of San Diego (1980) 111 Cal.App.3d 54, 60-61, 65. Thus, whether and how effectively the Charter would provide for consistency between the General Plan and zoning is critical to the power of the central government.

Although the Charter responds to this issue, its answer is less than complete.

Applications for "rezoning" must be consistent with the General Plan. (Sec. 904(b-1)). Community Councils are prohibited from "approving" rezoning applications unless they are consistent with the General Plan. (Sec. 904(b-2)). The appellate authority of the Planning Commission over rezonings is not similarly restricted. (Sec. 911). Nevertheless, action by the Planning Commission sustaining rezoning of land in direct contravention of the express terms of the General Plan should be deemed void, and the rezoning action subject to judicial redress. deBottari v. City Council (1985) 171 Cal.App.3d 1204, 1210-1213; Sierra Club v. Board of Supervisors (1981) 126 Cal.App.3d 698, 704.

The indefinite pendency of the question of whether a "rezoning" is invalid as a violation of the General Plan, would probably cause significant discomfort to the development community and its financiers. Could a lawsuit enjoining a constructed project under such a rezoning be brought years later? Government Code Section 65009 imposes a 120 time limit on lawsuits challenging the validity of various land use regulatory actions. Imposition of such a statute of limitations would be consistent with the Charter. The Council of Supervisors would be empowered to apply Section 65009 to the consolidated government. (Sec. 901). 6/

The important question which the Charter does not answer, is whether Community Councils have an affirmative duty to rezone to General Plan consistency. Suppose the Council of Supervisors amends the General Plan to either upgrade prospective use potential or downgrade prospective use potential. Suppose that

6/ In its reference to "zoning ordinances," Section 65009 may not be susceptible to application to "rezonings" by Community Councils for reasons discussed below in relation to Government Code Section 65860. We assume, without deciding, that the language of Section 65009 is sufficiently flexible to permit such application.

immediately preceding the General Plan amendment, existing zoning comports with the preexisting General Plan designations, but not the amended ones. Use entitlements would be available under such zoning notwithstanding the downgrading of the General Plan designations. Use entitlements potentially authorized by upgrading of the General Plan, would be denied under existing zoning. Would Community Councils be affirmatively required to "rezone" in order to achieve General Plan consistency? If so, within what time frame would such action be mandated?

None of these questions are addressed by the Charter.

In the absence of a statutory requirement, Courts are not empowered to order local governmental agencies to rezone land. Mira Develop. Corp. v. City of San Diego (1988) 205 Cal.App.3d 1201, 1213-1215; Hilton v. Board of Supervisors (1970) 7 Cal.App.3d 708, 716-717; Banville v. County of L.A. (1960) 180 Cal.App.2d 563, 570; 71 Ops.Cal.Atty.Gen. 213, 220-225 (1988).

Government Code Section 65860(c) mandates that "a zoning ordinance [which] becomes inconsistent with a General Plan by reason of amendment to such a plan, . . . be amended within a reasonable time so that it is consistent with the General Plan as amended." Section 901 of the Charter would authorize application by the Council of Supervisors of Section 65860 to the consolidated government if it is "consistent" with the Charter. However, Section 65860 applies to "zoning ordinances." Zoning by Community Councils must be in the form of either motions or resolutions. (Sec. 805(b)). Assuming that this technical hurdle could be overcome, there would remain the question of whether a rezoning mandate would be "consistent" with the Charter. (Sec. 901). Omission from the Charter of an express rezoning mandate constitutes a glaring gap which arguably constitutes the product of reasoned judgment, rather than oversight.

Section 902(e) empowers the Council of Supervisors to establish policies for administration of the General Plan. Although the matter is by no means free from doubt, we believe that the Council of Supervisors would be empowered to enact a legally enforceable mandate that Community Councils rezone to achieve General Plan consistency. To conclude otherwise would, in our view, frustrate the objective that "planning matters of a County-wide nature" be determined by the City-County. (Secs. 901, 902(c)).

To conclude that Community Councils may not rezone in violation of the General Plan and must affirmatively rezone to achieve compliance with the General Plan, does not fully answer all of the questions relating to General Plan-zoning consistency.

For example, a Community Council would not necessarily be required to approve a rezoning application upgrading a land use entitlement to a residential density dictated by the General Plan. To the extent that the General Plan emphasizes the provision of infrastructure with growth, a rezoning application may be denied for lack or adequacy of infrastructure. In such circumstances, denial of the rezoning application would constitute action consistent with the General Plan. Mira Develop. Corp. v. City of San Diego (1988) 205 Cal.App.3d 1201, 1214-1216.

Existence of the duty to affirmatively rezone to achieve zoning consistency -- does not assure that the duty will be performed quickly, expeditiously, or within any suitable period of time from a land use regulatory perspective. If a lawsuit is required in order to enforce the legal duty, zoning consistency would be even longer delayed. 71 Ops.Cal.Atty.Gen. 213, 220-225 (1988).

3. Regulatory Stability The Judicial Process

Inherent in the Charter's fragmentation of land use regulatory powers, is the potential transfer of dispute resolution from the legislative branch of government to the judiciary.

If the Council of Supervisors formulates a General Plan so detailed as to effectively vitiate local control through zoning, the only redress for Community Councils is the Courts. If Planning Commissions approve rezonings in direct contravention of the General Plan, the only redress for the Council of Supervisors is the Courts. If Community Councils refuse to rezone in order to achieve General Plan consistency, the only redress for the Council of Supervisors is the Courts. If the Council of Supervisors exceeds its Charter power by zoning or engaging in other unauthorized land use regulation, the only redress for the Planning Commission and Community Councils is the Courts.

Litigation is the most expensive and inefficient means of resolving conflict. In relation to burning land use issues, litigation to resolve disputes will often take so long that frustration tempts abuse as a substitute.

On the one hand, frustrated and defiant Community Councils and a Planning Commission could rezone and deny rezoning applications with complete indifference to General Plan strictures in such volumes as to render judicial redress an inadequate remedy.

On the other hand, the arsenal of the Central Government desiring to retaliate, is not insubstantial. The power to enforce or decline to enforce land use regulations is vested in the Central Government. Embraced within that power is the authority to define, subject to any overriding State law restrictions, the terms under which building permits are issued or denied. The issuance or denial of building permits based upon determinations by the Central Government of the legality of zoning actions or refusals to act by Community Councils and the Planning Commission could be a retaliatory consequence of abuses by those agencies.

In the view of this writer, should such warfare materialize it would destabilize the land use regulatory process, seriously undermine responsible land use planning, and irreparably injure the public-at-large.

Those who support the land use regulatory process as written in Article 9 of the Charter would probably argue that the acknowledged existence of these destructive powers will, themselves, promote political accommodation, making reasoned compromise the rule, and litigation the exception.

In the view of this Office, there is one addition to Article 9 of the Charter which, more than any other consistent with the basic concept, would reduce the risk of destructive warfare. That change would be to vest in the Council of Supervisor an overriding power to zone for the sole purpose of achieving General Plan consistency: (i) In any instance where a zoning change is necessary in order to prevent uses which would be inconsistent with the General Plan; and (ii) in instances where a Community Council has failed for two years or some other specified period of time, to rezone in order to upgrade land use entitlements to consistency with applicable General Plan allowances.



L. B. ELAM, County Counsel

cc: Mayor and Members
Sacramento City Council
Chairperson and Members
Charter Commission
James Jackson, City Attorney
Bob Smith, Exec. Director,
Charter Commission
Sue Zeigler, Planning Director

SACRAMENTO AD-HOC CHARTER COMMISSION

1010 8th Street, Sacramento, CA 95814 • 440-5600

June 6, 1990

TO: Honorable Mayor and Members, Sacramento City Council
Honorable Members, Sacramento County Board of Supervisors

FROM: Roy E. Brewer, Chairman

SUBJECT: CITY-COUNTY CHARTER

Attached for your review and comment are:

- a "marked-up" version of the draft Charter complete with a summary report briefly describing each change made since the December draft (underlines indicate added text; strike-outs denote text to be deleted). The vast majority of these changes resulted from the comments received at the joint meetings with your two bodies (Exhibit 1);
- a "clean" copy of the draft Charter including the legal descriptions for the LCC boundaries, which will be an appendix to the Charter (Exhibit 2); and,
- a resolution endorsing of the Ad-Hoc Charter Commission's final draft Charter and ballot language and a request recommending that the Citizens Committee on Local Governmental Reorganization Corporation (CCLGR) transmit the Charter to the Registrar of Voters for the November 6, 1990 election (Exhibit 3).

SUMMARY

After 22 months of study, meetings, research, and discussions in the community, the Ad-Hoc Charter Commission is pleased to present for your review and endorsement our final draft Charter.

This last draft is different than the previous two in that it has been amended in many ways based upon the timely and thoughtful comments of the members of your two bodies. A review of Exhibit 1 (the marked copy) reveals over 60 changes as a result of our joint meetings. The most significant changes involve the inclusion of fire districts into a subgovernment of the City-County and some revisions to the role and powers of the Mayor. In addition, many less dramatic changes, but equally significant for the smooth functioning of the government, have been made based upon the comments the Commission received from your two bodies and your staffs. Both you and your staff should be commended for the work and suggestions that you gave the Commission. These changes have truly resulted in a more workable and viable Charter.

All of the changes are described and displayed in Exhibit 1 and most have been discussed in the joint meetings. Briefly, I would like to summarize the actions of the Commission regarding the two most debated issues, which are fire district consolidation and the powers of the Mayor.

Fire Consolidation

After long and thoughtful debate, the Commission decided to merge the fire districts and the current Sacramento City Fire Department into a subgovernment of the City-County. This approach achieves the

goal of creating a single City-County fire entity, protects city residents from the potential of an "under-represented" fire department, and addresses the concerns outlined by the special districts regarding stable funding and a smooth transition.

The new subgovernment essentially resembles an independent fire district in that it will have the same funding as a fire district, will have an independent eleven member fire board, and will operate under the same rules governing fire districts. What sets it apart is that it provides for a smooth functioning transition that provides for the unique needs of merging twelve separate entities in a manageable and timely manner with no loss of service or efficiency during the transition. In addition, the new fire entity is legally a subgovernment of the City-County, which means that the rules and regulations governing personnel, affirmative action, and retirement plans are applicable.

This plan has been reviewed by several fire chiefs, labor representatives, Commission legal counsel, and Commission staff and has been determined by all to be a workable and legal plan which will result in a more efficient and effective fire service that addresses the needs and publicly stated concerns of the fire districts, the fire fighters, and the City Fire Department. The fire district directors have not formally commented upon the proposal as of yet, although it addresses most of the concerns that were publicly stated before the Commission.

Powers of the Mayor

As we have discussed in previous workshops, the Commission acted in April, based upon your recommendation, to have the Mayor sit with the Council of Supervisors and preside over the meetings without a vote but with veto power.

Regarding Mayoral veto, the Commission decided at its June 5 meeting, after long and extensive debate, to maintain the Mayor's veto power as drafted. A majority of the Commission still believes that veto power is an important tool for policy leadership, and the Commission acted to approve Article 5, which describes the veto power, as drafted.

In addition, the Commission also voted to reconsider the veto power of the Mayor if the City Council and the Board of Supervisors can, by a majority vote of both bodies, come to a unified and consistent joint recommendation regarding the veto power of the Mayor. Absent a unified alternative position, we ask that you endorse the decision that the Commission has approved in the draft Charter.

The Commission is strongly united behind the concept of a Mayor with veto power, yet would be willing to reconsider the issue if unified guidance was forthcoming from the legislative bodies. Absent such unity, the Commission feels comfortable with the language as drafted and recommends approval.

With the exception of these changes and those listed in Exhibit 1, the basic outline of the remainder of the Charter has withstood public scrutiny and we believe will result in a more efficient and effective government. In summary, the Commission believes the new Charter provides:

- a more cost efficient government estimated to provide a \$27.2 million annual improvement, without a tax increase, over status quo (all comparisons are based on the 1987-88 fiscal year);
- a reduced number of employees, through attrition, to provide the same level of service without any layoffs (assuming that services are merged equitably on a

County-wide basis). Reductions in employment are envisioned to occur only through attrition and selective early retirement incentives;

- a single, full-time legislature with the opportunity to make area-wide decisions including more effective allocation of scarce financial resources. Included are the powers of a charter city to maximize the revenue tools to more adequately meet the desire of this community for improved municipal services;
- a significant improvement in the ability of local elected officials to develop a common political consensus in solving difficult area-wide problems. It eliminates the existing, as well as potential, balkanization and a \$9.3 million annual negative impact on the County budget engendered by multiple incorporations;
- a stronger opportunity for the Mayor to be elected upon, and implement, a political agenda to improve the human, economic, physical, and social conditions of the Sacramento community;
- an experienced and independent Chief Administrative Officer who would administer and direct the operations of the City-County departments. This assures that the City-County is managed in a professional manner, and that the sound business and accounting principals that are already utilized in both the City and County continue. This professional administrator is an integral part in the proper delivery of essential and necessary governmental services;
- a more balanced general planning process by providing community representatives a strong role in its preparation while reserving final approval to the Council of Supervisors. This final approval by the Council of Supervisors is particularly critical for insuring that area-wide concerns such as transportation, air quality, and regional economic and human service needs are appropriately addressed, especially those basic social, housing, and medical facilities typically referred to as "NIMBY" (not in my backyard) issues which neighborhoods are reluctant to accept but are essential to the overall well-being of the entire Sacramento community;
- a better opportunity for citizen involvement and final decision-making in those local community planning matters which impact the neighborhoods in which they live; and,
- a formal institutionalization of informal yet identifiable communities, the boundaries of which were adopted by the Commission after lengthy discussion with the people who reside in these areas.

RECOMMENDATION

The Commission believes it is important that the Board of Supervisors and the City Council endorse the Charter before it goes before the electorate. The Commission has now been meeting almost weekly for 22 months in drafting the Charter. We believe that this document represents a consensus of the community, and that, as written, has the best opportunity for acceptance by a majority of City and County voters. What

we desire from both governing boards is your support of this document, recognizing that it is a document of compromise and consensus that was delicately drafted.

Therefore, the Sacramento Ad-Hoc Charter Commission recommends, absent a unified and consistent joint recommendation to alter the veto power of the Mayor accepted by a majority of both boards, that the City Council and Board of Supervisors adopt the attached resolution (Attachment 3) which:

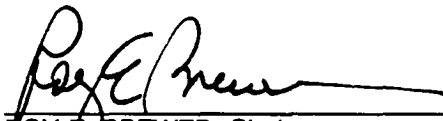
- endorses the draft Charter approved by the Ad-Hoc Charter Commission at the joint meeting on June 11 (Exhibit 2);
- endorses the ballot language which is required by Section 1, Chapter 5 (Commencing with Section 51900) of the Government Code (subject to state law amendment). This ballot language would read:

"Shall the cities of Sacramento, Folsom, Isleton, and Galt, and the County of Sacramento be reorganized and consolidated and shall the proposed charter of the City-County of Sacramento be adopted as the governing law of the City-County of Sacramento?"

In addition, the Citizens of Folsom, Isleton, and Galt shall answer a second question (subject to amendment of state law) which will read:

"If the proposed charter of the City-County of Sacramento is adopted as the governing law of the City-County of Sacramento, shall the city of _____ retain its local governmental structure?"; and

- recommends that the Citizens Committee on Local Governmental Reorganization Corporation transmit the Charter document to the Registrar of Voters for placement on the November 6, 1990 election ballot in conformance with Section 1, Chapter 5 (Commencing with Section 51900) of the Government Code.



ROY E. BREWER, Chairman
Sacramento Ad-Hoc Charter Commission

PH/adj 90'121

Attachments: Exhibit 1 - Summary of Charter Changes and "Marked-up" Draft Charter
Exhibit 2 - Draft Charter
Exhibit 3 - City Council and Board of Supervisors Resolutions

cc: Mayors and Council members of Isleton, Folsom, and Galt
Brian Richter, County Executive
Walter J. Slipe, City Manager
City Department Heads
County Agencies and Department Heads
Special Districts

EXHIBIT 1

SACRAMENTO AD-HOC CHARTER COMMISSION

1010 8th Street, Sacramento, CA 95814 • 440-5600

June 6, 1990

For the Commission Meeting of:
June 11, 1990

TO: Honorable Members, Sacramento County Board of Supervisors
Honorable Mayor and Members, Sacramento City Council

FROM: Bob Smith, Executive Director

SUBJECT: CHARTER LANGUAGE

Attached is the updated Charter reflecting Commission approved changes through June 5th. Listed briefly below is a summary of each substantive change. In addition, you will note throughout the Charter that many Section numbers have been changed to accommodate the new Article 18 describing the fire subgovernment. Also note that urban and general service "districts" have been changed to urban and general service "areas." This change was made by the Commission because some members of the public were confusing these service areas with special districts. It was felt that this would add greater clarity. Finally, some minor editorial changes were also made where appropriate.

Changes as a result of Mayor sitting with the Council of Supervisors:

The following Sections were changed to reflect the role of the Mayor serving with the Council of Supervisors as the Presiding Officer, having no vote, while maintaining veto power.

Section:	409
Title:	Presiding Officer, Vice Mayor, Chairperson of the Council of Supervisors
Change Involves:	Reflects Commission intent of having Mayor act as Presiding Officer of Council of Supervisors. This Section also maintains that the Mayor shall select a Vice-Mayor who shall act in this capacity in the absence of the Mayor.
Section:	411 (b)
Title:	Meetings, Conduct of Meetings, Records
Change Involves:	Changes title of Chairperson to Vice-Mayor.
Section:	501 (b)(6)
Title:	Mayoral Functions
Change Involves:	Reflects the Commission intent regarding having the Mayor serve as presiding officer with no vote on the Council of Supervisors.
Section:	501 (b) (10)
Title:	Mayoral Functions
Change Involves:	Technical clarification regarding wording of Mayoral veto power.

Charter Language Changes
Page 2

Section: 503
Title: Veto Power
Change Involves: Technical change clarifying wording regarding veto power.

Section: 508
Title: Absence or Incapacity (of Mayor)
Change Involves: Technical adjustment which insures that the Vice-Mayor of the Council presides over meetings and acts as Acting Mayor in the event of long term absence or incapacity of Mayor.

Section: 1306 (d)
Title: Collective Bargaining
Change Involves: Reflects Commission intent regarding the Mayoral role in the collective bargaining process.

Charter Changes as a Result of Creation of Fire Subgovernment

Section: 101 (a) (4)
Title: Effect of Charter
Change Involves: Technical adjustment necessary to state that all fire districts are included as part of consolidation.

Section: 201
Title: Rights and Liabilities
Change Involves: Technical adjustment to add clarity that the fire subgovernment has separate rights and liabilities provisions which are addressed in Article 18.

Section: 701 (g)
Title: Elective Officers
Change Involves: Minor addition adding fire directors to the list of officials who will be elected.

Section: 1002
Title: Implementation
Change Involves: Deletion of language which gave the city-county the ability to set up a separate subgovernment for fire protection in the urban service area. With the fire consolidation, this language is no longer applicable.

Section: 1204
Title: Creation and Appropriation of Revenues and Other Financial Resources
Change Involves: Another technical adjustment which adds clarity that the fire subgovernment has its own revenue raising provisions in Article 18 (these provisions are consistent with state law for independent fire districts).

Section: 1401
Title: Election Code
Change Involves: Minor amendment to insure that fire directors are included in the rules governing elections.

Charter Language Changes
Page 3

Section: 1403 (a)
Title: Initial Elections
Change Involves: Minor amendment to insure that fire directors are included in the rules governing elections.

Section: 1404 (f)
Title: Elections
Change Involves: Minor amendment to insure that fire directors are included in the rules governing special elections.

Section: 1701
Title: Special Districts Continued
Change Involves: Minor amendment clarifying that fire districts are merged as part of the government.

Article 18: This entire Article has been added to reflect the Commission decision to merge the fire districts and the City of Sacramento Fire Department into a fire subgovernment. This Article describes the subgovernment's structure, governing board, financing, and transition.

Section: 2001
Title: Effective date of Charter
Change Involves: Several minor amendments were necessary to allow the succession provisions of Article 18 to commence during the transition.

Section: 2006
Title: Transition Duties and Functions
Change Involves: This Section details the powers and duties of the transition board, and the change simply excepts the fire subgovernment from any actions by the transition board.

Section: 2007 (a)
Title: Initial Supervisorial Districts
Change Involves: Includes fire board district boundaries in creation of initial supervisorial districts.

Section: 2008 (a)
Title: First Election of Mayor, Supervisors, County-County-wide Officers, Fire Directors and Community Councils
Change Involves: Includes fire directors in stating timing of initial elections.

The following amendments reflect changes in all other Charter areas:

Section: 415
Title: Investigations
Change Involves: Reflects Commission intent stating that only Council members have the right to serve on committees investigating internal government affairs.

Section: 602 (c)
Title: Functions (of CAO)
Change Involves: Reflects Commission intent that CAO Department Head appointments are ratified by Council of Supervisors.

Charter Language Changes
Page 4

Section:	701 (f)
Title:	Elective Officers
Change Involves:	Technical change discovered during proofing that states that election instructions for LCC's are also located in Article 14.
Section:	704
Title:	Auditor
Change Involves:	Reflects Commission intent regarding elimination of excess verbiage in Auditor's language.
Section:	705 (c)
Title:	Sheriff
Change Involves:	Technical adjustment changing the word "county" to "city-county."
Section:	707
Title:	City-County Attorney
Change Involves:	Technical changes to make clearer the removal process for the City-County Attorney as well as clarify that the City-County Attorney need not be the Legal Counsel for the fire subgovernment.
Section:	708
Title:	Mayor and Supervisor's Staff
Change Involves:	Reflects Commission intent regarding combining Sections pertaining to Mayoral and Supervisorial staff to eliminate excess verbiage.
Section:	802 (b)
Title:	Purpose, Powers, Functions
Change Involves:	New subsection reflecting Commission intent that the Council of Supervisors may delegate additional responsibilities to the LCC's.
Section:	901 (b) and (c)
Title:	Purpose
Change Involves:	Reflects Commission intent regarding priority for protection of agricultural and open space lands.
Section:	902 (b)
Title:	General Plan
Change Involves:	Reflects Commission intent regarding earlier notification of General Plan amendments to LCC's.
Section:	902 (d)
Title:	General Plan
Change Involves:	Reflects Commission intent limiting General Plan changes to four times yearly.
Section:	903 (a)
Title:	Community Plans
Change Involves:	Reflects Commission intent that LCC's shall prepare a community plan.

Charter Language Changes
Page 5

Section:	903 (a)
Title:	Community Plans
Change Involves:	Reflects Commission intent that community plans must be consistent with fair share plan.
Section:	904 (a)
Title:	Zoning, Rezoning
Change Involves:	Reflects Commission intent that zoning code shall be consistent with general plan.
Section:	904 (b) (2)
Title:	Rezoning
Change Involves:	Reflects Commission intent that rezones be consistent with the general plan at the time they are submitted. This basically forces any general plan amendment to be completed before any action can take place on a rezone.
Section:	905
Title:	Development Agreements
Change Involves:	Reflects Commission intent that development agreements need to go through the same public hearing process at the LCC level as any rezones.
Section:	906 (c)
Title:	Overlay Zones
Change Involves:	Reflects Commission intent that overlay zones be consistent with the general plan.
Section:	908
Title:	Fair Share Plan
Change Involves:	Reflects Commission intent requiring fair share plan to be developed and approved by the Council of Supervisors and implemented by the LCC's.
Section:	910
Title:	Use Permits, Variances
Change Involves:	Reflects Commission intent that use permits and variances be consistent with general plan.
Section:	911 (c)(2) and (3)
Title:	Appeals of Land Use Appeals
Change Involves:	Technical change that adds greater clarity regarding subdivision appeals being appealable to the Council of Supervisors due to state law.
Section:	912
Title:	Creation and Duties of Policy Planning Commission
Change Involves:	Reflects Commission Intent regarding the make-up and duties of the Policy Planning Commission.
Section:	Article 10
Title:	Services Districts (Areas)
Change Involves:	Technical clarification which changes name of service districts from urban and general service "districts" to urban and general service "areas."

Charter Language Changes
Page 6

Section: 1001 (b)
Title: Service Districts (Areas)
Change Involves: Reflects Commission intent that urban service area can only be expanded into urbanized areas in need of such services.

Section: 1001 (d)
Title: Services Districts (Area)
Change Involves: Reflects Commission intent regarding clarifying duties of transition board in raising service levels.

Section: 1206 (c) and (f)
Title: Assumption of Obligations
Change Involves: Reflects Commission intent regarding revenue bonds and equity in taxation between service areas.

Section: Article 13
Title: Personnel
Change Involves: Almost every Section in this Article was impacted by the management/labor document approved by the Commission. These changes are reflected throughout the Article.

Section: 1306
Title: Collective Bargaining
Change Involves: Clarifying the Commission intent regarding the Mayor's veto of collective bargaining and the Mayor's role in negotiations. The Mayor will have the power to veto collective bargaining agreements with a seven vote override but may also help coordinate and facilitate the negotiations to lessen the chance that the veto will ever be used.

Section: 1403
Title: Initial Elections
Change Involves: Reflects Commission intent that initial elections take place in "Spring" of 1992. This change is made in case the state changes the date of its primary from June as has been suggested.

Section: 1404 (b)
Title: Elections
Change Involves: Technical change to help clarify meaning of the Section.

Section: 1404 (f)
Title: Elections
Change Involves: Reflects Commission intent of having special elections follow the same procedure as regular elections.

Section: 1406
Title: Appointment to Office
Change Involves: Reflects Commission intent of eliminating uncontested races by having the Council of Supervisors appoint the candidate instead of holding the election.

Charter Language Changes
Page 7

Section: 1903
Title: Regulation of Lobbying Activities
Change Involves: Reflects Commission intent prohibiting lobbying activities of former elected officials for one year after leaving office.

Section: 1907
Title: Water Supply and Meters
Change Involves: Reflects Commission intent regarding clarification of water rights.

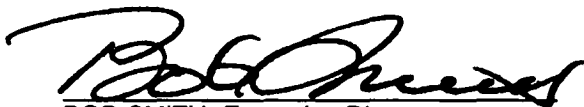
Section: 2003 and 2004
Title: Status of Employees and Status of Recognized Employee Organizations
Change Involves: Reflects changes approved by Commission as suggested by labor/management agreement.

Section: 2006 (b)
Title: Transitional Duties and Functions
Change Involves: Reflects Commission intent which requires a transition CAO to be appointed.

Section: 2008
Title: First Election of Mayor and Supervisors, Community Council Members
Change Involves: Reflects Commission intent that initial elections take place in "Spring" of 1992. This change is made in case the state changes the date of its primary from June as has been suggested.

Section: 2010
Title: Repeal Date for Transition Article
Change Involves: Staff suggested amendment to repeal the transition Article after the transition period ends.

Section: 2004 (f)
Title: Status of Recognized Employee Organizations
Change Involves: Reflects Commission intent regarding fact-finding and the initial Employer-Employee Relations Ordinance.



BOB SMITH, Executive Director
Sacramento Ad-Hoc Charter Commission

PH:adj

Attachment - Draft Charter

90'120

Proposed Charter

City and County of Sacramento

Approved by the Sacramento Ad-Hoc Charter Commission

on December 12, 1989

With Amendments

Adopted as of June 5, 1990

INTERLINEATED VERSION

TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE	-i-
ARTICLE 1	1
EFFECT OF CHARTER AND INTRODUCTORY PROVISIONS.....	1
Section 101. Effect of Charter.	1
Section 102. Name.	1
Section 103. Nature.....	2
Section 104. Territory.	2
Section 105. Seal.	2
Section 106. Purpose.....	2
Section 107. Effective Date.....	2
Section 108. Repeal of Charters.....	3
ARTICLE 2	4
SUCCESSION.....	4
Section 201. Rights and Liabilities.....	4
Section 202. Ordinance and Regulations Continued in Effect.....	4
Section 203. Rights of Officers and Employees.	4
Section 204. Continuance of Contracts.....	5
Section 205. Pending Actions and Proceedings.	5
ARTICLE 3	6
POWERS.....	6
Section 301. City Powers.	6
Section 302. County Powers.....	6
Section 303. Common and Conflicting City and County Powers.	7
Section 304. Procedures. Incorporation of General Law.....	7
Section 305. Jurisdiction With Respect to Other Governments.....	7
Section 306. Construction.....	7
ARTICLE 4	8
COUNCIL OF SUPERVISORS.....	8
Section 401. Powers.....	8
Section 402. Establishment and Number of Supervisors.....	8
Section 403. Number of Districts and Boundaries.....	8
Section 404. District Standards.	8
Section 405. Reapportionment.....	9
Section 406. Redistricting.	9
Section 407. Supervisors.....	9
Section 408. Elections.	10
Section 409. <u>Presiding Officer</u> Chairperson and Vice <u>Chairperson</u> of the Council of Supervisors.	10

	<u>Page</u>
Section 410. Supervisors - Compensation and Expenses.....	11
Section 411. Meetings, Conduct of Meetings, Records.....	11
Section 412. Rules and Quorum.....	12
Section 413. Ordinances, Resolutions, Motions.....	12
Section 414. Records.....	13
Section 415. Investigations.....	13
Section 416. Consolidation or Segregation of Offices.....	14
Section 417. Limitation on Future Employment.....	14
ARTICLE 5.....	15
MAYOR.....	15
Section 501. Functions.....	15
Section 502. Emergency Powers.....	17
Section 503. Veto Power.....	17
Section 504. Qualifications.....	18
Section 505. Election.....	18
Section 506. Term.....	18
Section 507. Compensation and Expenses.....	19
Section 508. Absence or Incapacity; Vice-mayor.....	19
Section 509. Vacancy.....	20
Section 510. Limitation on Future Employment.....	20
ARTICLE 6.....	21
CHIEF ADMINISTRATIVE OFFICER.....	21
Section 601. Appointment, Qualifications, and Removal.....	21
Section 602. Functions.....	21
Section 603. Preparation of Annual Budget.....	22
Section 604. Non-Interference By Council of Supervisors; Mayor.....	22
ARTICLE 7.....	24
OTHER ELECTIVE AND APPOINTIVE OFFICERS.....	24
Section 701. Elective Officers.....	24
Section 702. Qualifications.....	24
Section 703. General Powers and Duties.....	25
Section 704. Auditor.....	25
Section 705. Sheriff.....	25
Section 706. Elections; Terms of Office.....	27
Section 707. City-County Attorney.....	27
Section 708. Mayor's and Supervisors' Staff.....	28
Section 709. Council of Supervisors Staff	28
Section 709. Chief Probation Officer and Probation Committee.....	28
Section 710. County Superintendent of Schools.....	28
Section 711. Compensation and Expenses of Elected Officers.....	29

Section 712. Compensation and Expenses of Appointive Officers.....	29
Section 713. Vacancy in Elective Office.....	29
Section 714. Vacancy in Appointed Office.....	30
Section 715. Method of Suspension and Removal of Appointive Officers.....	30
Section 716. Appointments.....	30
ARTICLE 8.....	31
LOCAL COMMUNITY COUNCILS.....	31
Section 801. Establishment.....	31
Section 802. Purpose, Powers and Functions.....	31
Section 803. Number and Boundaries.....	32
Section 804. Members and District Elections.....	33
Section 805. Meetings, Conduct of Meetings, Records.....	35
Section 806. Relationship to Council of Supervisors.....	36
ARTICLE 9.....	37
LAND USE PLANNING.....	37
Section 901. Purpose.....	37
Section 902. General Plan.....	38
Section 903. Community Plans.....	39
Section 904. Zoning, Rezoning.....	40
Section 905. Development Agreements.....	42
Section 906. Overlay Zones.....	42
Section 907. Special Planning Areas; Neighborhood Preservation Zones.....	42
Section 908. Fair Share Plans.....	43
Section 909. Subdivision and Parcel Maps.....	44
Section 910. Use Permits; Variances.....	45
Section 911. Appeals of Land Use Decisions.....	45
Section 912. Creation and Duties of Policy Planning.....	46
ARTICLE 10.....	49
URBAN AND GENERAL SERVICES DISTRICTS AREAS.....	49
Section 1001. Services Districts Areas.....	49
Section 1002. Implementation.....	50
Section 1003. Review of Services Districts Areas.....	50
ARTICLE 11.....	52
BOARDS, COMMISSIONS AND AGENCIES.....	52
Section 1101. Boards and Commissions - Continuation.....	52
Section 1102. Boards and Commissions - Creation and Appointments.....	52
Section 1103. Functions of Boards and Commissions.....	52
Section 1104. Meetings.....	52
Section 1105. Agencies.....	53

	<u>Page</u>
ARTICLE 12.....	54
FINANCIAL PROVISIONS.....	54
Section 1201. Fiscal Year.....	54
Section 1202. Levy of Property Tax.....	54
Section 1203. Taxes.....	54
Section 1204. Creation and Appropriation of Revenues and Other Financial Resources.....	55
Section 1205. Budgetary Procedures.....	55
Section 1206. Assumption of Obligations.....	56
Section 1207. Bonds Authorized.....	57
Section 1208. Revenue Bonds.....	57
Section 1209. Collection of Fees and Public Monies.....	57
Section 1210. Special Assessment and Community Facilities Districts.....	58
Section 1211. Appropriations Limit.....	58
ARTICLE 13.....	59
PERSONNEL ADMINISTRATION.....	59
Section 1301. Purpose.....	59
Section 1302. Equal Opportunity.....	59
Section 1303. Civil Service.....	60
Section 1304. Personnel System.....	61
Section 1305. Administration of Personnel System.....	59
Section 1305. Promotions.....	62
Section 1306. Collective Bargaining.....	63
Section 1307. Prevailing Rate.....	59
Section 1307. Civil Service Commission.....	64
Section 1308. Local Community Council Staff.....	66
Section 1309. Retirement Systems.....	66
ARTICLE 14.....	68
ELECTIONS.....	68
Section 1401. Election Code.....	68
Section 1402. Nominations.....	68
Section 1403. Initial Elections.....	68
Section 1404. Elections.....	69
Section 1405. Elector.....	71
Section 1406. Appointment to Office.....	71
Section 1407. Taking Office.....	71
Section 1408. Application of General Law.....	71
ARTICLE 15.....	72
INITIATIVE, REFERENDUM, RECALL.....	72
Section 1501. Initiative.....	72
Section 1502. Referendum.....	72

	<u>Page</u>
Section 1503. Recall.....	72
Section 1504. Elections Code.....	72
ARTICLE 16.....	73
CITIES OF FOLSOM, GALT, ISLETON.....	73
Section 1601. Continuation.....	73
Section 1602. Consolidation and Merger.....	73
Section 1603. Changes in Boundaries.....	74
ARTICLE 17.....	75
SPECIAL DISTRICTS.....	75
Section 1701. Special Districts Continued.....	75
Section 1702. Request to Join Consolidated Government.....	75
Section 1703. Requesting Special Districts Dissolved.....	75
Section 1704. Special Districts - Consolidation and Merger with City-County.....	76
Section 1705. Annexations and Detachments to Special Districts.....	77
ARTICLE 18.....	78
FIRE PROTECTION.....	78
Section 1801. Creation of Subgovernment.....	78
Section 1802. Governing Board Powers; Fire Districts.....	78
Section 1803. Terms.....	79
Section 1804. Vacancies.....	79
Section 1805. Initial Election of Governing Board.....	79
Section 1806. Fire Chief.....	79
Section 1807. Personnel.....	80
Section 1808. Transition; Fire Commission.....	80
Section 1809. Interim Chief Executive Officer.....	82
Section 1810. Succession.....	82
Section 1811. Relationship to City-County Government.....	83
Section 1813. Appropriations Limit.....	83
Section 1814. Future Reorganization.....	84
ARTICLE 19.....	85
MISCELLANEOUS PROVISIONS.....	85
Section 1901. Franchises.....	85
Section 1902. Financial Disclosure and Campaign Contribution Reporting.....	85
Section 1903. Regulation of Lobbying Activities.....	85
Section 1904. Conflicts of Interests.....	86
Section 1905. Regulation and Limitations on Campaign Contributions and Expenditures.....	86

Section 18061906. Ordinances to Carry Into Effect Charter Provisions	86
Section 18071907. Water Supply and Meters.....	86
Section 18081908. School Districts Not Affected By This Charter	87
Section 18091909. Severability.....	87
ARTICLE 1920	88
TRANSITION.....	88
Section 19012001. Effective Date of Charter.....	88
Section 19022002. Continuation of Government Bodies; Existing Governmental Structure.....	89
Section 19032003. Status of Employees.....	90
Section 19042004. Status of Recognized Employee Organizations.....	92
Section 19052005. Officers - Expiration of Present Terms.....	94
Section 19062006. Transitional Duties and Functions.....	95
Section 19072007. Initial Supervisor Districts.....	96
Section 19082008. First Election of Mayor, Supervisors, Countywide Officers, Fire Directors and Community Councils.....	97
Section 19092009. Initial Local Community Council District Boundaries.....	98
Section 19102010. Repeal Date For Transition Article.....	98

EXHIBIT "A" Local Community Council Boundary Descriptions

PREAMBLE

The people, by adopting this Charter, create a government to meet the challenges and opportunities posed by the dynamic future of the City and County of Sacramento. As proposed herein, this government shall be administered by a mayor and a council of supervisors with meaningful input from local community councils that have decisionmaking authority over land use issues affecting their neighborhoods. It is designed to address the public's health, safety and welfare in as cost-effective and efficient manner as practicable; improve the accountability of elected officials; facilitate and encourage the participation of citizens in the formulation of their government's policies and programs; assure citizens equal access to their government and governmental services; preserve and protect the environment; and maintain the highest possible quality of life for all citizens of the City and County of Sacramento now and in the future.

ARTICLE 1
EFFECT OF CHARTER AND INTRODUCTORY PROVISIONS

Section 101. Effect of Charter.

(a) Pursuant to Article XX of the Constitution, and Chapter 5 (commencing with Section 51900), of Part 2, Division 1, Title 5 of the Government Code, of the State of California, this Charter consolidates, merges and incorporates as a city-county:

- (1) The City of Sacramento;
- (2) The County of Sacramento;
- (3) Each of the cities of Folsom, Galt and Isleton whose electorate has voted to consolidate and merge such city into the city-county; and
- (4) All fire districts as defined in Article 18 of this Charter and any other special district operating within the County of Sacramento or exercising all or any part of its jurisdiction or powers within the County of Sacramento which has requested to be included in the consolidated government.

(b) As used in this Charter, the term "consolidated governments" means the consolidated and merged entities referred to in this Section, jointly and severally.

Section 102. Name.

The name of the city-county shall be the City and County of Sacramento.

Section 103. Nature.

The city-county is a charter city and a charter county, a public body, corporate and politic, and a municipal corporation.

Section 104. Territory.

The territory of the city-county, until increased or decreased pursuant to law, shall be the territory that prior to the effective date of this Charter comprised the County of Sacramento.

Section 105. Seal.

The city-county shall have an official seal which shall be adopted and may be changed from time to time by ordinance.

Section 106. Purpose.

The purpose of this Charter is to form a new government with county-wide jurisdiction and complete home rule powers, responsive to the people, able to plan, operate and manage resources effectively, capable of dealing with urban, suburban and rural problems, and sharing powers with communities and other forms of sub-governments established under this Charter. In implementing the reorganization of the consolidated governments under this Charter, the mayor, council of supervisors and other elected officers shall make every effort to achieve efficiencies and economies in all city-county expenditures.

Section 107. Effective Date.

The provisions of this Charter shall take effect as provided in Section ~~1901~~ 2001 of Article ~~19~~ 20. When referred to in this Charter, the effective date and the date of adoption of this Charter shall be the date of its filing with the Secretary of State.

Section 108. Repeal of Charters.

(a) The Charter of the City of Sacramento is repealed on the effective date of this Charter; provided that provisions of the Charter of the City of Sacramento shall continue to be given effect as enacted by ordinance pursuant to Section ~~1902~~ 2002 of Article ~~19~~ 20, to the extent required to carry out the succession provisions of Article 2 and the transition provisions of Article ~~19~~ 20 of this Charter.

(b) The Charter of the County of Sacramento is repealed on the effective date of this Charter; provided that provisions of the Charter of the County of Sacramento shall continue to be given effect as enacted by ordinance pursuant to Section ~~1902~~ 2002 of Article ~~19~~ 20, to the extent required to carry out the succession provisions of Article 2 and the transition provisions of Article ~~19~~ 20 of this Charter.

ARTICLE 2
SUCCESSION

Section 201. Rights and Liabilities.

The city-county shall be vested with and shall hold, own and control all rights and property of every kind and nature owned or controlled by the consolidated governments on the effective date of this Charter, except as otherwise provided in Article 18. It shall be subject to all debts, obligations, contracts and liabilities of the consolidated governments on the effective date of this Charter in the manner provided in Article 12, except as otherwise provided in Article 18.

Section 202. Ordinance and Regulations Continued in Effect.

(a) All lawful ordinances, resolutions, rules and regulations of the consolidated governments in effect on the effective date of this Charter and not in conflict or inconsistent with the provisions of this Charter are hereby continued in full force and effect and applicable to the same territory and citizens and in all other respects as immediately prior to the effective date of this Charter, until the same have been duly suspended, superseded, repealed, amended or re-adopted by the council of supervisors.

(b) Ordinances and resolutions of the County of Sacramento and the City of Sacramento relating to civil or human rights continued in effect pursuant to Section 202(a) of this Charter may only be suspended, superseded, repealed, amended or re-adopted by the council of supervisors as provided in Section 413(b).

Section 203. Rights of Officers and Employees.

All officers and employees of the consolidated governments on the effective date of this Charter shall continue to hold the same offices and positions of employment until the election or appointment and qualification of their successors, or until the transfer, reclassification or elimination of their office or position of employment, and, until such event, shall continue to perform the duties of their respective offices upon the same terms and conditions provided by existing

ordinances, resolutions, rules and regulations, until the same have been duly suspended, superseded, amended, repealed or re-adopted. It is the intent of this Section that no paid or salaried employee of the consolidated governments shall be terminated from employment based solely on the adoption and implementation of this Charter or the consolidation of the government provided for under this Charter.

Section 204. Continuance of Contracts.

All contracts duly entered into by the consolidated governments or for their benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms. All contracts, leases and other written or legally binding arrangements entered into prior to the effective date of this Charter between one or more of the consolidated governments and then in effect, shall continue in full force and effect according to their terms to the extent necessary to carry out their objects and purposes.

Section 205. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter, by or against any consolidated government or any of its officers, employees, departments or agencies shall be affected by the adoption of this Charter. No claim filed pursuant to the California Torts Claim Act against any consolidated government or any of its officers, employees, departments or agencies shall be affected by the adoption of this Charter. All such claims, actions and proceedings pending on the effective date of this Charter, may continue to be prosecuted by or against the city-county.

ARTICLE 3
POWERS

Section 301. City Powers.

(a) The city-county shall have all rights and powers granted to charter cities and municipal corporations by the Constitution and general laws of the State of California, and all the powers necessary to, implied in, or incident to such powers.

(b) The city-county shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and in the Constitution of the State of California. The city-county is further authorized to exercise and act pursuant to all rights, powers, privileges and procedures heretofore or hereafter established, granted or prescribed by any law of the state or other lawful authority, subject to such restrictions and limitations as may be contained in this Charter.

(c) Pursuant to the provisions of the Constitution of the State of California, subject only to the limitations of this Charter, the city-county shall have the power to provide for: the constitution, regulation and government of the city-county police force; the sub-governments in all or any part of the city-county; the conduct of city-county elections; and the manner in which, the method by which, the times at which, and the terms for which the several city-county officers and employees whose compensation is paid by the city-county shall be elected or appointed, and for their compensation; and for the number of deputies, clerks and other employees, and for their compensation, method of appointment, qualifications, tenure of office and removal.

Section 302. County Powers.

The city-county shall have all rights and powers granted to charter counties by the Constitution and general laws of the State of California, and all the powers necessary to, implied in, or incident to such powers.

Section 303. Common and Conflicting City and County Powers.

The charter city powers of the city-county shall supersede its charter county powers in the event of a conflict; provided, however, that whenever the city-county exercises a power authorized for both charter cities and charter counties, the city-county may elect the capacity in which it shall exercise that power.

Section 304. Procedures. Incorporation of General Law.

The city-county shall have the power to and may act pursuant to any procedure established by any law of the State of California, and to incorporate the provisions, or any portion, of the state law applicable to cities and counties.

Section 305. Jurisdiction With Respect to Other Governments.

With respect to cities not merged by the adoption of or pursuant to the provisions of this Charter, the city-county shall function as a charter county government and shall have all rights, powers and jurisdiction of a charter county government with respect to those cities and their territory and citizens. With respect to other governments and entities not merged by the adoption of or pursuant to the provisions of this Charter, the city-county shall be both a charter city and a charter county.

Section 306. Construction.

This Charter shall be liberally construed, to the end that the city-county shall have all rights and powers conferred under the Constitution and laws of the State of California except as expressly limited in this Charter. No authorization of power shall be construed to limit or restrict the authority of the city-county, except to the extent a power is expressly limited in this Charter.

ARTICLE 4
COUNCIL OF SUPERVISORS

Section 401. Powers.

All powers of the city-county shall be vested in the council of supervisors except as otherwise provided in this Charter.

Section 402. Establishment and Number of Supervisors.

The legislative body of the city-county shall be a council of eleven (11) supervisors, residing in and elected from eleven (11) supervisorial districts. Each supervisor shall be nominated and elected by the electors of the district in which that supervisor resides as provided in Article 14 of this Charter.

Section 403. Number of Districts and Boundaries.

The city-county shall be divided into eleven (11) supervisorial districts, designated Supervisorial Districts One through Eleven, respectively. Each supervisorial district shall be numbered. District one shall be in the northwest corner of the City-County, and districts two through eleven shall be numbered consecutively and clockwise beginning east of district one and then, if necessary, consecutively from west to east. The initial boundaries of each district shall be determined as provided in Article ~~19~~ 20. The office of each supervisor shall bear the number accorded to the district of that supervisor.

Section 404. District Standards.

Supervisorial districts shall be as nearly equal in population as required under the federal and state Constitutions. In establishing or changing the boundaries of districts, consideration shall be given to the following factors: local community councils established pursuant to this Charter; topography; geography; cohesiveness; continuity; integrity and compactness of territory; community of interests of the districts; and existing neighborhoods.

Section 405. Reapportionment.

(a) Within six months after a regular United States census, the council of supervisors shall hold public hearings and take public testimony on compliance of the boundaries of each supervisorial district with the population standard set forth in Section 404 and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with that standard. The term of "regular United States census" shall mean a comprehensive population census which is held at regular intervals prescribed by Congress and produces population data equivalent to that described in "Population Counts by Block" in the 1990 decennial census.

(b) For purposes of this Section the six month period shall begin upon the availability of population data equivalent to that described as "Population Counts by Block" in the 1990 census.

Section 406. Redistricting.

District boundaries may be changed by ordinance after the council of supervisors holds public hearings and takes public testimony, provided that any revised district boundaries shall comply with the population standard set forth in Section 404.

Section 407. Supervisors.

(a) Qualifications. Each supervisor or candidate for election, or appointment in the case of vacancy, shall be an elector and a resident of the supervisorial district at the time nomination papers are issued to the candidate or at the time of appointment, as the case may be. Each supervisor shall continue to reside in that district during the supervisor's term of office, except that no boundary change pursuant to Sections 405 or 406 shall disqualify a supervisor from serving the remainder of the term.

(b) Term of Office. Each supervisor shall serve for a term of four (4) years commencing on the second (2nd) day of January following election and until a successor is qualified except that, of the initial supervisors elected, the

supervisors elected from odd numbered districts shall initially serve four year terms and the supervisors from even numbered districts shall initially serve two year terms. Thereafter, all supervisors shall serve four year terms.

(c) Vacancies. A vacancy on the council of supervisors shall be filled by special election to be immediately called by the council of supervisors, unless the vacancy occurs within two years of the next election at which the office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the council of supervisors within sixty (60) days from the date of the vacancy. If the council of supervisors fails to make an appointment to fill the vacancy, the mayor shall make an appointment to fill the vacancy within thirty (30) days of the expiration of the sixty (60) day period. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Section 408. Elections.

The office of supervisor shall be filled for each district in the city-county as provided in this Article and Article 14 of this Charter.

Section 409. Presiding Officer, Chairperson and Vice Chairperson of the Council of Supervisors.

The mayor shall preside over meetings of the council of supervisors. ~~At the first meeting of the council of supervisors after the supervisors take office as defined in Section 407(b), the council of supervisors shall elect a chairperson and a vice-chairperson from its members, other than the mayor.~~ The chairperson vice-mayor shall preside at all meetings of the council of supervisors at which the mayor is unable to preside. The chairperson vice-mayor may make or second any motion and present, discuss and vote on any matter as a member of the council of supervisors. ~~In the event of the chairperson's absence or inability to act, the vice-chairperson shall act as chairperson who, while so acting, shall have all of the authority of the chairperson.~~ In the event of the chairperson's mayor's and the vice-chairperson's vice-mayor's absence or inability to act, the remaining supervisors shall, by ~~an~~ a motion and order entered into the minutes, select one of their

members to act as chair pro tem who, while so acting, shall have all of the authority of the ~~chairperson~~ mayor.

Section 410. Supervisors - Compensation and Expenses.

The supervisors shall receive compensation as follows: Each supervisor shall receive an annual salary equal to eighty percent (80%) of the annual salary received by municipal court judges in Sacramento County. This salary shall be adjusted each time the municipal court judges' salary is adjusted to maintain the supervisors' salaries at eighty percent (80%) of the municipal judges' salary. In addition, each supervisor shall receive benefits commensurate with the benefits received by management employees of the city-county. Supervisors may also be reimbursed for actual and necessary expenses incurred in the performance of their official duties in accordance with general policies established by the council of supervisors and applicable to the officers and employees of the city-county. Supervisors shall not receive any additional stipends for service on boards and commissions associated with their office as supervisor.

Section 411. Meetings, Conduct of Meetings, Records.

(a) The council of supervisors shall hold regular meetings at least once each week at a time and place fixed by ordinance, except that the council by ordinance may designate those weeks in which they may choose not to hold regular meetings, not to exceed five weeks per calendar year. Meetings of the council of supervisors shall be open to the public unless closed by the council of supervisors as provided in state law. Any regular meeting of the council of supervisors may be adjourned to a date specified in the order of adjournment and when so adjourned the adjourned meeting is a regular meeting for all purposes. If all supervisors are absent from any regular meeting, the clerk of the council shall declare the meeting adjourned to a stated day and hour and shall cause a written notice of the adjournment to be delivered personally to each supervisor at least three hours before the scheduled commencement of the adjourned meeting.

(b) A special meeting may be called at any time by the mayor, ~~or the chairperson of the council~~, or any five (5) members of the council of supervisors. The call and notice shall specify the time and place of the special meeting and the

business to be transacted. No other business shall be considered at the special meeting.

Section 412. Rules and Quorum.

(a) The council of supervisors shall meet and conduct its business according to rules which it shall adopt.

(b) A majority of the members of the council of supervisors then in office shall constitute a quorum, except that a lesser number may adjourn from time to time and may compel attendance of absent members in a manner provided by council rules.

Section 413. Ordinances, Resolutions, Motions.

(a) The council of supervisors shall act only by ordinance, resolution or motion. The affirmative vote of a majority of all members of the council shall be necessary to pass any ordinance, resolution or motion, except that the affirmative vote of eight (8) of all members of the council shall be necessary to pass any emergency ordinance or resolution or motion. Emergency ordinances and resolutions shall specify on their face, and with respect to motions the minutes of the meeting shall show, the facts justifying their adoption as emergency measures and shall take effect as indicated in the particular ordinance or resolution or motion. All other ordinances shall take effect not earlier than forty (40) days after the date of final passage, provided that ordinances not subject to the mayor's veto or passed over the mayor's veto shall take effect not earlier than thirty (30) days after the date of passage or passage over the mayor's veto, as the case may be. Resolutions and motions subject to the mayor's veto shall take effect not earlier than ten (10) days after the date of passage, provided that resolutions and motions not subject to the mayor's veto or passed over the mayor's veto shall take effect immediately upon passage or upon passage over the mayor's veto, as the case may be, or at such other time as may be specified in the resolution.

(b) Ordinances and resolutions of the County of Sacramento and the City of Sacramento relating to civil or human rights continued in effect

pursuant to Section 202 of this Charter may only be suspended, repealed, amended or re-adopted as follows:

(1) An ordinance or resolution extending or broadening the rights or protections afforded under such civil or human rights ordinances and resolutions, with respect to the rights or protection afforded or with respect to the territory subject to such ordinance or resolution shall require an affirmative vote of a majority of all members of the council of supervisors. Such ordinance or resolution shall take effect and be subject to the mayor's veto and the council of supervisor's override as set forth in Sections 413(a) and 503.

(2) An ordinance or resolution suspending, repealing or restricting the rights or protections afforded under such civil or human rights ordinances, with respect to the rights or protections afforded or with respect to the territory subject to such ordinance or resolution shall require an affirmative vote of eight (8) members of the council of supervisors.

(c) As used in this Section, an ordinance or resolution relating to civil or human rights means and includes those ordinances and resolutions prohibiting discrimination and those ordinances and resolutions relating to equal opportunity and/or affirmative action programs.

Section 414. Records.

(a) The council of supervisors shall keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each supervisor regarding any matter before the council of supervisors.

(b) From time to time the council of supervisors shall cause to be prepared and published a codification of ordinances then in effect.

Section 415. Investigations.

The council of supervisors or any duly appointed committee of the council comprised solely of council members may make investigations into the affairs of the city-county government and sub-governments and the conduct of any of their departments, offices, agencies, officers or employees, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of these powers by the council of supervisors or a committee of the council shall be guilty of a misdemeanor and punishable by fine or imprisonment, or both, in such amount and for such time as prescribed by state law for misdemeanors.

Section 416. Consolidation or Segregation of Offices.

The council of supervisors by ordinance may provide for the consolidation of any city-county office with any other city-county office, and for the segregation of any consolidated city-county office, except elective and appointive offices specifically established by this Charter.

Section 417. Limitation on Future Employment.

No supervisor, during the term for which such person shall have been elected or appointed or for one year after such person ceases to hold office, shall be eligible for any appointive office or position in the city-county, carrying compensation, and created by this Charter or by ordinance. The filling of a vacancy in an elective office by appointment shall not constitute an appointive office under this Section.

ARTICLE 5
MAYOR

Section 501. Functions.

- (a) The chief executive officer of the city-county shall be a mayor.
- (b) The mayor:
 - (1) shall be recognized as the official head of the city-county for all purposes;
 - (2) shall see that the laws of the city-county are executed;
 - (3) shall appoint and may remove the chief administrative officer with the concurrence of a majority of the council of supervisors and shall supervise the performance of duties by the chief administrative officer;
 - (4) shall appoint and may remove the city-county attorney with the concurrence of a majority of the council of supervisors;
 - (5) shall appoint, subject to confirmation by the majority of the council of supervisors, and may remove the affirmative action officer;
 - (6) shall not be a member, but shall be the presiding officer of the council of supervisors. ~~or~~ The mayor shall not be a member of any board or commission which the mayor appoints and shall have no vote on the actions of the council, or of any board or commission so appointed, but shall be entitled to speak and be heard at public meetings of the council or those boards and commissions and, ~~by their invitation,~~ at any of their closed meetings;

- (7) shall prepare comments on the proposed annual budget and shall submit these comments on the annual budget relating to the fiscal affairs of the city-county for the ensuing fiscal year to the council of supervisors for review, modification and adoption;
- (8) shall communicate to the council of supervisors at the commencement of the final budget hearings of each year a statement of the conditions and affairs of the city-county, and make specific recommendations for the adoption of measures which the mayor deems proper;
- (9) may propose ordinances and resolutions which shall be considered by the council of supervisors;
- (10) may veto ~~ordinances and resolutions~~ enactments of the council of supervisors in accordance with Section 503;
- (11) shall appoint with the approval of the council of supervisors and may remove members of the boards and commissions and advisory agencies in accordance with Section 1102 except as otherwise provided in this Charter;
- (12) shall have and exercise such other powers and duties as provided in this Charter, the laws of the state, and ordinances and resolutions of the city-county; and
- (13) may exercise any function conferred on the mayor under this Charter through a designated member of the council of supervisors in the event of the mayor's temporary absence from the city-county.

Section 502. Emergency Powers.

Subject to the provisions of any ordinance governing emergency action, in the case of general conflagration, rioting, flood or other emergency menacing life and property, the mayor shall marshall all the forces of the city-county for the maintenance of the public health, safety and welfare, and shall have the power to designate or otherwise employ such other persons as the mayor may consider necessary for the protection and maintenance of the public health, safety and welfare.

Section 503. Veto Power.

The purpose of this Section is to ensure that the mayor has veto authority over all ~~substantive~~ matters decided upon by the council of supervisors, except for the matters specifically listed below.

(a) The mayor may veto any action of the council of supervisors except:

- (1) enactments calling elections;
- (2) emergency enactments;
- (3) ~~internal procedural matters.~~ enactments regulating the conduct of meetings of the council of supervisors.

(b) Any enactment adopted by the council of supervisors over which the mayor has a veto power shall be presented to the mayor for consideration and recommendation. If the mayor approves the enactment, the mayor shall sign it and it shall become effective according to its terms. If the mayor disapproves, the mayor shall return the enactment to the council of supervisors without the mayor's signature, accompanied by a message indicating the reasons for disapproval and recommendations. Any enactment so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by a vote of not less than eight (8) of the members of the council of supervisors. Any enactment subject to the mayor's veto shall become effective according to its terms with or without the

mayor's signature, unless it is disapproved by the mayor and returned to the council of supervisors not more than ten days after the date when the enactment was delivered to the mayor's office for consideration.

(c) The council of supervisors shall appropriate money and approve or adopt budgets only by ordinance or resolution. The mayor may disapprove or reduce the sum of money appropriated by any one or more items, or parts of items, in any ordinance or resolution appropriating money or approving or adopting a budget, in the manner and time provided in subsection (b) of this Section, provided, however, that budgetary items to fund obligations of any collectively bargained agreements are not subject to the line item veto authority of the mayor. Any item or parts of an item disapproved or reduced shall be void to the extent disapproved or reduced, unless restored to the ordinance, resolution or budget by the vote of not less than seven (7) of the members of the council of supervisors.

(d) A veto by the mayor of any collective bargaining agreement may be overridden by a seven (7) vote majority of the council of supervisors.

Section 504. Qualifications.

Any candidate for election for the office of mayor shall be an elector and a resident of the city-county at the time that nomination papers are issued to the candidate and at election, and shall continue to reside in the city-county during the term of office.

Section 505. Election.

The mayor shall be elected from the city-county at large as provided in Article 14.

Section 506. Term.

The term of office of mayor shall be four years, commencing on the second (2nd) day of the January following election, and until a successor qualifies.

Section 507. Compensation and Expenses.

The compensation of the mayor shall be established as follows: The mayor shall receive an annual salary equal to eighty percent (80%) of the annual salary received by municipal court judges in Sacramento County plus ten percent (10%). This salary shall be adjusted each time the municipal court judges' salary is adjusted to maintain the mayor's salary at eighty percent (80%) of the municipal judges' salary plus ten percent (10%). In addition, the mayor shall receive benefits commensurate with the benefits received by management employees of the city-county. The mayor may also be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established by the council of supervisors and applicable to officers and employees of the city-county. The mayor shall not receive any additional stipends for service on boards and commissions associated with the office of mayor.

Section 508. Absence or Incapacity; Vice-mayor.

The mayor shall designate a member of the council of supervisors to be the vice-mayor.

During any absence of the mayor from the city-county, ~~the mayor may designate a member of the council of supervisors to be the~~ vice-mayor shall become the acting mayor, with all powers of the office, except for the power to preside over meetings of the council of supervisors, until the mayor returns.

If the mayor becomes incapable of acting as mayor, ~~and incapable of delegating duties, the council of supervisors shall elect an acting mayor from among its members who~~ the vice-mayor shall become acting mayor with all powers of the office, except for the power to preside over meetings of the council of supervisors. The council of supervisors by ordinance or resolution shall adopt procedures to determine incapacity of the mayor.

The ~~person~~ vice-mayor, while serving as acting mayor under this Section, shall continue to hold office as supervisor.

In the event the mayor is unable to preside over a meeting of the council of supervisors, for whatever reason, the chairperson elected by the council of supervisors vice-mayor shall preside over the meeting.

Section 509. Vacancy.

A vacancy in the office of mayor shall be filled by special election to be called by the council of supervisors within ten (10) days of the vacancy unless the special election to fill the vacancy would occur within six (6) months of the next regular election for mayor, in which case no special election shall be called and the office of mayor shall be filled by a supervisor as provided below, until a mayor is elected at the next regular election. The special election shall be held at the earliest administratively feasible date possible. The person elected at the special election shall serve for the duration of the unexpired term. Pending the filling of any such vacancy and until a person is elected to hold the office of mayor, the ~~chairperson of the council of supervisors~~ vice-mayor shall be the acting mayor, with all powers of the office. The ~~chairperson~~ vice-mayor, while serving as acting mayor under this Section, shall continue to hold office as supervisor. ~~During such period, the vice chairperson of the council shall serve as chairperson.~~

Section 510. Limitation on Future Employment.

The mayor, during the term for which such person shall have been elected and for one year after such person ceases to hold office, shall be ineligible for any appointive office or position in the city-county, carrying compensation, and created by this Charter or by ordinance.

ARTICLE 6
CHIEF ADMINISTRATIVE OFFICER

Section 601. Appointment, Qualifications, and
Removal.

There shall be a chief administrative officer who shall be appointed by the mayor subject to confirmation by a majority vote of the council of supervisors. This officer shall be a person of demonstrated administrative ability, having had significant experience in responsible executive capacities, and shall be selected and appointed on the basis of executive and administrative qualifications. The chief administrative officer shall serve at the pleasure of the mayor and the council of supervisors. The chief administrative officer may be removed from office by the mayor with the concurrence of a majority of the members of the council of supervisors. The chief administrative officer may also be removed from office without the consent of the mayor upon the vote of eight (8) members of the council of supervisors voting for such removal.

Section 602. Functions.

The chief administrative officer shall be responsible for the effective administration of the city-county government. Subject to the direction of the mayor and in accordance with the ordinances and resolutions adopted by the council of supervisors, the chief administrative officer shall:

- (a) see that all laws and ordinances are executed;
- (b) administer and exercise supervision and control over all agencies, departments and services of the city-county government under the jurisdiction of the chief administrative officer;
- (c) except as otherwise provided in this Charter, appoint all heads or directors of agencies and departments of the city-county, subject to ratification by the council of supervisors, and all subordinate officers and employees, and shall have the power to discipline and remove any officer or employee so appointed, subject to the provisions of Article 13;

(d) act in an advisory capacity to and with the mayor and the council of supervisors with respect to officials or boards not under the jurisdiction and control of the chief administrative officer;

(e) make recommendations to the mayor and the council of supervisors as the chief administrative officer deems appropriate concerning the operation, affairs and future needs of the city-county;

(f) perform such other duties consistent with this Charter as may be prescribed by the mayor or the council of supervisors.

Section 603. Preparation of Annual Budget.

The chief administrative officer shall prepare the annual budget for submission to the mayor and the council of supervisors. The chief administrator's final budget shall be submitted to the mayor not less than thirty (30) days prior to submission of the final budget to the council of supervisors to allow sufficient time for the mayor to prepare his or her comments on the proposed budget. The final budget, as revised by the mayor and council of supervisors shall be adopted not later than October 15.

Section 604. Non-Interference By Council of Supervisors; Mayor.

(a) No member or members of the council of supervisors shall directly or indirectly coerce or attempt to coerce the chief administrative officer or any other officer, agency or department head subject to the direction of the chief administrative officer, in the performance of the duties of such person's office or position, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any city-county officer, and any violation of the provisions of this Section shall be willful misconduct of the supervisor(s). Except for the purpose of obtaining information, the council of supervisors and its members shall deal solely and directly through the mayor and the chief administrative officer with respect to the part of the city-county government under their direction.

(b) The mayor shall not directly or indirectly coerce or attempt to coerce any officer, agency or department head or other employee subject to the direction of the chief administrative officer, in the performance of the duties of such person's office or position, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any city-county officer, and any violation of the provisions of this Section shall be willful misconduct of the mayor. Except for the purpose of obtaining information, the mayor shall deal solely and directly through the chief administrative officer with respect to the part of the city-county government under the chief administrative officer's direction.

ARTICLE 7
OTHER ELECTIVE AND APPOINTIVE OFFICERS

Section 701. Elective Officers.

The city-county elective officers, other than the mayor and the council of supervisors, shall be:

- (a) Assessor;
- (b) Auditor;
- (c) District Attorney;
- (d) Sheriff;
- (e) A County Board of Education which shall be elected as required by state law; and
- (f) Members of local community councils who shall be elected as provided in Articles 8 and 14.
- (g) Members of the board of directors of the fire subgovernment who shall be elected as provided in Article 18.

Section 702. Qualifications.

Each county-wide elective officer or candidate for election, or appointment in the case of vacancy, shall be an elector and a resident of the city-county at the time nomination papers are issued to the candidate or at the time of appointment, as the case may be, and shall continue to reside in the city-county during the officer's term of office.

Section 703. General Powers and Duties.

Except as otherwise provided in this Charter, each and all of the officers now existing or created by this Charter or by the Constitution or general law of the State of California or by the council of supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by the Constitution and the general laws of the State of California, by this Charter and by ordinance.

Section 704. Auditor.

(a) The auditor shall be the controller and the chief accounting officer of the city-county.

(b) ~~No person shall hereafter be elected or appointed to the office of county auditor of any county unless that person:~~ The duties and responsibilities of the auditor shall be consistent with the general laws of the state, unless otherwise provided for in this Charter.

- ~~(1) Possesses a valid certificate issued under the laws of the state of California showing that person to be, and a permit authorizing that person to practice, as certified public accountant or as a public accountant; or~~
- ~~(2) Possesses a valid certificate or diploma of graduation from a school of accountancy; or~~
- ~~(3) Has served as a county auditor or as deputy county auditor for a continuous period of not less than three years.~~

~~This section shall not apply to any person duly elected or appointed as a county auditor and actually serving as such officer on the effective date of this section, and such person shall be deemed to be eligible to hold, and to be re-elected to said office notwithstanding the provisions of this section.~~

Section 705. Sheriff.

(a) The sheriff shall be the chief law enforcement officer of the city-county.

(b) The duties and responsibilities of the sheriff shall be consistent with the general laws of the state, unless otherwise provided in this Charter.

(c) The sheriff shall have sole responsibility for, and take charge of all ~~County~~ city-county jails and correctional facilities and the prisoners in them; and all those employees who have authority to lawfully exercise physical restraint and/or force, shall be sworn deputy sheriffs/police officers.

(d) The sheriff's department shall also constitute the city-county municipal police department, and the sheriff's deputies shall also be officers of the city-county police department.

(e) The sheriff shall appoint an undersheriff, a chief of police services and other officers and employees necessary to carry out the functions of the sheriff's department. All sworn deputy/officer positions above the rank of captain, including, but not limited to undersheriff and chief of police services, shall be exempt positions. Nothing in this Section shall be construed to infringe on the council of supervisors' authority over funding for the sheriff's department in any way.

(f) Except in cases of emergency, no sworn officers employed by the City of Sacramento Police Department prior to the enactment of this Charter and no sworn officers previously employed by the California Highway Patrol and appointed to the city-county sheriff/police department pursuant to subsection (g) of this Section, shall be assigned to any duties previously under the jurisdiction of the sheriff where there was no similar duty performed by the Sacramento Police Department, without the consent of the officer. Discrimination against said employees, including discrimination in promotions and work assignments to avoid the intent of this paragraph, is strictly prohibited.

(g) Subject to funding by the transition board, or the council of supervisors, as the case may be, the sheriff, at his or her discretion, may appoint sworn officers of the California Highway Patrol who have been assigned to the Valley Division for at least six (6) consecutive months prior to the enactment of this Charter, as sworn officers of the city-county sheriffs/police department. Such officers may count their service time with the California Highway Patrol as service time with the Sacramento City-County Sheriffs/Police Department for the purposes of departmental seniority. The sheriff's authority to make such appointments shall commence upon the enactment of this Charter and shall terminate two years after the date the California Highway Patrol ceases to provide traffic enforcement services for local streets within the city.

Section 706. Elections; Terms of Office.

The assessor, auditor, district attorney and sheriff shall be elected from the city-county at large as provided in Article 14 and shall serve terms of four years, commencing the second (2nd) day of January following their election, and until a successor qualifies.

Section 707. City-County Attorney.

The mayor shall appoint and may remove the city-county attorney with the concurrence of a majority of the council of supervisors. The council of supervisors may also remove the city-county attorney, without the consent of the mayor, by a vote of eight (8) members of the council of supervisors voting for such removal. The city-county attorney shall serve at the pleasure of the mayor and the council of supervisors. The council of supervisors shall prescribe the qualifications, duties and compensation of such officer. The city-county attorney shall serve as legal counsel to the city-county government and all of its officers, agencies, departments, boards, commissions, and sub-governments unless otherwise provided in Article 18 of this Charter, and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the council of supervisors. For purposes of applicable state law, the city-county attorney shall be both a city attorney and a county counsel, and the city attorney powers shall supersede the county counsel powers in the event of a conflict. In situations where the city-county attorney determines there is a conflict in representation by that office, the council of

supervisors and/or the mayor may authorize the retention of other legal counsel to represent one or more of the conflicting parties.

Section 708. Mayor's and Supervisors' Staff.

The mayor and individual supervisors shall appoint such members of the ~~mayor's~~ their respective staff, and the council of supervisors shall appoint such members of the council staff, all of whom shall be exempt from the civil service system, except as may be provided by ordinance of the council of supervisors. The compensation paid to such staff members shall be fixed by ordinance of the council of supervisors. The mayor's staff shall serve at the pleasure of the mayor. The supervisors' and council's staffs shall serve at the pleasure of the individual supervisors and council, respectively.

~~Section 709. Council of Supervisors Staff.~~

~~Individual Supervisors shall appoint such members of their staff, and the council of supervisors shall appoint such members of the council's staff, all of whom shall be exempt from the civil service system except clerical personnel to individual supervisors, as may be provided by ordinance of the council of supervisors. The compensation paid to such staff members shall be fixed by ordinance of the council of supervisors. The supervisors' and council's staffs shall serve at the pleasure of the individual supervisors and council, respectively.~~

Section 710 709. Chief Probation Officer and Probation Committee.

The manner and method of appointment and removal of the chief probation officer and assistants and the members of the probation committee shall be as is now or as hereafter may be provided by general state law.

Section 711 710. County Superintendent of Schools.

The office of County Superintendent of Schools, as such office exists on the effective date of this Charter, shall continue as provided by applicable state law and shall be filled by appointment by the County Board of Education.

Section 712 711. Compensation and Expenses of Elected Officers.

Except as otherwise provided in this Charter, the compensation of the elective officers, including members of local community councils, shall be established annually by ordinance by the council of supervisors. In addition, these elected officers may be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established by the council of supervisors and applicable to officers and employees of the city-county.

Section 713 712. Compensation and Expenses of Appointive Officers.

Except as otherwise provided in this Charter, the compensation of appointed officers shall be established annually by ordinance by the council of supervisors. In addition, appointed officers may be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established by the council of supervisors and applicable to officers and employees of the city-county.

Section 714 713. Vacancy in Elective Office.

A vacancy in the office of assessor, auditor, district attorney or sheriff shall be filled by a special election to be immediately called by the council of supervisors, unless the vacancy occurs within two years of the next regular election at which the office would normally be filled, in which case the vacancy shall be filled by appointment by a majority vote of the members of the council of supervisors within sixty (60) days from the date of the vacancy. If the council of supervisors fails to make an appointment to fill the vacancy, the mayor shall make an appointment to fill the vacancy within thirty (30) days of the expiration of the sixty (60) day period. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Section ~~715~~ 714. Vacancy in Appointed Office.

Whenever a vacancy occurs in any appointive office, the vacancy shall be filled, subject to the manner and method provided herein for the original appointment, by the person, council, board or commission who made the original appointment.

Section ~~716~~ 715. Method of Suspension and Removal of Appointive Officers.

Every officer appointed by the chief administrative officer shall serve at the pleasure of chief administrative officer and may be removed or suspended at the pleasure of chief administrative officer. If an officer is part of the classified service, the suspension or removal shall be in accordance with Article 13 and the rules applicable to the classified service.

Section ~~717~~ 716. Appointments.

The council of supervisors by ordinance or resolution, consistent with the provisions of Article 13 shall fix and regulate the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the offices of the city-county. The council of supervisors shall, in like manner, prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which and the terms for which they shall be appointed, and the manner of their appointment and removal, as provided for in this Charter, provided, however, that elective officers shall appoint their own deputies and subordinates as shall be designated in this Charter or in such ordinance, and that appointive officers may appoint their own deputies and subordinates, subject to the approval of the chief administrative officer.

ARTICLE 8
LOCAL COMMUNITY COUNCILS

Section 801. Establishment.

There shall be established in local communities throughout the city-county sub-governments of the city-county government pursuant to Article XI, section 5 of the California Constitution. The governing body for each local community shall be known as the local community council, and shall be established in accordance with the provisions of this Article.

Section 802. Purpose, Powers and Functions.

(a) The purpose of local community councils is to increase access to and opportunity for participation in the local planning issues, including but not limited to the general plan adoption and amendment process, local planning issues and public works issues. In addition, the local community councils will provide a forum for and an avenue and voice to provide input to the council of supervisors and the mayor on such other community issues as any local community council may deem appropriate. With respect to planning issues, the local community councils shall have the powers and functions relating to planning, zoning and subdivision review and approval as provided in Article 9 of this Charter. The local community councils shall have the power and function to bring public works projects and issues of a local nature to council of supervisors for action by the supervisors. The local community councils shall also have the power and function to provide substantial input on and to comment on any other issues, including the budget, that a local community council deems of interest to its local community. The local community councils may provide substantial input and recommendations on services provided to the local community.

(b) The council of supervisors may delegate additional responsibilities to the local community councils.

Section 803. Number and Boundaries.

(a) Number and Boundaries. Initially there shall be twenty (20) local community councils. The boundaries of these community councils shall be as set forth on Exhibit A, attached to this Charter. The number and/or boundaries of the local community councils may be changed as follows:

- (1) boundary changes, creation of new local community councils and merger of existing local community councils may be initiated by resolution of one of the affected local community councils, or by petition signed by not less than 10% of the registered voters within one of the affected communities. The resolution or petition shall be submitted to the council of supervisors.
- (2) the council of supervisors shall designate an agency, board or commission to investigate the request and report its recommendations to the council of supervisors. The designated agency, board or commission shall hold at least one noticed public hearing on the request.
- (3) upon receipt of the recommendation from the designated agency, board or commission, the council of supervisors shall hold a noticed public hearing. After consideration of the recommendation and the testimony submitted at the hearing, the council of supervisors may approve, modify and approve or deny the request.

(b) Districts. Each local community council shall initially be divided into five districts. The initial boundaries of each district shall be determined as provided in Article ~~19~~ 20. The boundaries and size of the districts shall be determined pursuant to the standard set forth in Section 404.

(c) District Reapportionment. Within six months after a regular United States census, each local community council shall hold public hearings and

take public testimony on compliance of the boundaries of each district with the population standard set forth in Section 404 and shall, by resolution, submit to the council of supervisors modification of the boundaries of the districts, if necessary, to bring all district boundaries into compliance with that standard. The terms "regular United States census" and "within six months" shall be as defined in Section 405. Upon receipt of the district reapportionment submittals from the local community councils, the council of supervisors shall hold a noticed public hearing and shall take public testimony in the same manner as set forth in Section 405. After consideration of the submittals of the local community councils and the testimony submitted at the hearing, the council of supervisors shall approve or deny the submittals of the local community councils based upon the standard set forth in Section 404. The council of supervisors shall, by ordinance, modify the districts pursuant to the approved submittals, if necessary, to bring all district boundaries into compliance with the population standard set forth in Section 404. If the council of supervisors denies a district reapportionment submittal, such submittal shall be referred back to the local community council for revision in conformity with the standard set forth in Section 404, and then re-submitted to the council of supervisors.

(d) Change in Number of Members. If required to increase or decrease the number of members of a local community council as provided in Section 804(e), the number of districts and the boundaries of the districts may be changed as set forth in Section 803(c).

Section 804. Members and District Elections.

(a) Members. Each local community council shall be activated as of January 2, 1993, and shall initially consist of five members, elected by districts within each community. One community council member shall be elected from each district within the community. Each local community council member or candidate for election, or appointment in the case of vacancy, shall be an elector and a resident of the district within the particular community at the time nomination papers are issued to the candidate or at the time of appointment, as the case may be. Each member shall continue to reside in the district during the member's term of office, except that no boundary change pursuant to Section 803 or Section 804(e) shall disqualify a member from serving the remainder of the term.

(b) Term of Office. Members of local community councils shall serve terms of four (4) years commencing on the second (2nd) day of January following their election and until their successors are elected, except that of the initial members of each local community council, the three candidates receiving the three highest number of votes shall serve four year terms, and the remaining two candidates shall serve two (2) years. Thereafter, all members shall serve four (4) year terms.

(c) Elections. The office of local community council member shall be filled for each district in the city-county as provided in this Article and Article 14 of this Charter.

(d) Vacancies. A vacancy on a local community council shall be filled by special election to be called by the council of supervisors, unless the vacancy occurs within two years of the next regular election at which such office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the local community council within sixty (60) days from the date of the vacancy. If the local community council fails to make an appointment to fill the vacancy, the mayor shall make an appointment to fill the vacancy within thirty (30) days after the expiration of the sixty (60) day period. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

(e) Increase in Local Community Council Membership. Upon the request of a local community council, the council of supervisors may, by a majority vote, increase the number of members of the local community council. The request of the local community council shall state the desired increase in membership and the reasons for the desired increase in membership. In considering the request, the council of supervisors shall consider the reasons stated by the local community council, the size and population of the local community and the cost of implementing the increase in membership. If the council of supervisors determines to approve the request, any increase in membership shall maintain an odd number of members of the local community council and shall be implemented in a manner to retain staggered terms. The local community shall be redistricted as provided in Section 803(c) to accommodate the increase in membership. If the

number of members of a local community council is increased, the local community council may later request that its membership be decreased. The procedure for request and consideration of a decrease shall be the same as the request for an increase in membership; provided, that the number of members of a local community council shall not be decreased to less than five members.

Section 805. Meetings, Conduct of Meetings,
Records.

(a) Each local community council shall hold regular meetings at least once a month at such times and places as may be fixed by resolution of that body. All meetings of the local community councils shall be open to the public to the same extent and in the same manner as provided for meetings of the council of supervisors in Section 411(a) of this Charter.

(b) Rules, Quorum and Voting.

- (1) Each local community council shall determine and adopt its own rules of procedure.
- (2) A majority of the members of each local community council then in office shall constitute a quorum, except that a lesser number may adjourn from time to time and may compel attendance of absent members in a manner provided by resolution.
- (3) Each local community council shall act only by resolution or motion. Except as otherwise provided in the Charter, the affirmative vote of a majority of all members of each local community council shall be necessary to pass any resolution or motion of a particular local community council. Each of the local community councils shall be a continuing body and no measure pending before that body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of that body or any of them.

- (4) Each local community council shall elect a chairperson and a vice chairperson. The chairperson shall preside at all meetings. The chairperson may make or second any motion and present, discuss and vote on any matter as a member of the local community council. In the event of the chairperson's absence or inability to act, the vice-chairperson shall act as chairperson, who, while so acting, shall have all of the authority of the chairperson. In the event of the chairperson's and the vice-chairperson's absence or inability to act, the remaining members shall, by an order entered into the minutes, select one of their members to act as chair pro tem, who, while so acting, shall have all of the authority of the chairperson.

(c) Each local community council shall keep a permanent public record of its proceedings, including all actions considered and taken, motions and records, the text of resolutions introduced or adopted and all amendments proposed or adopted, and the vote of each member of the local community council regarding any matter before that body.

Section 806. Relationship to Council of Supervisors.

(a) The local community councils shall provide advice and recommendations to the council of supervisors on matters of local concern. Issues of a local nature, including public works issues, submitted to the council of supervisors by resolution of a local community council, shall be placed on an agenda of the council of supervisors within thirty (30) days of receipt by the clerk of the council of supervisors for consideration by the council of supervisors.

(b) The council of supervisors shall provide, within the constraints of the annual budget, planning, legal and other support to aid the local community councils in the timely development and completion of community plans and any other project that comes before the local community councils.

ARTICLE 9
LAND USE PLANNING

Section 901. Purpose.

(a) Pursuant to the home rule powers of the city-county under the California Constitution, this Article provides for the establishment of a framework governing land use planning and zoning administration in the city-county, whereby local communities shall have authority over land use planning matters of a local nature, and the city-county government shall have authority over land use planning matters of a county-wide nature. Accordingly, the provisions of the state Planning and Zoning Law, as set forth in the California Government Code, shall not be applicable to the actions of the city-county, its sub-governments created under this Charter, or to their officers or employees, except to the extent that the council of supervisors by ordinance expressly adopts provisions of the state Planning and Zoning Law not otherwise inconsistent with this Charter.

(b) It is the intent of this Article that the council of supervisors and local community councils establish policies and exercise powers in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. The council of supervisors and local community councils should act to discourage urban sprawl and encourage rational and sound development policies.

(c) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open space uses, the council of supervisors and local community councils shall consider the following policy: Development or use of land for uses other than open space uses shall be guided away from existing prime agricultural lands in open space use and toward areas containing non-prime agricultural lands, unless that action would not promote the planned, orderly efficient development of the area.

Section 902. General Plan.

(a) Preparation. The council of supervisors, with the assistance of the local community councils, the policy planning commission and the officers and employees of various departments of the city-county, shall prepare a general plan for the city-county. The mandatory elements of the general plan shall be those specified in those provisions of the state Planning and Zoning Law applicable to charter cities. Any discretionary elements of the general plan shall be determined by resolution of the council of supervisors.

(b) Adoption. The council of supervisors shall adopt the general plan or any amendment to the general plan by resolution only after complying with those procedural guidelines which the council of supervisors may by ordinance adopt. Such procedures shall include opportunity for public comment and hearing on the proposed general plan. The policy planning commission shall review and comment on any proposed general plan or amendment to the general plan and shall forward its comments and recommendations to the council of supervisors. In considering the adoption or amendment of the general plan, the council of supervisors shall give written notice to each local community council, at least thirty (30) days prior to the public hearing before the policy planning commission on the adoption or amendment of the general plan, to solicit comments on the general plan from the local community councils.

(c) Administration. Upon adoption of the general plan, the city-county shall administer the general plan in accordance with the policies established by the council of supervisors.

(d) Amendment. The council of supervisors may amend the general plan ~~in accordance with this Charter and the procedures which it may by ordinance adopt~~ a maximum of four times per calendar year. Hearing dates shall be adopted by resolution prior to the beginning of each calendar year setting forth the first hearing date at both the policy planning commission and council of supervisors for each round of general plan amendment hearings. Amendments to the general plan may be initiated in the manner specified by the council of supervisors.

Section 903. Community Plans.

(a) Preparation. Each local community council ~~may~~ shall prepare and update a ~~specific~~ community plan for its particular community based upon and consistent with the general plan of the city-county. Community plans must also be consistent with the fair share plan identified in Section 908 of this Charter. The council of supervisors may adopt guidelines to assure minimum standards for preparing and updating community plans including public notice and hearing. Community plans are the means for local community councils to express community development and land use goals, objectives and policies for their particular community. Community plans are also a mechanism to aid in the implementation of the general plan. The local community councils may prepare, update, and tentatively adopt community plans. In preparing their plans, they shall seek the views of relevant city-county departments including, but not limited to, the departments which relate to public works, parks and recreation, budget and finance, and land use planning. In addition, during the preparation of its community plan, the local community council shall provide opportunity for the involvement of its residents and residents of the entire city-county, plus public agencies, business, civic, education and other community groups and organizations, through public hearings and any other means the local community council deems appropriate.

(b) Adoption. After a community plan is prepared and after public hearing, the local community council shall adopt the plan by resolution as the tentative community plan. The local community council shall transmit the tentative plan to the council of supervisors for a determination of whether the community plan is consistent with the general plan. The community plan shall not become effective until the council of supervisors has determined that the community plan is consistent with the general plan.

(c) Consistency With General Plan. The council of supervisors shall determine whether each proposed community plan is consistent with the general plan. If the council of supervisors determines that the tentative community plan is consistent with the general plan, the council of supervisors by resolution shall approve the final community plan. If the council of supervisors determines that the tentative community plan is not consistent with the general plan, the council shall disapprove the community plan, setting forth in writing the reasons

for its disapproval, and return the community plan to the local community council for revision or other appropriate action in accordance with the action of the council of supervisors. If the local community council thereafter revises the draft community plan, it shall adopt it in the same manner as set forth above and transmit it to the council of supervisors for review and decision on the basis of consistency with the general plan as set forth above.

(d) Amendment.

- (1) Community plans may be amended in the same manner that they are adopted.
- (2) If a general plan amendment is presented to and approved by the council of supervisors prior to or concurrently with a proposed community plan amendment, and if the community plan as amended is consistent with the amended general plan, then the council of supervisors shall determine that the community plan amendment is consistent with the general plan, as amended.
- (3) If the local community council disapproves a proposed community plan amendment, that action may be appealed as provided in Section 910 911.

Section 904. Zoning; Rezoning.

(a) Zoning Code. Except as otherwise provided in this Charter, the council of supervisors shall have the sole authority to adopt and amend a zoning code for the city-county. The zoning code shall be consistent with the general plan.

(b) Rezoning.

- (1) All applications for rezoning of a particular parcel or parcels from one zone to another shall initially be submitted to the local community council for the

community in which the affected property is situated. Rezoning may be initiated either by subject property owner, the council of supervisors or local community councils. If the territory sought to be rezoned includes territory in more than one local community council, then separate applications shall be submitted to each of the respective local community councils for the territory within their respective community's borders. The council of supervisors shall as part of the Zoning Code and consistent with this Charter adopt procedural guidelines for the processing of rezoning applications that upon adoption shall be applicable to all local community councils, including a requirement that rezoning applications be consistent with the adopted general plan at the time of application submission.

- (2) The local community council for the community in which the affected property is situated shall hear and decide applications for rezoning. The local community council may approve, modify and approve or disapprove the application for rezoning; provided, however, that no rezoning application shall be approved unless it is consistent with the general plan and any community plan. The local community council's action on a rezoning application shall be final unless the decision is appealed as provided in Section ~~940~~ 911.

(c) **Rezoning Requiring Amendment to Community Plan.** An application for rezoning may be filed concurrently with an application for a community plan amendment. The local community council may consider the application for rezoning concurrently with the application for a community plan amendment. If the local community council determines to approve the community plan amendment and the rezoning, the rezoning shall not become effective until the council of supervisors determines that the community plan amendment is consistent with the general plan, as provided in Section 903(c) of this Charter.

(d) Appeal of Rezoning Decisions. The action of the local community council on a rezoning may be appealed as provided in Section 910 911.

Section 905. Development Agreements.

Applications for development agreements, as defined in the state Planning and Zoning Law, shall be ~~submitted to~~ approved by the council of supervisors ~~for approval~~ by ordinance; provided, however, that the ~~city-county government shall involve officials of respective local community councils in the negotiations~~ applicable local community councils shall conduct public hearings in the same manner that hearings on rezonings are conducted. Such public hearings shall concerning the terms of any development agreement which affects territory within the boundaries of that local community. The council of supervisors shall not approve a development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable community plan.

Section 906. Overlay Zones.

(a) The creation, initiation and approval of any overlay zones in the city-county shall be the sole responsibility of the council of supervisors.

(b) The council of supervisors shall prepare overlay zones for geographically specific resources and facilities, including, but not limited to, mineral resources, the American River Parkway, housing and airports. The council of supervisors may prepare overlay zones for other uses as the council of supervisors deems appropriate.

(c) Overlay zones shall be consistent with the general plan.

Section 907. Special Planning Areas; Neighborhood Preservation Zones.

In certain circumstances, it may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones in the city-county zoning code. It may also be desirable to provide for the protection and preservation of existing neighborhood characteristics through special

regulations not found in the standard land use zones in the city-county zoning code. Pursuant to this Section, proceedings may be initiated with the applicable local community council to regulate property in the city-county that has unique environmental, historic, architectural or other features which require special conditions not provided through the application of standard zone regulations. Local community councils may adopt special planning areas and/or neighborhood preservation zones pursuant to the requirements and procedures which the council of supervisors may provide by ordinance. Any local community council that adopts a special planning area or neighborhood preservation zone shall submit the proposal as adopted to the council of supervisors for a determination of consistency with the general plan. The process of review and approval of special planning areas by the council of supervisors shall be the same as the process of review and approval of community plans set forth in Section 903.

Section 908. Fair Share Plans

(a) The council of supervisors shall prepare a fair share plan for the distribution of land uses that affect public safety or the economic and social well being of the city-county and its citizens. This plan shall include, but not be limited to, policies for the siting of such land uses as:

- (1) The distribution and supply of low and moderate income housing;
- (2) Facilities for the care and well being of the elderly, children, or the mentally or physically disabled;
- (3) Facilities which aid socially or economically disadvantaged families or individuals;
- (4) Facilities which deal with the physical or emotional rehabilitation of persons, and any other facilities that the council of supervisors deems necessary to ensure the equitable distribution of health, social, and safety facilities throughout the city-county.

(b) The fair share plan shall be prepared and approved by the council of supervisors. In preparing this plan, the views, comments and actions of the local community councils shall be considered.

(c) The local community councils are responsible for the implementation of the fair share plan. Each local community council must accept and site any facility and/or activity which is identified in and consistent with the fair share plan. The procedures for review and approval of the projects within the scope of the fair share plan shall be prescribed by ordinance of the council of supervisors.

(d) Notwithstanding the foregoing, the council of supervisors shall have the final authority in all matters associated with implementing the fair share plan. If a local community council rejects or fails to approve the siting of any such facility and/or activity within its jurisdiction in a manner consistent with the fair share plan, the council of supervisors may approve and site such facility and/or activity pursuant to the procedure prescribed by the ordinance set forth in subsection (c) above.

Section 908 909. Subdivision and Parcel Maps.

(a) Local Ordinance. The council of supervisors shall adopt, by ordinance, regulations governing all subdivisions pursuant to the Subdivision Map Act (Title 7, Division 2 of the California Government Code). Those regulations shall constitute a "local ordinance" as defined by the Subdivision Map Act.

(b) Tentative Subdivision Maps and Parcel Maps. Tentative subdivision maps and parcel maps shall be subject to review and approval by the particular local community council in which property is sought to be subdivided; provided, however, that all map applications shall first be reviewed by any body or official of the city-county designated by ordinance of the council of supervisors to serve as an "advisory agency" as that term is defined in the Subdivision Map Act. The council of supervisors shall by ordinance provide regulations governing the review and approval of maps consistent with this Section, including, but not limited to, procedures for assuring that regional impacts, including the need for

additional municipal services or construction of additional infrastructure, are considered, in the review process.

(c) Final Maps. The council of supervisors shall have the sole authority to approve final subdivision maps and to review proposed amendments to final maps. The council of supervisors shall also have sole authority to accept or reject offers of dedication at the time of final map approval.

(d) Appeal. All actions of local community councils regarding subdivision maps or parcel maps shall be appealable as provided in Section ~~910~~ 911.

(e) Changes in State Law. The provisions of this Section may be modified to the extent necessary to comply with changes or amendments to the Subdivision Map Act.

Section ~~909~~ 910. Use Permits; Variances.

(a) Governing Body. Each local community council shall hear and decide all applications for use permits and for variances from the city-county zoning code or other land use ordinances for property within its territory. The council of supervisors shall as part of the zoning code adopt guidelines and regulations for the processing and for the approval or denial of use permits and variances that upon adoption shall be applicable to all local community councils.

(b) Appeal. The decisions of local community councils on use permits and variances, shall be appealable as provided in Section ~~910~~ 911.

(c) General Plan Consistency. Use permits and variances shall be consistent with the general plan.

Section ~~910~~ 911. Appeals of Land Use Decisions.

(a) Policy Planning Commission as Appeals Body. Decisions of local community councils as provided in this Article shall be appealable to the policy planning commission.

(b) Procedures. The policy planning commission shall review all matters appealed to it according to the procedures established by this Charter and by ordinance of the council of supervisors.

(c) Action on Appeal.

- (1) After conducting a hearing on an appeal, the policy planning commission, by majority vote of all commissioners present and voting on the appeal, may uphold, modify and uphold or reverse the action of the local community council.
- (2) The decision of the policy planning commission on an appeal shall be in writing, setting forth the reasons for its action. The decision of the policy planning commission shall be reported to the local community council, the applicant and any appellants. The decision of the policy planning commission shall be final, except as otherwise provided in this Article.
- (3) Tentative map and parcel map decisions shall be appealable to the policy planning commission or to the council of supervisors, or both, in the manner provided by state law.

Section 911 912. Creation and Duties of Policy Planning Commission.

(a) A policy planning commission shall be established by the council of supervisors. The commission shall be comprised of eleven (11) local community council members and three (3) alternates who shall also be local community council members. ~~The mayor shall appoint four (4) members and one (1) alternate.~~ Each local community council member of the council of supervisors shall nominate one of its policy planning commission members from any of the local community councils within his or her supervisorial district. The three (3) alternates shall be nominated by resolution of the council of supervisors as a whole.

The council of supervisors shall then ~~jointly select seven (7)~~ ratify the eleven (11) selected members and the two (2) three (3) alternates of the commission from the nominees submitted by the ~~local community councils~~ individual members and the council of supervisors as a whole, respectively. A veto by the mayor of any appointment to the policy planning commission may be overridden by a seven (7) vote majority of the council of supervisors.

(b) Each member and alternate appointed to the commission shall serve a four (4) year term, except that the terms of ~~two (2)~~ six (6) of the initial members ~~appointed by the mayor, the alternate appointed by the mayor, three (3) of the initial members appointed by the council of supervisors and one (1)~~ two (2) alternates ~~appointed by the council of supervisors~~ shall be two years. Thereafter, all members and alternates shall serve four (4) year terms.

(c) If a member or alternate resigns or otherwise vacates his or her office as a member of a local community council, the member or alternate shall also automatically vacate his or her position as a member of the policy planning commission. The member appointed to fill the vacancy shall serve for the unexpired term of the former incumbent. ~~Resigning or vacating local community council members shall be replaced by local community council members. Resigning or vacating mayoral appointees shall be replaced by mayoral appointees.~~

(d) No representative from a local community council shall sit in review of a decision appealed from his or her particular local community council. The alternates shall vote only upon one of the following conditions: (1) Absence of one or more members; (2) Disqualification of one or more members either because the appeal is from a decision from the member or members' local community council or because of an expressed conflict of interest.

(e) The policy planning commission shall be the planning commission for the city-county. It shall hear appeals from decisions of the local community councils as provided in this Charter. In addition, the commission shall consider, review and make recommendations to the council of supervisors on adoption and amendment of the general plan, implementation of the general plan, ~~whether community plans are consistent with the general plan,~~ adoption and amendment of the capital improvement program, and on such other planning

matters as the council of supervisors may determine. The policy planning commission shall also perform such other functions as determined by the council of supervisors.

ARTICLE 10
URBAN AND GENERAL SERVICES DISTRICTS AREAS

Section 1001. Services Districts Areas.

(a) Within its geographic limits, the city-county government shall comprise initially two service and taxing districts areas (herein called "services districts areas"), wherein taxes and municipal service charges shall be assessed, levied and collected by the city-county government in accordance with the kind, character, type, degree and level of services provided within these services districts areas, and, subject to the limitations contained in the state Constitution, the rate and manner of taxation and of municipal service charges may vary in one district area from that in the other district area.

(b) The council of supervisors shall divide the territory of the city-county into two services district areas. One services district area shall be known as the urban services district area and shall consist of the total geographical area of the former City of Sacramento. The other services district area shall be known as the general services district area and shall consist of the total geographical area of the city-county not included in the urban services area. The boundaries of services districts areas may be changed from time to time consistent with this Article. Any territory to be annexed to an existing services district area need not be contiguous to that existing district area. Only areas that are urbanized, or identified for urban uses in the general plan, and in need of extended services offered solely in the urban services area may be annexed by the urban services area. Upon annexation, the annexed territory shall receive only those extended services offered in the urban services area.

(c) Subject to the limitations contained in the state Constitution, it is intended by this Article that taxation and municipal service charges of the city-county government within the general services district area shall be determined, levied and assessed on the basis of those governmental duties, functions, services, and obligations, including the creation of indebtedness, which are generally available and accessible to all residents, or are the responsibility of all residents, throughout the total geographical area of the city-county; and, that taxation and municipal service charges of the city-county government within the urban services

~~district~~ area shall be determined, levied and assessed on the basis of those higher or more comprehensive governmental duties, functions, services, and obligations, including the creation of indebtedness, which benefit primarily the residents and territory of the urban services ~~district~~ area.

(d) In the initial establishment of the urban services ~~district~~ area, the service levels of the former city of Sacramento shall be maintained at levels similar to the service levels provided in the City of Sacramento prior to the adoption of this Charter and commensurate with the taxes, including the utility users tax, paid by residents of the former City of Sacramento. The service levels and taxes paid in the two services ~~districts~~ areas shall not be changed by the transition ~~government~~ board established under Article 19 ~~20~~. Thereafter, the service levels and the taxes and charges may be changed as provided in this Article.

Section 1002. Implementation.

In order to fully implement the provisions of this Article consistent with legal requirements, and to obtain the intended results, the council of supervisors may exercise any power or procedure available under the Constitution and general laws of the State of California, including the power to create sub-governments of the city-county. ~~Without limiting the foregoing, so long as urban and general services districts areas are separately maintained under the provision of this Article, the council of supervisors by ordinance may establish and maintain as a separate agency or department of the city-county an urban fire department to provide fire protection for the urban services district area, leaving the responsibility for fire protection for the general services area to fire protection districts which may continue to exist in what was the unincorporated area of the County of Sacramento.~~

Section 1003. Review of Services ~~Districts~~ Areas.

Prior to January 1, 1995, the council of supervisors shall investigate and review the services provided within the urban services ~~district~~ area and the general services ~~district~~ area and the costs of such services. This investigation and review shall include a determination of those services that are or should be provided on a city-county wide basis and those services that are of primary benefit only to residents and territory within the urban services ~~district~~ area. After completion of the

investigation and review but in no event later than January 1, 1995, the council of supervisors shall take such action to amend, modify or confirm the services provided and the charges and taxes levied within the urban services ~~district~~ area and the general services ~~district~~ area, and/or to modify the boundaries of the urban services ~~district~~ area to meet the standard set forth in Section 1001(c). In investigating and modifying or confirming these ~~districts~~ areas as set forth above, the council of supervisors shall take into consideration services provided to specific areas of the city-county by special districts.

ARTICLE 11
BOARDS, COMMISSIONS AND AGENCIES

Section 1101. Boards and Commissions - Continuation.

All boards and commissions other than governing bodies of the consolidated governments on the effective date of this Charter shall continue in existence with the same jurisdiction and powers until re-established, suspended, modified or abolished by the council of supervisors.

Section 1102. Boards and Commissions - Creation and Appointments.

The council of supervisors shall provide by ordinance for such boards and commissions as may be required by law or deemed desirable, shall prescribe their functions, and may prescribe qualifications and conditions of service on such boards and commissions, including compensation and reimbursement for expenses, and terms of office. Except as otherwise expressly provided in this Charter, the mayor shall appoint all members of boards and commissions with the approval of the council of supervisors; provided that advisory boards and advisory commissions to the council of supervisors shall be appointed and function as prescribed by the council. After appointment and approval by the council of supervisors, all members of boards and commissions, except those appointed solely by the council of supervisors, shall serve at the pleasure of the mayor.

Section 1103. Functions of Boards and Commissions.

Except as otherwise provided in this Charter, the authority and functions of boards and commissions shall be specified by ordinance, consistent with applicable federal and state law.

Section 1104. Meetings.

The council of supervisors by ordinance shall prescribe an open public meeting requirements comparable to those contained in Section 411 of Article 4 for all boards and commissions of the city-county, and shall include therein provisions

to afford the public a reasonable opportunity to appear on matters considered by boards and commissions.

Section 1105. Agencies.

The existence, status, jurisdiction, rights, powers and obligations of redevelopment agencies, housing authorities, parking authorities, dependent special districts and joint powers authorities in existence and functioning on the effective date of this Charter shall not be affected by the adoption of this Charter, except that after the effective date of this Charter the mayor and council of supervisors shall succeed to the rights, powers and functions of the mayor and legislative body of the former City of Sacramento and the presiding officer of the board and board of supervisors of the former County of Sacramento with respect to those agencies. Thereafter, the council of supervisors by ordinance or resolution may terminate the existence or change the status, jurisdiction, rights, powers or obligations of any such agency or authority, and may merge or consolidate any such agency or authority with any other, in any manner consistent with the Charter, or applicable state law and any outstanding obligations of that agency or authority.

As used in this Section a "dependent special district" is a special district whose governing body, prior to the adoption of this Charter, was the board of supervisors of Sacramento County or the city council of the City of Sacramento.

ARTICLE 12
FINANCIAL PROVISIONS

Section 1201. Fiscal Year.

Unless otherwise provided by ordinance, the fiscal year of the city-county shall commence on the first day of July and end on the last day of June next following.

Section 1202. Levy of Property Tax.

No later than the date set by state law for such purpose, and subject to the limitations contained in the Constitution, the council of supervisors shall fix the rate or rates of property tax to be levied and levy the tax upon all taxable property in the city-county. Subject to the limitations contained in the Constitution, these rate or rates shall be adequate to meet all obligations of the city-county for the fiscal year, taking into account estimated revenues from all other sources. Subject to the limitations contained in the Constitution, the property tax rate or rates may vary from area to area within the city-county in accordance with the services districts established in Article 10. Should the council of supervisors fail to fix the rate or rates and levy taxes within the time prescribed, the rate or rates for the last preceding fiscal year, as those rate or rates were applied to various areas, shall be automatically effective, and a tax at such rate or rates shall be levied upon all taxable property in the city-county in the same manner for the current fiscal year.

Section 1203. Taxes.

The city-county shall have the power of a charter city to levy taxes. The council of supervisors shall have sole authority to levy taxes within the city-county. Without limiting the foregoing, the city-county may levy a utility users tax, business license tax or any other legal tax to support municipal services within the city-county. The city-county may levy taxes in portions, areas, or urban service districts within the city-county.

Section 1204. Creation and Appropriation of Revenues and Other Financial Resources.

Creation and appropriation of city-county revenues and other financial resources shall fall within the sole authority of the council of supervisors unless otherwise provided in this Charter. The council of supervisors may incur bonded indebtedness for any lawful purpose under such terms and conditions as the council of supervisors may determine.

Section 1205. Budgetary Procedures.

Except as otherwise expressly or impliedly provided in this Charter, and except with respect to time provisions, the budgetary, financial and accounting procedures and practices of the city-county shall be generally as prescribed by state law applicable to counties; provided, however, that nothing in this Section shall be construed to bar or limit the city-county from exercising the powers of a charter city with respect to revenue sources. Consistent with this Charter, the council of supervisors, by ordinance or resolution, shall establish budgetary and financial policies for the city-county government and for all sub-governments.

The chief administrative officer shall establish a uniform system of accounting and reporting which shall require all officers, boards, and city-county institutions to report all necessary information concerning activities, personnel, funds, receipts, and expenditures. The chief administrative officer may, at any time, cause to be made an audit of the accounts of any city-county officer.

The chief administrative officer shall establish budgetary procedures and prepare the estimates of the general revenues of the city-county. At such time as the chief administrative officer may direct, each city-county officer required by law to file budget estimates for the next ensuing fiscal year shall submit to the chief administrative officer, on such form and in such manner as the chief administrative officer may prescribe, full and complete information concerning the estimates. It shall be the duty of the chief administrative officer to consult with and advise such officers concerning their proposed estimates in order to make proper recommendation to the mayor and the council of supervisors.

Appropriations from contingencies or from anticipated increases in available financing shall be by eight (8) votes of the members of the council of supervisors.

Section 1206. Assumption of Obligations.

(a) General obligation indebtedness of all consolidated governments as of the effective date of this Charter shall be assumed as general obligations by the city-county government; provided that such general obligation indebtedness shall remain and be payable only from the area that was subject to such indebtedness prior to the adoption of this Charter. General obligation indebtedness incurred by any consolidated government following the date of adoption of this Charter and prior to its effective date shall also remain payable from the area subject to such indebtedness. As used in this Section, "general obligation" means a liability or indebtedness of the kind which, if incurred by a city or county, would be subject to the provisions of Section 18 of Article XVI of the Constitution of the State of California, or a liability or indebtedness payable from taxes or general revenues of a consolidated government to be received in a fiscal year other than the fiscal year in which such liability or indebtedness was incurred.

(b) Continuing costs and obligations of all consolidated governments for retirement systems and pensions plans in existence on the effective date of this Charter shall be assumed by the city-county government.

(c) Lease payments, including those associated with certificates of participation, and operating costs of all consolidated governments as of the effective date of this Charter for all public buildings and facilities shall be assumed by the city-county government.

(d) Revenue bond or special fund indebtedness, not involving a general obligation, of the consolidated governments as of the effective date of this Charter shall not be assumed as general obligations by the city-county government, but shall continue in effect and be payable according to the terms of such indebtedness. As used in this Section "revenue bond or special fund indebtedness" includes any liability or indebtedness of the kind not subject to the provisions of Section 18 of Article XVI of the Constitution of the State of California and includes,

but is not limited to, obligations of a redevelopment agency, housing authority, parking authority, joint powers authority, special assessment districts, and obligations payable solely from a special source of revenues or a special fund of a consolidated government other than ad valorem property taxes.

(e) Any obligation or indebtedness of the consolidated governments on the effective date of this Charter not specifically mentioned in this Section shall be assumed by the city-county.

(f) Notwithstanding the above subsections, the council of supervisors may finance obligations in such a manner as to allow equity in taxation and municipal service charges consistent with the establishment of urban and general service districts areas.

Section 1207. Bonds Authorized.

Bonds authorized but not issued by any consolidated government on the effective date of this Charter may be issued by the city-county government according to the terms of the authorization of such bonds.

Section 1208. Revenue Bonds.

The council of supervisors may issue revenue bonds for any lawful purpose in such manner and upon such terms and conditions as the council of supervisors may fix and establish.

Section 1209. Collection of Fees and Public Monies.

Except as otherwise provided by ordinance, all fees and public monies collected by an officer, board or commission, or employee of the city-county shall be paid into the Treasury of the city-county with notice to the auditor in such form as prescribed by the auditor.

Section 1210. Special Assessment and Community Facilities
Districts.

Special assessment districts and community facilities districts whose formation has been completed on the effective date of this Charter shall not be affected by the adoption of this Charter. Special assessment district and community facilities district proceedings commenced but not completed by the City of Sacramento or the County of Sacramento on the effective date of this Charter shall be continued by the governing body of the government that initiated the proceedings. On or after the second day of January, 1993, special assessment district and community facilities district proceedings commenced but not completed by the City of Sacramento or the County of Sacramento shall be continued by the city-county council of supervisors according to the provisions governing such proceedings.

Section 1211. Appropriations Limit.

Pursuant to and for the purposes of Article XIII B of the California Constitution, the voters of the city-county hereby establish an appropriations limit for the new consolidated government of the city-county as follows:

Fiscal year 1990-1991	\$621,668,000.00
-----------------------	------------------

Thereafter, the appropriations limit shall be adjusted as provided by Article XIII B of the California Constitution. If Article XIII B of the California Constitution is repealed, this Section shall be inoperable.

ARTICLE 13
PERSONNEL ADMINISTRATION

Section 1301. Purpose.

There shall be established in the city-county a system of personnel administration that meets the social, economic and program needs of the people of Sacramento. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities. All appointments, promotions, reductions and removals in the government service shall be made without regard to sex, race, religion, national origin, physical or mental disability, sexual orientation, age or political affiliation. Nothing in this Section is intended to require that benefits available to lawful spouses be made available to other persons. The council of supervisors by ordinance shall include such additional non-discrimination provisions as may be necessary from time to time to conform to applicable federal and state law. All appointments and promotions into civil service positions shall be based on merit as determined by competitive examination. The provisions of this Section are not intended to prevent the establishment of special limited programs or affirmative action programs ~~including but not limited to programs~~ for the employment of economically or socially disadvantaged persons, or physically or mentally disabled persons.

Section 1302. Equal Opportunity.

(a) It shall be a policy of the city-county government to provide equal opportunity in employment for all persons, and to provide a continuing affirmative action program, to include goals and timetables as permitted by law, for equal employment opportunity at each level of government.

(b) The mayor, chief administrative officer, council of supervisors, each elective official and each appointing power shall exercise personal leadership in establishing, maintaining and carrying out a continuing affirmative action program for equal employment opportunity designed to promote equal opportunity

in every respect of personnel policy and practice in the employment, development, advancement and treatment of employees.

(c) There is hereby established the position of affirmative action officer. The affirmative action officer shall be appointed by the Mayor subject to confirmation by a majority vote of the council of supervisors. The affirmative action officer shall be responsible for administering the affirmative action program and assuring that the city-county exercises leadership in establishing, maintaining and carrying out a continuing affirmative action program for equal employment opportunity designed to promote equal opportunity in every respect of personnel policy and practice in the employment, development, advancement and treatment of employees.

(d) The affirmative action officer shall be provided with staff, subject to the budgetary approval of the council of supervisors, as necessary to carry out the responsibilities of the affirmative action officer pursuant to this Section.

(e) It shall be the policy of the city-county government to provide equal opportunity to minority business enterprises and women's business enterprises in the letting of contracts by the city-county and may establish programs to provide preferences to these businesses as provided by law.

Section 1303. Civil Service.

The civil service shall be a permanent career service to which this Charter shall apply and shall comprise all positions in the public service except the following:

- (a) Elective and appointed officers;
- (b) Members of boards and commissions;
- (c) Judges;
- (d) Staff employees of the council of supervisors other than clerical personnel;

(e) Staff employees of the mayor;

(f) The chief administrative officer, agency and department heads;

(g) Chief deputies to each elective and appointed city- ~~and~~ county officer other than the mayor and supervisors, and such other managerial assistants as may be authorized by this Charter or by ordinance; provided that the number of managerial assistants exempted by ordinance shall not exceed seven and one-half percent of the total number of permanent positions ~~the next level of management; and one level of management under each appointed city-county officer, and such other exempt assistants and deputies as may be authorized by this Charter;~~

(h) Persons serving the city-county without compensation;

(i) Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the mayor, chief administrative officer, council of supervisors, or other elected officers. No person shall be employed in such a capacity more than the equivalent of six months in any twelve calendar months;

(j) Persons employed for temporary periods of seasonal employment or because of emergency affecting public health, safety, or welfare. No person shall be employed in such a capacity more than the equivalent of six months in any twelve calendar months;

(k) Public safety auxiliaries as defined by ordinance. No persons shall be employed in such a capacity more than the equivalent of six months in any twelve calendar months, except that periods of employment and the scope of duties of such auxiliaries shall be subject to any applicable collective bargaining agreements.

Section 1304. Administration of Personnel System.

(a) The chief administrative officer or his designee shall be responsible for the administration of central personnel services and programs.

(b) The chief administration officer or his designee shall classify all civil service positions and shall administer civil service examinations. All administrative acts the chief administrative officer or his designee takes affecting rights under the jurisdiction of the Civil Service Commission shall be subject to appeal and final decision as provided by the commission.

(c) The chief administrative officer or his designee shall propose, and the council of supervisors shall adopt by ordinance, personnel rules consistent with this Charter, including but not limited to rules providing for leaves of absence, layoff, transfer, reinstatement, and reemployment. Such rules shall specify the circumstances in which an employee who has permanent status in a class who accepts other county employment in probationary, provisional or exempt status shall have a right to return to his former class. Such rules which are within the scope of representation shall be subject to collective bargaining.

~~The chief administrative officer shall propose and the council of supervisors shall adopt by ordinance a personnel system including a classification system, method of selection based on merit, provisions for probationary periods and methods for removal, suspension, demotion or reduction in compensation. Methods and appeal procedures for removal, suspension, demotion or reduction in compensation shall be subject to collective bargaining, in conformance with applicable state law, with recognized employee organizations.~~

~~As used in this article and elsewhere in this Charter, "collective bargaining" means meeting and conferring in good faith in accordance with applicable state law.~~

Section 1305. ~~Administration of Personnel System.~~ Promotions.

In the Sheriff's/Police Department and Fire Department subgovernment, all appointments above the journey level for civil service sworn personnel shall be by promotional examination only. For all other represented civil service promotional classes in any department, promotional only examinations are subject to collective bargaining.

~~The chief administrative officer or a designee of such officer shall be responsible for the administration of the personnel system. The chief administrative officer or such designee, subject to the approval of the council of supervisors, shall establish personnel rules consistent with this Charter and with any collective bargaining obligations that may apply, including but not limited to rules providing for leaves of absence, layoff, transfer, reinstatement, and re-employment. Such rules shall specify that an employee who has regular status in a class who accepts other city-county employment in probationary, provisional or exempt status, shall have the right to return to such employee's former class. No rule established pursuant to this section shall be effective until approval by the council of supervisors by ordinance or resolution.~~

Section 1306. Collective Bargaining.

(a) As used in this Article and elsewhere in this Charter, "collective bargaining" means meeting and conferring in good faith in accordance with applicable state law.

(b) All matters within the scope of representation shall be subject to collective bargaining with recognized employee organizations.

(c) The chief administrative officer or designee shall be responsible for the administration of labor relations services and programs.

(d) Collective Bargaining agreements with recognized employee organizations shall be subject to approval by the council of supervisors and the mayor as specified in Section 503 of this Charter: ~~in the same manner as other resolutions or ordinances are approved, except that a veto by the mayor of any collective bargaining agreement may be overridden by a seven (7) vote majority of the council of supervisors.~~ The mayor, the chief administrative officer, and other management representatives may meet with the council of supervisors in closed session on matters concerning employee-employer relations in conformance with applicable state law. The mayor shall be the chief coordinator and liaison may coordinate and facilitate negotiations between recognized employee organizations and management representatives in the negotiation of collective bargaining

~~agreements. The mayor may delegate the duty of participating in negotiation sessions.~~

(e) In the event a conflict arises between the jurisdiction of the Civil Service Commission and a matter within the scope of representation contained in a collective bargaining agreement approved as stated in subsection d above, the collective bargaining agreement shall prevail. Any such agreement must be consistent with the merit principles established in Section 1301 of this Charter.

~~Section 1307. Prevailing Rate.~~

~~In fixing compensation the council of supervisors shall at least annually, by ordinance, provide in each instance for the payment of not less than the prevailing rate for comparable service in other employment whenever such prevailing rate can be ascertained in the Sacramento area.~~

Section 1308~~7~~. Civil Service Commission.

(a) There shall be a civil service commission consisting of five members to be appointed by the mayor with the consent of the council of supervisors. No member of the commission, during membership or for a period of one year after he or she has ceased to be a member shall hold any salaried city-county office or employment. Except for the first appointments, the members of the commission shall serve staggered terms of five years. The term of one commissioner shall expire the first day of each July. The phase-in of initial appointments and qualifications of commissioners shall be provided by ordinance.

(b) Each commissioner shall receive compensation as fixed by ordinance of the council of supervisors. Any vacancy in the office of Commissioner shall be filled for the unexpired term.

(c) The mayor, with approval of the council of supervisors may remove a commissioner during his or her term of office.

(d) The commission may appoint, subject to budgetary approval of the council of supervisors, an executive officer who shall serve as agent of the

commission, and may employ such other employees as necessary to carry out the responsibilities of the commission pursuant to this Section. ~~Any legal counsel utilized by the commission shall be independent from the city county attorney.~~

(e) The commission shall establish rules consistent with merit principles regarding the selection of employees for, and the classification of, civil service positions. The commission may provide for lateral transfers at the entry level (above the trainee level) from another merit system agency without further examination.

(f) The commission shall adopt rules to carry out the commission's power and duties and governing the commission's proceedings under this Section.

(g) The commission shall make final decisions on appeals from disciplinary actions involving civil service employees with permanent status, provided that appeal procedures mutually agreed upon by the mayor and recognized employee organizations and approved by the council of supervisors shall substitute for appeal procedures established by the commission.

(h) The commission shall make final decisions on appeals involving alleged improper action under, or the denial of any rights provided by, this Section or rules adopted thereunder. The commission's authority pertains only to matters under the jurisdiction of the commission pursuant to this Section.

(i) The commission may conduct such investigations as are necessary for the proper administration of its responsibilities. In conducting such investigations and in hearing disciplinary and other appeals the commission shall have the power to subpoena witnesses, books, records and papers, and to administer oaths.

(j) The commission, subject to the approval of the council of supervisors, may employ or contract for hearing officers to hear appeals of disciplinary actions and other matters and prepare recommendations for the commission.

(k) Persons released during the probationary period may appeal such release to the civil service commission only upon grounds of discrimination based on sex, race, religion, national origin, political affiliation, age, sexual orientation, or mental or physical disability.

Section 13098. Local Community Council Staff.

Local community council staff shall be city-county employees selected by the local community councils from lists of qualified personnel established by the city-county government. Those persons employed as city-county employees shall remain city-county employees while employed by local community councils and shall be subject to supervision, discipline and removal in the same manner as other city-county employees. In addition, the local community council shall supervise the day to day duties of its staff and may request that staff be transferred or removed from assignment to the local community council. The city-county government shall transfer or reassign any employee upon the request of a local community council.

Section ~~13101~~1309. Retirement Systems.

(a) Retirement systems and pension plans existing under any consolidated government on the effective date of this Charter shall continue without modification as to all persons retired or active members of such systems and plans as of the effective date of this Charter.

(b) The council of supervisors by ordinance shall provide for a retirement system for all persons employed by the city-county after the effective date of this Charter or shall, in the alternative, specify their membership in one of the retirement systems continued under subsection (a) of this Section. No new retirement system shall go into effect without the approval of the council of supervisors.

(c) Nothing in this Section shall prevent the council of supervisors from modifying a retirement system continued or established under this Section in accordance with law and pursuant to the provisions under which such system was originally established, or from establishing a new retirement

system from time to time subject to approval of a majority of the members of the council of supervisors. The modification of any existing retirement system or adoption of a new system shall be subject to collective bargaining.

(d) No funds or property created by and for the benefit of members of a retirement system or pension plan of a consolidated government may be used or invested in such a manner as to create a conflict of interest between the city-county and the retirement system.

ARTICLE 14

ELECTIONS

Section 1401. Election Code.

The initial elections for mayor, ~~and supervisors, fire directors~~ and all county-wide elective offices conducted under this Charter shall be governed by the provisions in Section 1403 and general state law applicable to cities. Not later than 180 days prior to the first day for filing nomination papers for subsequent elections under this Charter, the council of supervisors shall adopt an Election Code Ordinance, providing an adequate and complete procedure to govern city-county and local community council elections, including the nomination of candidates for all elective offices. All subsequent elections provided for by this Charter, whether for choice of officers or submission of questions to the voters, shall thereafter be conducted in the manner prescribed by the Election Code Ordinance.

Section 1402. Nominations.

Nominations of candidates for all elective offices shall be made in the manner prescribed by this Charter and the Election Code Ordinance.

Section 1403. Initial Elections.

(a) The initial primary election for mayor, ~~and supervisors, fire directors~~ and other county-wide elected officials whose terms expire during the year in which the initial election is held under this Charter shall be held at the ~~June 1992~~ spring 1992 state primary election after adoption of this Charter. The initial general election of mayor, supervisors and county-wide elective offices, if necessary, shall be held at the November 1992 election after adoption of this Charter. These initial elections shall be conducted and candidates nominated and qualified in the manner provided in this Article.

(b) The initial primary election of the members of each local community council shall be held in ~~June~~ spring 1992. The initial general election of the members of each local community council, if necessary, shall be held at the November 1992 election after adoption of this Charter. The transition board shall

establish the procedures for the nomination and election of members of the local community councils. The transition board shall also adopt regulations on campaign contributions and expenditure limits and reporting requirements applicable to the initial election. On the ballot in each district in each community, the voters in the district shall vote for one (1) member of the local community council. The election shall be called, held and conducted and the returns shall be canvassed and the result declared in substantially the same manner as other elections held in the County of Sacramento, except as modified procedurally by ordinance. Notwithstanding any other provisions in this Charter to the contrary, in the event that at the primary election any candidate for nomination to the office of local community council member shall receive a majority of the votes cast for all the candidates for nomination for that office at the primary election, the candidate so receiving this majority of all votes shall be elected to that office. At the general election, the voters of each local community council district in which a primary election was held shall select between the two candidates who received the highest number of votes at the primary elections one who shall succeed to the office of member of the local community council.

(c) The transition board and the county election officials shall call and conduct the initial elections, shall provide for the nomination and qualification of candidates for election, shall canvass the results of the elections and declare the persons elected, and shall do all other acts necessary to provide for the initial elections and qualification of the mayor and supervisors in accordance with the provisions of this Charter. The transition board shall also adopt regulations on campaign contributions and expenditure limitations and reporting requirements applicable to the initial election.

Section 1404. Elections.

(a) The primary city-county election shall be held on the same date as the regular statewide primary election, and the general city-county election shall be held on the same date of the regular statewide general election. If either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other elections which may be held under this Charter shall be special elections.

(b) At the primary election, the qualified voters of each supervisorial district with a supervisor whose term expires at the end of or during the same year as the election, shall select ~~two~~ one candidates for supervisor for that district. When the term of the mayor or other county-wide elective office expires at the end of or during the same year as the election, the qualified voters in the entire city-county shall also select ~~two~~ one candidates for mayor and for each other county-wide elective office. Notwithstanding any other provision in this Charter to the contrary, in the event that at the primary election any candidate for nomination to the office of supervisor or any county-wide elective office shall receive a majority of the votes cast for all the candidates for nomination for that office ~~or seat~~ at the primary election, the candidate so receiving this majority of all votes shall be elected to that office.

(c) At the general election, the voters of each supervisorial district in which a primary election was held shall select between the two candidates who received the highest number of votes at the primary election one candidate who shall succeed to the office of supervisor for that district. For county-wide elective offices, the voters of the entire city-county shall select between the two candidates who received the highest number of votes at the primary election for each county-wide office one candidate who shall succeed to each of the county-wide offices on the ballot.

(d) For elections after the initial election at which the local community councils are elected, the council of supervisors shall provide for primary and general elections. At the next city-county election after the initial election, the seats of those two members of each local community council who received the lowest number of votes in their respective districts at the initial general election or, if no general election was required in a district, at the primary election, shall stand for election to full four-year terms. Two years after that first subsequent election, the seats of the remaining three members of each local community shall stand for election. In each city-county general election year thereafter, either two or three members of each local community council shall be elected for four-year terms.

(e) Electors or voters of the city-county residing in cities not consolidated by this Charter are electors and voters of the city-county and their supervisorial districts for purposes of all city-county elections, including election for

the offices of mayor and supervisor, other county-wide elective office and city-county ballot measures. This provision is a clarification of this Charter and not an exception to or qualification of other provisions.

(f) For the purpose of filling by special election midterm vacancies on the council of supervisors, on the local community councils, on the fire board and for any county-wide elective office, the provisions for primary and general elections set forth in this Section for each body or office shall apply, except for the provisions requiring the timing of the election to coincide with statewide primary and general elections. A special primary election shall be followed by a special general election, in lieu of a regular primary election and a regular general election.

Section 1405. Elector.

The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California.

Section 1406. Appointment to Office

If the number of qualified candidates for any office is equal to or fewer than the number of open seats for such office or offices, the qualified candidate or candidates shall be appointed to the office or offices by the council of supervisors. This Section shall apply to candidates for all elected offices.

Section ~~1406~~1407. Taking Office.

All elected officials shall take office on the second (2nd) day of January following the election.

Section ~~1407~~1408. Application of General Law.

Unless otherwise provided for by ordinances subsequently enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may be subsequently amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

ARTICLE 15
INITIATIVE, REFERENDUM, RECALL

Section 1501. Initiative.

All provisions of state law applicable to cities relative to the initiative may be invoked by the electors of the city-county, whenever the use of the initiative is permitted by state law applicable to cities. The provisions of the Elections Code of the State of California applicable to city initiatives shall apply to initiatives in the city-county. The local communities shall not have the power of initiative at the local community level.

Section 1502. Referendum.

All ordinances which may be passed by the council of supervisors shall be subject to referendum, whenever the use of referendum is permitted by state law applicable to cities. The provisions of the Elections Code of the State of California applicable to city referenda shall apply to referenda in the city-county. Motions and resolutions of the local community councils shall not be subject to referendum.

Section 1503. Recall.

The holder of any elective office may be recalled in the manner provided by state law applicable to cities by the electors after such person has held office six months.

Section 1504. Elections Code.

The council of supervisors may include procedural provisions in the Elections Code Ordinance consistent with this Article.

ARTICLE 16
CITIES OF FOLSOM, GALT, ISLETON

Section 1601. Continuation.

(a) If the electorate of the City of Folsom has voted (at the election at which this Charter was adopted) against the consolidation and merger of that city with a city-county by a majority voting in favor of the ballot proposition to retain its local governmental structure, the City of Folsom shall continue in existence as a municipal corporation having general law status, rights and powers, and the status or relationship of that city to the city-county shall be the same as that of a city to another city and also to the county in which it is located.

(b) If the electorate of the City of Galt has voted (at the election at which this Charter was adopted) against the consolidation and merger of that city with the city-county by a majority voting in favor of the ballot proposition to retain its local governmental structure, the City of Galt shall continue in existence as a municipal corporation having general law status, rights and powers, and the status or relationship of that city to the city-county shall be the same as that of a city to another city and also to the county in which it is located.

(c) If the electorate of the City of Isleton has voted (at the election at which this Charter was adopted) against the consolidation and merger of the city with the city-county by a majority voting in favor of the ballot proposition to retain its local governmental structure, the City of Isleton shall continue in existence as a municipal corporation having general law status, rights and powers, and the status or relationship of that city to the city-county shall be the same as that of a city to another city and also to the county in which it is located.

Section 1602. Consolidation and Merger.

No city continued in existence under this Article shall be consolidated and merged with the city-county without approval of a majority of its electors voting in an election called for that purpose. Such election may be called by the city council of the city in which the election will be held or through the initiative petition process. In the event that following the adoption of this Charter, a majority of the electors of

any such city voting in an election called for that purpose approves consolidation and merger with the city-county, the council of supervisors by ordinance may prescribe the terms and conditions of the consolidation and merger of any such city and by ordinance may establish any such city as a local community as provided in Article 8.

Section 1603. Changes in Boundaries.

Boundaries of cities continued under Section 1601 shall be subject to change in the manner provided by general state law for general law cities.

ARTICLE 17
SPECIAL DISTRICTS

Section 1701. Special Districts Continued.

Except as ~~provided below~~ otherwise provided in this Charter, all special districts operating within the County of Sacramento or exercising all or any part of its jurisdiction or powers within the County of Sacramento shall remain in existence and shall not be affected by the adoption of this Charter.

Section 1702. Request to Join Consolidated Government.

(a) Any special district may request to join the consolidated city-county government prior to the Charter being placed before the electors of the city-county, as provided herein.

(b) Upon approval of the Charter by the Charter commission and prior to the filing of the Charter in the office of the clerk of the City of Sacramento and in the office of the Sacramento County clerk, the commission shall give each special district written notice of its ability to join the consolidated government. Such notice shall be sent by registered mail addressed to the clerk or secretary, as the case may be, of the special district. Any special district desiring to join the consolidated government shall so request by resolution approved by a majority vote of its governing board. Such request shall be filed with the clerk of the legislative board of the County of Sacramento within thirty (30) days of mailing of the written notice. Any such request shall be without conditions. If such request is not received within the thirty (30) day period referenced above, it shall be deemed that the special district does not request to join the consolidated government.

Section 1703. Requesting Special Districts Dissolved.

Upon adoption of the Charter, every special district which requested to join the consolidated government pursuant to Section 1702, shall be dissolved and merged into the city-county government. The city-county shall assume the functions of any and all special districts so dissolved and merged with the city-county government. The provisions of Government Code sections 51942, 51943,

51944 and 51945 shall be applicable to every such special district. A list of those special districts which are dissolved pursuant to this Section shall be maintained in the office of the clerk of the board of supervisors and thereafter in the office of the clerk of the council of supervisors.

Section 1704. Special Districts - Consolidation and Merger with City-County.

(a) Special districts that did not request to join the consolidated city-county government and which, therefore, continue in existence after the effective date of this Charter, may be consolidated and merged with the city-county government as follows:

- (1) By a request adopted by the governing board of the special district and approval of the request by a majority vote of the council of supervisors.
- (2) By a petition signed by not less than ten percent (10%) of the registered voters of the special district and approval of the petition by the council of supervisors. Such petition shall, after approval by the council of supervisors, be approved by a majority vote of the electors of the district voting on the issue.
- (3) By resolution adopted by a majority of the council of supervisors. Such resolution of the council of supervisors, when not preceded by a request from the governing board of the affected special district, shall be approved by a majority vote of the electors of the affected district voting on the issue.
- (4) By any procedure established by state law to the extent such procedure is not inconsistent with this Section.

(b) The council of supervisors may adopt procedures to implement this Section.

Section 1705. Annexations and Detachments to Special Districts.

Until merged and consolidated with the city-county pursuant to Section 1704, special districts may continue to annex territory, detach territory, and reorganize and consolidate with other special districts with similar powers and duties as provided in state law.

ARTICLE 18
FIRE PROTECTION

Section 1801. Creation of Fire Subgovernment.

Upon adoption of this Charter, all fire districts and other districts offering fire protection service (hereinafter "fire districts") previously operating within the County of Sacramento and the former Sacramento City Fire Department shall be dissolved and reorganized into a single subgovernment of the city-county (hereinafter "fire subgovernment").

Section 1802. Governing Board Powers; Fire Districts.

(a) The fire subgovernment shall be governed by the applicable provisions of this Charter, as specified below, and the rules and procedures of state law governing fire protection districts established pursuant to the Fire Protection District Act of 1987 and applicable amendments of that act, including all responsibilities, obligations, and liabilities of fire protection districts, except those so identified specifically exempted in this Charter.

(b) The legislative body of the fire subgovernment shall be a Board of Directors composed of eleven members (hereinafter "fire directors") residing in and elected from eleven districts (hereinafter "electoral districts") whose boundaries shall coincide with the eleven supervisorial districts, as they may change from time to time pursuant to Article 4. Each fire director shall be nominated and elected by the electors of the electoral district in which that fire director resides as provided in this Article and consistent with Article 14. The office of each fire director shall bear the number accorded the electoral district of that fire director.

(c) The fire board shall set policy for the fire subgovernment and shall ensure the provision of those services that the fire board determines to provide. The fire subgovernment shall provide fire suppression and prevention services and other related services as the fire board may see fit.

(d) The fire board shall also approve and be responsible for the expenditures of any and all funds spent by the fire subgovernment.

(e) The fire board shall have, in addition to the powers set forth in this Section, the powers of the fire commission set forth in Section 1808(b) for the period between January 2, 1993 and June 30, 1993.

Section 1803. Terms.

Each fire director shall serve on the fire board for a term of four years commencing on the second day of January following election until a successor is qualified except that, of the initial fire directors elected, the fire directors elected from odd numbered electoral districts shall serve initially four year terms and the fire directors from even numbered electoral districts shall serve two year terms. Thereafter, all fire directors shall serve four year terms.

Section 1804. Vacancies.

Vacancies of fire directors shall be filled by special election, unless the vacancy occurs within two years of the next election at which the office would be normally filled, in which case the vacancy shall be filled by appointment by a majority of the remaining fire directors within 60 days of the vacancy.

Section 1805. Initial Election of Governing Board.

The initial primary election for the fire board shall take place in the spring of 1992 pursuant to the procedures set forth in Article 14 of this Charter. The initial general election for the fire board shall take place in November of 1992 pursuant to the procedures set forth in Article 14 of this Charter. Fire directors shall take office on January 2, 1993.

Section 1806. Fire Chief.

The fire directors shall select by majority vote a fire chief. The fire chief shall be responsible for the day-to-day operation of the fire subgovernment and shall report to the fire board. The fire chief shall be qualified in all aspects of the services to be provided by the fire subgovernment, and shall be selected solely on his or her qualifications in this area.

The fire chief shall serve at the pleasure of a majority of the fire board.

Section 1807. Personnel.

Personnel of the fire subgovernment shall be employees of the city-county and the personnel provisions of Articles 2, 13 and 19 of this Charter shall be applicable to fire subgovernment excepting Sections 1306(c) and 1306(d) of this Charter. Collective bargaining agreements with recognized employee organizations shall be subject to approval of the fire board. In the event of impasse in collective bargaining, the procedures outlined in the city-county employee-employer relations ordinance shall apply.

Section 1808. Transition; Fire Commission.

(a) Continuation of districts. The elected and appointed members of governing bodies of the fire districts shall continue in office until the first day of July, 1993. No election to fill such offices of the fire districts shall be held after adoption of this Charter, and persons holding such offices shall, notwithstanding any other provisions of law, continue to hold such offices until the fire directors take office. Any vacancy occurring in fire district offices shall be filled by appointment of the remaining members of that fire district board and, if the fire district board fails to fill such vacancy, by the transition board of the city-county. The administrative organization and personnel of the fire districts shall continue beyond the effective date of this Charter in the same manner as prior to adoption of this Charter in order to continue uninterrupted day-to-day operations of the facilities and services of the fire districts. In order to provide interim budgetary, fiscal, purchasing and contracting procedures, former district by-laws, state law, and procedures effective on the effective date of this Charter shall apply, except as modified by the fire commission to better achieve administrative consolidation or until superseded by new ordinances adopted by the fire board.

(b) Fire commission. A fire commission shall be created to oversee the orderly transition and reorganization of the fire districts and the former City of Sacramento Fire Department into the fire subgovernment. The fire commission shall establish procedures for, and implement administrative

consolidation of, the various fire districts and the former City of Sacramento Fire Department prior to January 2, 1993. The powers and duties of the fire commission shall include, but shall not be limited to:

- (1) Instituting procedures for, and the establishment of, a consolidated budget;
- (2) Establishment of early retirement plans for selected management positions as recommended by the interim chief executive officer;
- (3) Veto authority over any fire personnel ~~matter~~ decision made by any fire district or fire department legislative body, or any long term debt decision related to fire services made by any fire district or fire department legislative body;
- (4) Making provisions for the continuation and active participation of volunteer personnel;
- (5) Approval of collective bargaining agreements between fire subgovernment employees and management.
- (6) Selection of an interim chief executive officer.
- (7) Any other action, consistent with this Charter, as may be necessary to implement a smooth, functioning transition;

(c) Composition of fire commission. The fire commission shall be composed of the following members:

- (1) Three members chosen by the Mayor from the City Council of Sacramento;

- (2) Two members chosen from the governing board of the American River Fire District;
- (3) Two members chosen from the governing board of the Sacramento County Fire Protection District;
- (4) Two members from the remainder of the fire district boards chosen by a majority of all these directors.

(d) Adequate funding for the work of the fire commission shall be supplied by the city-county government. The monies used by the fire commission shall be reimbursed to the city-county upon completion of the reorganization during the first consolidated budget year.

(e) The fire commission shall be subject to the open public meeting requirements as specified in Section 1104 of this Charter.

(f) Within one month of the adoption of this Charter, the fire commission shall form and assume its responsibilities.

Section 1809. Interim Chief Executive Officer.

The fire commission shall select an interim chief executive officer to aid in the administration of the fire district reorganization. The interim chief executive officer shall be knowledgeable in all aspects of fire protection and related services and shall have demonstrated experience in fire administration. In the selection of the chief executive officer, the fire commission shall select, by majority vote, an executive consulting firm who shall screen the best qualified applicants based upon specific qualifications determined by the fire commission. The fire commission shall then select from such applicants, by majority vote, the interim chief executive officer. The interim chief executive officer shall be hired by March 1, 1991. The interim chief executive officer shall be responsible for overseeing and making recommendations to the fire commission on every aspect of the fire district reorganization.

Section 1810. Succession.

The fire subgovernment shall be vested with and shall hold, own, and control all rights and property of every kind and nature owned and controlled by the former special fire districts and Sacramento City Fire Department on the effective date of this Charter. The fire subgovernment shall be subject to all debts, obligations, contracts and liabilities of the former fire protection districts and the former Sacramento City Fire Department on the effective date of this Charter.

Section 1811. Relationship to City-County Government.

The fire subgovernment may contract with the city-county to provide any or all services provided by the city-county to aid in the efficiency of the fire operation and the provision of other services and to reduce overhead costs.

Section 1812. Financing.

All property tax revenues received by the former fire districts shall accrue to the fire subgovernment in the same form and manner as prior to the reorganization.

The city-county shall contribute an amount of funding to the subgovernment comparable to that supplied to the former City of Sacramento Fire Department, including support services. This amount, including allowances for growth in future years, shall be negotiated with the fire commission. This funding will continue until amended and approved by both the fire board and the council of supervisors.

By agreement of both the fire board and the council of supervisors, the monies and formulas used to fund the fire subgovernment may be modified after negotiation and approval of both the fire board and council of supervisors. Unless agreement is made by both bodies, the formulas and monies previously in place shall remain in effect.

All revenue accrued to the subgovernment shall be under the sole authority of the fire directors. The council of supervisors shall have no authority to spend

revenues of the subgovernment.

Section 1813. Appropriations Limit.

Pursuant to and for the purposes of Article XIII B of the California Constitution, the voters of the city-county hereby establish an appropriations limit for the new consolidated fire subgovernment of the city-county as follows:

<u>Fiscal Year 1990-91</u>	<u>\$167,103,667.00</u>
----------------------------	-------------------------

Thereafter, the appropriations limit shall be adjusted as provided by Article XIII B of the California Constitution. If Article XIII B of the California Constitution is repealed, this Section shall be inoperable.

Section 1814. Future Reorganization.

If a majority of the members of each of the legislative bodies of the fire subgovernment and the city-county respectively adopt substantially similar resolutions approving the dissolution of the fire subgovernment and reorganization of the fire subgovernment into a city-county department, the reorganization shall be deemed approved.

ARTICLE ~~18~~19
MISCELLANEOUS PROVISIONS

Section ~~1801~~1901. Franchises.

(a) The council of supervisors shall have the authority to grant or issue franchises, licenses and permits for the transaction of business or the providing of services, or for the use of public streets or other public places. The council shall provide by ordinance uniform procedures for the granting or issuing of franchises, licenses and permits, the taxes, charges, fees or other compensation to be paid for them and the penalties for their violation.

(b) No franchise grant shall be construed to impair or affect the right of the city-county, acting pursuant to law, to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Section ~~1802~~1902. Financial Disclosure and Campaign
Contribution Reporting.

The council of supervisors shall provide in the Election Code Ordinance requirements for financial disclosure and campaign contribution reporting for all elected officials and candidates for elective office of the city-county, including candidates and elected members of local community councils and governing bodies of other sub-governments. The financial disclosure provisions applicable to elected officials shall also be applicable to members of boards and commissions, and to such other officers and employees as shall be designated by ordinance.

Section ~~1803~~1903. Regulation of Lobbying Activities.

The council of supervisors by ordinance shall regulate lobbying activities, as shall be defined by the council, before the mayor, council of supervisors, and agencies, boards and commissions, and sub-governments of the city-county government. Former elected officials shall not engage in such lobbying activities within one year after leaving office.

Section ~~1804~~1904. Conflicts of Interests.

The council of supervisors by ordinance shall adopt regulations governing conflicts of interest applicable to city-county officers and employees, members of boards and commissions, and elected officials and candidates for elective office of the city-county including candidates and elected members of local community councils and elected and appointed candidates and members of governing bodies of other sub-governments.

Section ~~1805~~1905. Regulation and Limitations on Campaign Contributions and Expenditures.

The council of supervisors by ordinance shall adopt regulations governing campaign contributions to and campaign expenditures by all city-county elective officials and candidates for elective office of the city-county, including candidates and elective members of local community councils and governing bodies of other sub-governments and public financing of campaigns. This ordinance and regulations shall include limitations on the amounts of campaign contributions to such elective officials and candidates, limitations on the campaign expenditures by such elective officials and candidates, rules and regulations for the public financing of campaigns and reporting requirements disclosing campaign contributions and expenditures.

Section ~~1806~~1906. Ordinances to Carry Into Effect Charter Provisions.

It shall be a duty of the council of supervisors to pass and adopt such ordinances as may be necessary or proper in order to fully carry into effect each and every provision of this Charter.

Section ~~1807~~1907. Water Supply and Meters.

(a) The supply of water for the city-county for municipal and domestic purposes, to the extent it is in public ownership of the consolidated governments on the effective date of this Charter and to the extent that it shall thereafter be in the public ownership of the city-county, including future acquisitions and expansions thereof, shall always be owned and administered by the

city-county government. Place of use designation which refers to the City of Sacramento shall refer to the city-county, other than any cities within the County of Sacramento which retain their local governmental structures. Priority with respect to the service of water derived from the former City of Sacramento's water rights shall be applied first to the urban service area prior to the time that such rights are utilized in the general service area. The consolidated government will take appropriate action to conform place of use designations in applicable water rights permits in accordance with this definition.

(b) With respect to all of the area within the former City of Sacramento as of the date this Charter is adopted, no water meters shall ever be attached to residential water service pipes; provided, however, that the council of supervisors in its discretion may regulate by meter the charges for water supply of all other water users, unless and until amended or repealed by a majority vote of the voters residing within the former City of Sacramento voting on such measure. With respect to the other areas within the city-county, to the extent that water supply and service is in the public ownership of the consolidated governments on the effective date of this Charter and to the extent that water supply and service shall thereafter be in the public ownership of the city-county, including future acquisitions and expansions thereof, the council of supervisors by ordinance may regulate by meter or otherwise the charges for water supply for all water users.

Section ~~1808~~1908. School Districts Not Affected By
This Charter.

The organization, government, administration and jurisdiction of school districts and the public school system within the city-county shall not be affected by adoption of this Charter.

Section ~~1809~~1909. Severability.

If any provision of this Charter, or its application to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provisions to other persons or circumstances, shall not be affected.

ARTICLE ~~19~~20
TRANSITION

Section ~~1901~~2001. Effective Date of Charter.

(a) This charter shall take effect immediately upon its filing with the Secretary of State. During the transition period the following acts necessary to effect orderly transition shall occur for:

- (1) the districting of the city-county into supervisor districts under Section ~~1907~~2007;
- (2) the districting of the local communities into council districts under Section ~~1909~~2009;
- (3) the creation of the transition board and its administration of the transition period under Section ~~1906~~2006;
- (4) the exercise of transition duties and functions under Section ~~1906~~2006 and Article 18;
- (5) the qualification, nomination and first election of the mayor and supervisors under Articles 4, ~~and 5,~~ and 14 and Section ~~1908~~2008;
- (6) the qualification, nomination and first election of the members of the local community councils under Articles 8 and 14 and Section ~~1908~~2008;
- (7) the qualification, nomination and first election of the fire directors under Articles 14 and 18;
- (78) the continuation of existing governmental organization during the period of transition under Section ~~1902~~2002;

(~~89~~) the succession provisions of Articles 2 and 18;

(~~910~~) the division of the city-county into service ~~districts~~ areas under Article 10; and

(~~1011~~) the implementation of administrative consolidation under Section ~~1906~~2006.

(b) Except as otherwise provided in this Charter all other provisions of this Charter shall become operative on the second day of January, 1993.

Section ~~1902~~2002. Continuation of Government Bodies; Existing Governmental Structure.

(a) The elected and appointed members of governing bodies of all the consolidated governments shall continue in office until the second day of January 1993, and thereafter until the city-county council of supervisors takes office. No election to fill any such office shall be held after the adoption of this charter, and those persons holding any such office shall, notwithstanding any other provisions of law, continue to hold such office until the second day of January, 1993, and thereafter until the city-county council of supervisors takes office. Vacancies occurring in such offices shall be filled by appointment of the remaining members and, if not, by the board of supervisors of the County of Sacramento.

(b) Elected and appointed members of governing bodies of all the consolidated governments shall, while holding their present office or position, be eligible to qualify for and be elected or appointed to elective or appointive positions in the city-county government and the sub-governments of the city-county.

(c) The administrative organization and personnel of the consolidated governments shall continue beyond the effective date of this Charter in order to continue uninterrupted day-to-day operations of facilities and services of the consolidated governments and consolidated services and functions. The continuation of the administrative organization and personnel of the consolidated governments shall be subject to the supervision, direction and control of the

appropriate chief administrative officer acting under the governing bodies of the consolidated governments and ordinances and resolutions adopted by the governing bodies of the consolidated governments and shall continue until January 2, 1993, except as may be earlier terminated or modified pursuant to action of the transition board.

(d) In order to provide interim budgetary, fiscal, purchasing and contracting procedures, former charter, state law, and ordinance provisions governing such procedures and applicable to the consolidated governments as of the effective date of this Charter shall continue to apply, except as may be modified pursuant to action of the transition board to better achieve administrative consolidation, until superseded by new ordinances adopted by the council of supervisors.

(e) The city council of the City of Sacramento shall adopt appropriate ordinances prior to the effective date of this Charter to continue provisions of the Charter of the City of Sacramento necessary for the succession and transition provisions of this Charter.

(f) The board of supervisors of the County of Sacramento shall adopt appropriate ordinances prior to the effective date of this Charter to continue provisions of the Charter of the County of Sacramento necessary for the succession and transition provisions of this Charter.

Section ~~1903~~2003. Status of Employees.

(a) No person employed for at least six months immediately prior to the effective date of this Charter who has successfully completed his or her probationary period in a civil service position or position of comparable full time employment as determined by the transition board shall suffer any loss of employment, salary, benefits or seniority rights as a result of reorganization of the consolidated governments under this Charter. Persons employed in positions exempt from civil service who have a right to return to a civil service position shall retain that right. Persons with civil service status at the time this Charter is enacted shall not have that civil service status affected by the adoption of this Charter. Persons entitled to formally appeal disciplinary action to a civil service board or

commission or in a grievance procedure under a collective bargaining agreement shall continue to have comparable appeal rights while employed in a comparable class of employment in the city-county government subject to such changes as may be subsequently agreed to through collective bargaining. Subject to the foregoing and collective bargaining with recognized employee organizations, all such civil service or comparable full time positions of employment shall be subject to reallocation and reclassification.

~~Salary and benefit equalization shall occur upon completion of the reorganization of each department, agency or service at such time and to such extent as prescribed by the transition board and, thereafter by the council of supervisors. This section shall be construed to require, to the extent deemed feasible and practicable by the transition board and the council of supervisors, substantial equalization of salaries and normal benefits such as health insurance, holidays, vacations, and sick leave, for persons employed in comparable positions upon completion of reorganization, but shall not be construed to require equalization of retirement benefits or special benefits such as the longevity payments provided for City of Sacramento personnel.~~

(b) For unrepresented employees, salary and benefit equalization shall occur upon completion of the reorganization of each department, agency or service at such time and to such extent as prescribed by the transition board and, thereafter by the council of supervisors. This Section shall be construed to require, to the extent deemed feasible and practicable by the transition board and the council of supervisors, substantial equalization of salaries and normal benefits such as health insurance, holidays, vacations, and sick leave, for persons employed in comparable positions upon completion of reorganization, but shall not be construed to require equalization of retirement benefits or special benefits such as the longevity payments provided for City of Sacramento personnel.

(c) For represented employees, salary and benefit equalization shall occur through collective bargaining after the determination of bargaining units and the certification of recognized employee organizations. However, the freezing of salaries, the City's health and welfare contribution, and the County's medical and health insurance contribution to accomplish such equalization within a bargaining unit shall be prohibited. This prohibition shall not apply to a freeze of an entire bargaining unit or in conjunction with the implementation of a classification study.

Section ~~1904~~2004. Status of Recognized Employee Organizations.

(a) Upon adoption of this Charter, all recognized employee organizations of the consolidated governments shall continue to be recognized and all organizational rights of these organizations shall continue until amended as provided herein. The initial determination of bargaining units shall be mutually agreed upon by the city-county chief administrative officer and existing recognized employee organizations. As used in this Section, "existing recognized employee organizations" means those employee organizations with formal recognition rights for employees of the City of Sacramento and employees of the County of Sacramento immediately prior to the effective date of this Charter. In the event that the city-county chief administrative officer has not yet been appointed, the transition board ~~the mayor with the concurrence of a majority of the council of supervisors~~ shall designate another official to perform these duties. If agreement regarding bargaining units is not reached, any outstanding unit determination disputes shall be submitted to a three-member arbitration panel. The chief administrative officer shall select one member of the panel and the interested recognized employee organizations shall select one member of the panel. In the event the interested recognized employee organizations cannot agree on the selection of their member of the panel, the Executive Secretary of the Sacramento Central Labor Council, AFL-CIO shall select the one panel member on behalf of all recognized employee organizations. The two panel members shall select the third member of the panel. In the event the two panel members fail to mutually agree on a third member they shall make a joint request to the state Conciliation and Mediation Service for a list of five (5) qualified labor arbitrators. The parties shall each strike two (2) names from the list and the remaining person shall be accepted as the third member of the arbitration panel. The first party to strike will be determined by the flip of a coin. The decision of a majority of the panel shall be final and binding on all parties. In the event the Executive Secretary of the Sacramento Central Labor Council, AFL-CIO does not select the one panel member by December 16, 1991, the transition board shall establish an alternate process to select an impartial labor arbitration system to resolve any outstanding unit determination disputes. ~~and the two panel members shall select the third member of the panel. The decision of a majority of the panel shall be final and binding on all parties. In the event that the parties cannot agree on the selection of the arbitration panel, the mayor, with the concurrence of a majority of the council of supervisors~~

~~shall establish an alternate process to select an impartial labor arbitrator to resolve any outstanding unit determination disputes. This section and the process described in this section shall apply only to the initial determination of bargaining units of the city-county government.~~

(b) The city-county chief administrative officer shall propose the initial determination of appropriate bargaining units for the new government to existing recognized employee organizations no later than September 1, 1991. Each existing recognized employee organization shall have the right, within 60 calendar days, to file in writing proposals for alternative bargaining units. Existing recognized employee organizations who do not respond within the 60 calendar days shall be deemed to be in agreement with the proposal of the city-county chief administrative officer.

(c) Disputes which cannot be resolved regarding the appropriate bargaining units shall be submitted to arbitration as provided in subsection (a) above. Such arbitration hearing shall commence no later than April 1, 1992. The arbitration decision shall be rendered in writing no later than July 1, 1992. All petitions for representation elections, including intervention petitions, shall be filed no later than August 15, 1992. Representation elections shall be conducted no later than October 15, 1992. Runoff elections, if necessary, shall be conducted no later than December 1, 1992. An employee organization shall be certified by the transition board or council of supervisors as the recognized employee organization for the bargaining unit involved if elected by a majority of those casting ballots. No employee organization shall be certified as the exclusive recognized employee organization without a majority vote of those employees voting in a secret ballot election.

(d) For the purposes of unit determination and representation election the standards, rules, and procedures as set forth in the following sections of the Sacramento County Code as in effect on December 6, 1989 shall apply: Section 2.79.020, Section 2.79.075, Section 2.79.080, Section 2.79.090, and Section 2.79.095. Any dates set forth in these code sections shall be adjusted to be consistent with subsection (c) above. The Registrar of Voters shall conduct the representation and run-off elections in lieu of the elections supervisor designated by the American Arbitration Association.

(e) All existing recognized employee organizations shall have a right to participate in the unit determination arbitration. Other employee organizations desiring to participate in the unit determination arbitration must meet the definition of a concerned employee organization as set forth in County Code Section 2.79.020(a).

(f) The initial Employer-Employee Relations Ordinance shall provide for an impasse procedure patterned after Article XV, except Section 2(d)(3)(i), of the City of Sacramento Employer-Employee Relations Resolution in effect on December 6, 1989. The following provision shall be substituted for Section 2(d)(3)(i): City-county job classifications shall be compared to comparable job classifications in private and public employment in the Sacramento metropolitan area, and in public employment in comparable local jurisdictions in size and function in the state, to the extent such can be reasonably done.

(fg) This Section and the process described in this Section shall apply only to the initial determination of bargaining units and representation elections of the city-county government.

Section 19052005. Officers - Expiration of Present Terms.

(a) The terms of the assessor, auditor, district attorney and sheriff in office on the effective date of this Charter shall continue until the normal expiration of their terms; provided that a person holding such office shall continue to hold office until a successor has been qualified.

(b) The terms of appointed officers of the consolidated governments in office on the effective date of this Charter shall expire upon the effective date of this Charter, provided that each shall continue to hold office until a successor has been appointed and has been qualified or the position has been abolished or consolidated.

Section ~~1906~~2006. Transitional Duties and Functions.

(a) The consolidated governments, their elected and appointed governing bodies, and elected and appointed officers and employees, shall cooperate fully in the implementation of this Charter, and failure to so cooperate shall constitute misconduct in office.

(b) There is hereby established a transition board consisting of five members of the board of supervisors of the County of Sacramento and three members of the city council of the City of Sacramento. The mayor of the City of Sacramento, with the concurrence of a majority of the council, shall appoint the three city council members to serve on the transition board. The mayor may be one of the three city council members. The transition board shall constitute itself and shall begin functioning as soon as practicable following the adoption of this Charter. An affirmative vote of five members of the transition board shall be necessary to take action. Staff and technical assistance shall be provided to the transition board by the City of Sacramento and the County of Sacramento. The transition board ~~may~~ shall also employ an interim chief administrative officer to assist in carrying out the duties of the transition board and to assist in managing the transition period, as directed by the transition board. Except as provided in Article 18, the transition board shall have the power and duty to:

- (1) establish supervisorial districts as provided in Section ~~1907~~2007.
- (2) establish local community council districts as provided in Section ~~1909~~2009.
- (3) establish procedures for and implement administrative consolidation of the various city and county departments and agencies subject to the provisions of this Article. The transition board shall establish early retirement plans for selected management positions as recommended by the interim chief administration officer to assist in implementing administrative consolidation. The transition board shall have the

authority to approve or reject collective bargaining agreements of the City of Sacramento and the County of Sacramento during the transition period. The transition board shall have the authority to expend funds of the city and the county to implement administrative consolidation.

- (4) establish procedures for and implement a consolidated budgetary process and budget for the city-county.
- (5) take such other and further action, consistent with this charter, as may be necessary to implement this charter during the transition period.

(c) The transition board shall not have the authority to impose new taxes. The transition board shall not have the authority to incur any long-term debt or obligation extending beyond the transition period, unless the transition board, the board of supervisors and the city council each find that such debt or obligation is (1) a matter of public necessity and (2) not inconsistent with the provisions of this charter. Nothing in this Section shall prevent the transition board from implementing collective bargaining agreements and early retirement plans to implement administrative consolidation of the various city and county departments and agencies.

(d) The board of supervisors of the County of Sacramento and the city council of the City of Sacramento shall make provisions prior to and after the effective date of this Charter for funds in relation to population, meeting and clerical facilities, staff and technical assistance, and any other matters as may be required for the proper functioning of the transition board of the city-county.

Section ~~1907~~2007. Initial Supervisor Districts.

(a) As soon as feasible after the receipt of the 1990 regular United States census, the transition board, shall hold public hearings and take public testimony on the establishment of supervisorial districts and fire board districts for the city-county. By no later than six months after the receipt of the 1990 census, as

provided in Section 405, the transition board shall certify and file with the county clerk the boundaries for the eleven supervisor districts established under Article 4, boundaries to be established in accordance with the standards set forth in Section 404 of Article 4.

(b) The determination of the transition board under this Section shall be final, and upon the filing of the boundaries of the supervisor districts with the county clerk, said boundaries shall be deemed established.

Section ~~1908~~2008. First Election of Mayor, ~~and~~
Supervisors, Countywide Officers,
Fire Directors and Community Councils.

(a) The first election of mayor, ~~and supervisors,~~ countywide officers and fire directors under this Charter shall be held with primary elections in ~~June~~ spring and general elections in November of 1992. The existing board of supervisors of the County of Sacramento and other election officials of the County shall call and conduct such election and provide for the nomination and qualification of candidates for election, and shall canvass the results thereof and declare the persons elected, and do any and all other acts necessary to provide for the first election and qualification of the mayor and the supervisors in accordance with the provisions of this Charter.

(b) The first election of members of community councils pursuant to Section 1403(b) of Article 14 shall be held with the state primary election in ~~June~~ spring of 1992. The existing board of supervisors of the County of Sacramento and other election officials of the County of Sacramento shall call and conduct such elections and provide for the nomination and qualifications of candidates for election, and shall canvass the results thereof and declare the persons elected, and do any and all other acts necessary to provide for first election and qualification of the members of community councils in accordance with the provisions of this Charter.

Section ~~1909~~2009. Initial Local Community Council
District Boundaries

(a) The transition board shall determine and establish, pursuant to the provisions of Section 803 of Article 8, the boundaries of the local community council districts within each local community and shall designate each district by description. As soon as feasible after receipt of the 1990 regular United States Census, the transition board shall hold public hearings and take public testimony on the establishment of local community council districts.

(b) By not later than six months from the receipt of the 1990 census, the transition board shall certify and file with the county clerk the boundaries for the local communities established in accordance with Section 803(a) of Article 8 and the districts within each community in accordance with the standards set forth in Section 803(b) of Article 8.

(c) The determinations of the transition board under this Section shall be final, and upon filing of the boundaries of the districts within each community with the county clerk, said boundaries of the local community council districts shall be deemed established.

Section ~~1910~~2010. Repeal Date for Transition Article

Article ~~19~~ 20 of this Charter relating to the transition process shall remain in effect only until January 2, 1993 and as of that date shall be repealed unless a later enacted Charter amendment, which is enacted before January 2, 1993, deletes or extends that date. Upon repeal, Article ~~19~~ 20 shall no longer be part of the Charter of the City and County of Sacramento.

PASSED AND APPROVED by the following members of the Sacramento
Ad-Hoc Charter Commission.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

By _____
Clerk of the Commission

The following Sacramento Ad-Hoc Charter Commission alternates by affixing the signatures concur in the Commissions approval of the Charter.

EXHIBIT 2

Proposed Charter

City and County of Sacramento

Approved by the Sacramento Ad-Hoc Charter Commission

on December 12, 1989

With Amendments

Adopted as of June 5, 1990

TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE	-i-
ARTICLE 1	1
EFFECT OF CHARTER AND INTRODUCTORY PROVISIONS.....	1
Section 101. Effect of Charter.	1
Section 102. Name.	1
Section 103. Nature.....	2
Section 104. Territory.	2
Section 105. Seal.	2
Section 106. Purpose.....	2
Section 107. Effective Date.....	2
Section 108. Repeal of Charters.....	3
ARTICLE 2.....	4
SUCCESSION.....	4
Section 201. Rights and Liabilities.....	4
Section 202. Ordinance and Regulations Continued in Effect.....	4
Section 203. Rights of Officers and Employees.	4
Section 204. Continuance of Contracts.....	5
Section 205. Pending Actions and Proceedings.	5
ARTICLE 3.....	6
POWERS.....	6
Section 301. City Powers.	6
Section 302. County Powers.....	6
Section 303. Common and Conflicting City and County Powers.	7
Section 304. Procedures. Incorporation of General Law.....	7
Section 305. Jurisdiction With Respect to Other Governments.....	7
Section 306. Construction.....	7
ARTICLE 4.....	8
COUNCIL OF SUPERVISORS.....	8
Section 401. Powers.....	8
Section 402. Establishment and Number of Supervisors.....	8
Section 403. Number of Districts and Boundaries.....	8
Section 404. District Standards.	8
Section 405. Reapportionment.....	9
Section 406. Redistricting.	9
Section 407. Supervisors.....	9
Section 408. Elections.	10
Section 409. Presiding Officer of the Council of Supervisors....	10

Section 410. Supervisors - Compensation and Expenses.....	10
Section 411. Meetings, Conduct of Meetings, Records.....	11
Section 412. Rules and Quorum.....	11
Section 413. Ordinances, Resolutions, Motions.....	12
Section 414. Records.....	13
Section 415. Investigations.....	13
Section 416. Consolidation or Segregation of Offices.....	14
Section 417. Limitation on Future Employment.....	14
ARTICLE 5.....	15
MAYOR.....	15
Section 501. Functions.....	15
Section 502. Emergency Powers.....	17
Section 503. Veto Power.....	17
Section 504. Qualifications.....	18
Section 505. Election.....	18
Section 506. Term.....	18
Section 507. Compensation and Expenses.....	19
Section 508. Absence or Incapacity; Vice-mayor.....	19
Section 509. Vacancy.....	20
Section 510. Limitation on Future Employment.....	20
ARTICLE 6.....	21
CHIEF ADMINISTRATIVE OFFICER.....	21
Section 601. Appointment, Qualifications, and Removal.....	21
Section 602. Functions.....	21
Section 603. Preparation of Annual Budget.....	22
Section 604. Non-Interference By Council of Supervisors; Mayor.....	22
ARTICLE 7.....	24
OTHER ELECTIVE AND APPOINTIVE OFFICERS.....	24
Section 701. Elective Officers.....	24
Section 702. Qualifications.....	24
Section 703. General Powers and Duties.....	25
Section 704. Auditor.....	25
Section 705. Sheriff.....	25
Section 706. Elections; Terms of Office.....	26
Section 707. City-County Attorney.....	27
Section 708. Mayor's and Supervisors' Staff.....	27
Section 709. Chief Probation Officer and Probation Committee.....	27
Section 710. County Superintendent of Schools.....	28
Section 711. Compensation and Expenses of Elected Officers.....	28

Section 712. Compensation and Expenses of Appointive Officers.....	28
Section 713. Vacancy in Elective Office.....	28
Section 714. Vacancy in Appointed Office.....	29
Section 715. Method of Suspension and Removal of Appointive Officers.....	29
Section 716. Appointments.....	29
ARTICLE 8.....	30
LOCAL COMMUNITY COUNCILS.....	30
Section 801. Establishment.....	30
Section 802. Purpose, Powers and Functions.....	30
Section 803. Number and Boundaries.....	31
Section 804. Members and District Elections.....	32
Section 805. Meetings, Conduct of Meetings, Records.....	34
Section 806. Relationship to Council of Supervisors.....	35
ARTICLE 9.....	36
LAND USE PLANNING.....	36
Section 901. Purpose.....	36
Section 902. General Plan.....	37
Section 903. Community Plans.....	38
Section 904. Zoning, Rezoning.....	39
Section 905. Development Agreements.....	41
Section 906. Overlay Zones.....	41
Section 907. Special Planning Areas; Neighborhood Preservation Zones.....	41
Section 908. Fair Share Plans.....	42
Section 909. Subdivision and Parcel Maps.....	43
Section 910. Use Permits; Variances.....	44
Section 911. Appeals of Land Use Decisions.....	44
Section 912. Creation and Duties of Policy Planning Commission.....	45
ARTICLE 10.....	47
URBAN AND GENERAL SERVICES AREAS.....	47
Section 1001. Services Areas.....	47
Section 1002. Implementation.....	48
Section 1003. Review of Services Areas.....	48
ARTICLE 11.....	49
BOARDS, COMMISSIONS AND AGENCIES.....	49
Section 1101. Boards and Commissions - Continuation.....	49
Section 1102. Boards and Commissions - Creation and Appointments.....	49
Section 1103. Functions of Boards and Commissions.....	49
Section 1104. Meetings.....	49
Section 1105. Agencies.....	50

	<u>Page</u>
ARTICLE 12.....	51
FINANCIAL PROVISIONS.....	51
Section 1201. Fiscal Year.....	51
Section 1202. Levy of Property Tax.....	51
Section 1203. Taxes.....	51
Section 1204. Creation and Appropriation of Revenues and Other Financial Resources.....	52
Section 1205. Budgetary Procedures.....	52
Section 1206. Assumption of Obligations.....	53
Section 1207. Bonds Authorized.....	54
Section 1208. Revenue Bonds.....	54
Section 1209. Collection of Fees and Public Monies.....	54
Section 1210. Special Assessment and Community Facilities Districts.....	55
Section 1211. Appropriations Limit.....	55
ARTICLE 13.....	56
PERSONNEL ADMINISTRATION.....	56
Section 1301. Purpose.....	56
Section 1302. Equal Opportunity.....	56
Section 1303. Civil Service.....	57
Section 1304. Administration of Personnel System.....	58
Section 1305. Promotions.....	59
Section 1306. Collective Bargaining.....	59
Section 1307. Civil Service Commission.....	60
Section 1308. Local Community Council Staff.....	62
Section 1309. Retirement Systems.....	62
ARTICLE 14.....	64
ELECTIONS.....	64
Section 1401. Election Code.....	64
Section 1402. Nominations.....	64
Section 1403. Initial Elections.....	64
Section 1404. Elections.....	65
Section 1405. Elector.....	67
Section 1406. Appointment to Office.....	67
Section 1407. Taking Office.....	67
Section 1408. Application of General Law.....	67
ARTICLE 15.....	68
INITIATIVE, REFERENDUM, RECALL.....	68
Section 1501. Initiative.....	68
Section 1502. Referendum.....	68
Section 1503. Recall.....	68
Section 1504. Elections Code.....	68

	Page
ARTICLE 16.....	69
CITIES OF FOLSOM, GALT, ISLETON.....	69
Section 1601. Continuation.....	69
Section 1602. Consolidation and Merger.....	69
Section 1603. Changes in Boundaries.....	70
ARTICLE 17.....	71
SPECIAL DISTRICTS.....	71
Section 1701. Special Districts Continued.....	71
Section 1702. Request to Join Consolidated Government.....	71
Section 1703. Requesting Special Districts Dissolved.....	71
Section 1704. Special Districts - Consolidation and Merger with City-County.....	72
Section 1705. Annexations and Detachments to Special Districts.....	73
ARTICLE 18.....	74
FIRE PROTECTION.....	74
Section 1801. Creation of Subgovernment.....	74
Section 1802. Governing Board Powers; Fire Districts.....	74
Section 1803. Terms.....	75
Section 1804. Vacancies.....	75
Section 1805. Initial Election of Governing Board.....	75
Section 1806. Fire Chief.....	75
Section 1807. Personnel.....	76
Section 1808. Transition; Fire Commission.....	76
Section 1809. Interim Chief Executive Officer.....	78
Section 1810. Succession.....	79
Section 1811. Relationship to City-County Government.....	79
Section 1812. Financing.....	79
Section 1813. Appropriations Limit.....	80
Section 1814. Future Reorganization.....	80
ARTICLE 19.....	81
MISCELLANEOUS PROVISIONS.....	81
Section 1901. Franchises.....	81
Section 1902. Financial Disclosure and Campaign Contribution Reporting.....	81
Section 1903. Regulation of Lobbying Activities.....	81
Section 1904. Conflicts of Interests.....	82
Section 1905. Regulation and Limitations on Campaign Contributions and Expenditures.....	82
Section 1906. Ordinances to Carry Into Effect Charter Provisions.....	82
Section 1907. Water Supply and Meters.....	82

Section 1908. School Districts Not Affected By This Charter.....	83
Section 1909. Severability.....	83
ARTICLE 20.....	84
TRANSITION.....	84
Section 2001. Effective Date of Charter.....	84
Section 2002. Continuation of Government Bodies; Existing Governmental Structure.....	85
Section 2003. Status of Employees.....	86
Section 2004. Status of Recognized Employee Organizations.....	87
Section 2005. Officers - Expiration of Present Terms.....	90
Section 2006. Transitional Duties and Functions.....	90
Section 2007. Initial Supervisor Districts.....	92
Section 2008. First Election of Mayor, Supervisors, Countywide Officers, Fire Directors and Community Councils.....	92
Section 2009. Initial Local Community Council District Boundaries.....	93
Section 2010. Repeal Date For Transition Article.....	94

EXHIBIT "A" Local Community Council Boundary Descriptions

PREAMBLE

The people, by adopting this Charter, create a government to meet the challenges and opportunities posed by the dynamic future of the City and County of Sacramento. As proposed herein, this government shall be administered by a mayor and a council of supervisors with meaningful input from local community councils that have decisionmaking authority over land use issues affecting their neighborhoods. It is designed to address the public's health, safety and welfare in as cost-effective and efficient manner as practicable; improve the accountability of elected officials; facilitate and encourage the participation of citizens in the formulation of their government's policies and programs; assure citizens equal access to their government and governmental services; preserve and protect the environment; and maintain the highest possible quality of life for all citizens of the City and County of Sacramento now and in the future.

ARTICLE 1
EFFECT OF CHARTER AND INTRODUCTORY PROVISIONS

Section 101. Effect of Charter.

(a) Pursuant to Article XX of the Constitution, and Chapter 5 (commencing with Section 51900), of Part 2, Division 1, Title 5 of the Government Code, of the State of California, this Charter consolidates, merges and incorporates as a city-county:

- (1) The City of Sacramento;
- (2) The County of Sacramento;
- (3) Each of the cities of Folsom, Galt and Isleton whose electorate has voted to consolidate and merge such city into the city-county; and
- (4) All fire districts as defined in Article 18 of this Charter and any other special district operating within the County of Sacramento or exercising all or any part of its jurisdiction or powers within the County of Sacramento which has requested to be included in the consolidated government.

(b) As used in this Charter, the term "consolidated governments" means the consolidated and merged entities referred to in this Section, jointly and severally.

Section 102. Name.

The name of the city-county shall be the City and County of Sacramento.

Section 103. Nature.

The city-county is a charter city and a charter county, a public body, corporate and politic, and a municipal corporation.

Section 104. Territory.

The territory of the city-county, until increased or decreased pursuant to law, shall be the territory that prior to the effective date of this Charter comprised the County of Sacramento.

Section 105. Seal.

The city-county shall have an official seal which shall be adopted and may be changed from time to time by ordinance.

Section 106. Purpose.

The purpose of this Charter is to form a new government with county-wide jurisdiction and complete home rule powers, responsive to the people, able to plan, operate and manage resources effectively, capable of dealing with urban, suburban and rural problems, and sharing powers with communities and other forms of sub-governments established under this Charter. In implementing the reorganization of the consolidated governments under this Charter, the mayor, council of supervisors and other elected officers shall make every effort to achieve efficiencies and economies in all city-county expenditures.

Section 107. Effective Date.

The provisions of this Charter shall take effect as provided in Section 2001 of Article 20. When referred to in this Charter, the effective date and the date of adoption of this Charter shall be the date of its filing with the Secretary of State.

Section 108. Repeal of Charters.

(a) The Charter of the City of Sacramento is repealed on the effective date of this Charter; provided that provisions of the Charter of the City of Sacramento shall continue to be given effect as enacted by ordinance pursuant to Section 2002 of Article 20, to the extent required to carry out the succession provisions of Article 2 and the transition provisions of Article 20 of this Charter.

(b) The Charter of the County of Sacramento is repealed on the effective date of this Charter; provided that provisions of the Charter of the County of Sacramento shall continue to be given effect as enacted by ordinance pursuant to Section 2002 of Article 20, to the extent required to carry out the succession provisions of Article 2 and the transition provisions of Article 20 of this Charter.

ARTICLE 2 SUCCESSION

Section 201. Rights and Liabilities.

The city-county shall be vested with and shall hold, own and control all rights and property of every kind and nature owned or controlled by the consolidated governments on the effective date of this Charter, except as otherwise provided in Article 18. It shall be subject to all debts, obligations, contracts and liabilities of the consolidated governments on the effective date of this Charter in the manner provided in Article 12, except as otherwise provided in Article 18.

Section 202. Ordinance and Regulations Continued in Effect.

(a) All lawful ordinances, resolutions, rules and regulations of the consolidated governments in effect on the effective date of this Charter and not in conflict or inconsistent with the provisions of this Charter are hereby continued in full force and effect and applicable to the same territory and citizens and in all other respects as immediately prior to the effective date of this Charter, until the same have been duly suspended, superseded, repealed, amended or re-adopted by the council of supervisors.

(b) Ordinances and resolutions of the County of Sacramento and the City of Sacramento relating to civil or human rights continued in effect pursuant to Section 202(a) of this Charter may only be suspended, superseded, repealed, amended or re-adopted by the council of supervisors as provided in Section 413(b).

Section 203. Rights of Officers and Employees.

All officers and employees of the consolidated governments on the effective date of this Charter shall continue to hold the same offices and positions of employment until the election or appointment and qualification of their successors, or until the transfer, reclassification or elimination of their office or position of employment, and, until such event, shall continue to perform the duties of their respective offices upon the same terms and conditions provided by existing ordinances, resolutions, rules and regulations, until the same have been duly

suspended, superseded, amended, repealed or re-adopted. It is the intent of this Section that no paid or salaried employee of the consolidated governments shall be terminated from employment based solely on the adoption and implementation of this Charter or the consolidation of the government provided for under this Charter.

Section 204. Continuance of Contracts.

All contracts duly entered into by the consolidated governments or for their benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms. All contracts, leases and other written or legally binding arrangements entered into prior to the effective date of this Charter between one or more of the consolidated governments and then in effect, shall continue in full force and effect according to their terms to the extent necessary to carry out their objects and purposes.

Section 205. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter, by or against any consolidated government or any of its officers, employees, departments or agencies shall be affected by the adoption of this Charter. No claim filed pursuant to the California Torts Claim Act against any consolidated government or any of its officers, employees, departments or agencies shall be affected by the adoption of this Charter. All such claims, actions and proceedings pending on the effective date of this Charter, may continue to be prosecuted by or against the city-county.

ARTICLE 3
POWERS

Section 301. City Powers.

(a) The city-county shall have all rights and powers granted to charter cities and municipal corporations by the Constitution and general laws of the State of California, and all the powers necessary to, implied in, or incident to such powers.

(b) The city-county shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and in the Constitution of the State of California. The city-county is further authorized to exercise and act pursuant to all rights, powers, privileges and procedures heretofore or hereafter established, granted or prescribed by any law of the state or other lawful authority, subject to such restrictions and limitations as may be contained in this Charter.

(c) Pursuant to the provisions of the Constitution of the State of California, subject only to the limitations of this Charter, the city-county shall have the power to provide for: the constitution, regulation and government of the city-county police force; the sub-governments in all or any part of the city-county; the conduct of city-county elections; and the manner in which, the method by which, the times at which, and the terms for which the several city-county officers and employees whose compensation is paid by the city-county shall be elected or appointed, and for their compensation; and for the number of deputies, clerks and other employees, and for their compensation, method of appointment, qualifications, tenure of office and removal.

Section 302. County Powers.

The city-county shall have all rights and powers granted to charter counties by the Constitution and general laws of the State of California, and all the powers necessary to, implied in, or incident to such powers.

Section 303. Common and Conflicting City and County Powers.

The charter city powers of the city-county shall supersede its charter county powers in the event of a conflict; provided, however, that whenever the city-county exercises a power authorized for both charter cities and charter counties, the city-county may elect the capacity in which it shall exercise that power.

Section 304. Procedures. Incorporation of General Law.

The city-county shall have the power to and may act pursuant to any procedure established by any law of the State of California, and to incorporate the provisions, or any portion, of the state law applicable to cities and counties.

Section 305. Jurisdiction With Respect to Other Governments.

With respect to cities not merged by the adoption of or pursuant to the provisions of this Charter, the city-county shall function as a charter county government and shall have all rights, powers and jurisdiction of a charter county government with respect to those cities and their territory and citizens. With respect to other governments and entities not merged by the adoption of or pursuant to the provisions of this Charter, the city-county shall be both a charter city and a charter county.

Section 306. Construction.

This Charter shall be liberally construed, to the end that the city-county shall have all rights and powers conferred under the Constitution and laws of the State of California except as expressly limited in this Charter. No authorization of power shall be construed to limit or restrict the authority of the city-county, except to the extent a power is expressly limited in this Charter.

ARTICLE 4
COUNCIL OF SUPERVISORS

Section 401. Powers.

All powers of the city-county shall be vested in the council of supervisors except as otherwise provided in this Charter.

Section 402. Establishment and Number of Supervisors.

The legislative body of the city-county shall be a council of eleven (11) supervisors, residing in and elected from eleven (11) supervisorial districts. Each supervisor shall be nominated and elected by the electors of the district in which that supervisor resides as provided in Article 14 of this Charter.

Section 403. Number of Districts and Boundaries.

The city-county shall be divided into eleven (11) supervisorial districts, designated Supervisorial Districts One through Eleven, respectively. Each supervisorial district shall be numbered. District one shall be in the northwest corner of the City-County, and districts two through eleven shall be numbered consecutively and clockwise beginning east of district one and then, if necessary, consecutively from west to east. The initial boundaries of each district shall be determined as provided in Article 20. The office of each supervisor shall bear the number accorded to the district of that supervisor.

Section 404. District Standards.

Supervisorial districts shall be as nearly equal in population as required under the federal and state Constitutions. In establishing or changing the boundaries of districts, consideration shall be given to the following factors: local community councils established pursuant to this Charter; topography; geography; cohesiveness; continuity; integrity and compactness of territory; community of interests of the districts; and existing neighborhoods.

Section 405. Reapportionment.

(a) Within six months after a regular United States census, the council of supervisors shall hold public hearings and take public testimony on compliance of the boundaries of each supervisorial district with the population standard set forth in Section 404 and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with that standard. The term of "regular United States census" shall mean a comprehensive population census which is held at regular intervals prescribed by Congress and produces population data equivalent to that described in "Population Counts by Block" in the 1990 decennial census.

(b) For purposes of this Section the six month period shall begin upon the availability of population data equivalent to that described as "Population Counts by Block" in the 1990 census.

Section 406. Redistricting.

District boundaries may be changed by ordinance after the council of supervisors holds public hearings and takes public testimony, provided that any revised district boundaries shall comply with the population standard set forth in Section 404.

Section 407. Supervisors.

(a) Qualifications. Each supervisor or candidate for election, or appointment in the case of vacancy, shall be an elector and a resident of the supervisorial district at the time nomination papers are issued to the candidate or at the time of appointment, as the case may be. Each supervisor shall continue to reside in that district during the supervisor's term of office, except that no boundary change pursuant to Sections 405 or 406 shall disqualify a supervisor from serving the remainder of the term.

(b) Term of Office. Each supervisor shall serve for a term of four (4) years commencing on the second (2nd) day of January following election and until a successor is qualified except that, of the initial supervisors elected, the

supervisors elected from odd numbered districts shall initially serve four year terms and the supervisors from even numbered districts shall initially serve two year terms. Thereafter, all supervisors shall serve four year terms.

(c) Vacancies. A vacancy on the council of supervisors shall be filled by special election to be immediately called by the council of supervisors, unless the vacancy occurs within two years of the next election at which the office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the council of supervisors within sixty (60) days from the date of the vacancy. If the council of supervisors fails to make an appointment to fill the vacancy, the mayor shall make an appointment to fill the vacancy within thirty (30) days of the expiration of the sixty (60) day period. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Section 408. Elections.

The office of supervisor shall be filled for each district in the city-county as provided in this Article and Article 14 of this Charter.

Section 409. Presiding Officer of the Council of Supervisors.

The mayor shall preside over meetings of the council of supervisors. The vice-mayor shall preside at all meetings of the council of supervisors at which the mayor is unable to preside. The vice-mayor may make or second any motion and present, discuss and vote on any matter as a member of the council of supervisors. In the event of the mayor's and the vice-mayor's absence or inability to act, the remaining supervisors shall, by a motion and order entered into the minutes, select one of their members to act as chair pro tem who, while so acting, shall have all of the authority of the mayor.

Section 410. Supervisors - Compensation and Expenses.

The supervisors shall receive compensation as follows: Each supervisor shall receive an annual salary equal to eighty percent (80%) of the annual salary received by municipal court judges in Sacramento County. This salary shall be

adjusted each time the municipal court judges' salary is adjusted to maintain the supervisors' salaries at eighty percent (80%) of the municipal judges' salary. In addition, each supervisor shall receive benefits commensurate with the benefits received by management employees of the city-county. Supervisors may also be reimbursed for actual and necessary expenses incurred in the performance of their official duties in accordance with general policies established by the council of supervisors and applicable to the officers and employees of the city-county. Supervisors shall not receive any additional stipends for service on boards and commissions associated with their office as supervisor.

Section 411. Meetings, Conduct of Meetings, Records.

(a) The council of supervisors shall hold regular meetings at least once each week at a time and place fixed by ordinance, except that the council by ordinance may designate those weeks in which they may choose not to hold regular meetings, not to exceed five weeks per calendar year. Meetings of the council of supervisors shall be open to the public unless closed by the council of supervisors as provided in state law. Any regular meeting of the council of supervisors may be adjourned to a date specified in the order of adjournment and when so adjourned the adjourned meeting is a regular meeting for all purposes. If all supervisors are absent from any regular meeting, the clerk of the council shall declare the meeting adjourned to a stated day and hour and shall cause a written notice of the adjournment to be delivered personally to each supervisor at least three hours before the scheduled commencement of the adjourned meeting.

(b) A special meeting may be called at any time by the mayor, or any five (5) members of the council of supervisors. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the special meeting.

Section 412. Rules and Quorum.

(a) The council of supervisors shall meet and conduct its business according to rules which it shall adopt.

(b) A majority of the members of the council of supervisors then in office shall constitute a quorum, except that a lesser number may adjourn from time to time and may compel attendance of absent members in a manner provided by council rules.

Section 413. Ordinances, Resolutions, Motions.

(a) The council of supervisors shall act only by ordinance, resolution or motion. The affirmative vote of a majority of all members of the council shall be necessary to pass any ordinance, resolution or motion, except that the affirmative vote of eight (8) of all members of the council shall be necessary to pass any emergency ordinance or resolution or motion. Emergency ordinances and resolutions shall specify on their face, and with respect to motions the minutes of the meeting shall show, the facts justifying their adoption as emergency measures and shall take effect as indicated in the particular ordinance or resolution or motion. All other ordinances shall take effect not earlier than forty (40) days after the date of final passage, provided that ordinances not subject to the mayor's veto or passed over the mayor's veto shall take effect not earlier than thirty (30) days after the date of passage or passage over the mayor's veto, as the case may be. Resolutions and motions subject to the mayor's veto shall take effect not earlier than ten (10) days after the date of passage, provided that resolutions and motions not subject to the mayor's veto or passed over the mayor's veto shall take effect immediately upon passage or upon passage over the mayor's veto, as the case may be, or at such other time as may be specified in the resolution.

(b) Ordinances and resolutions of the County of Sacramento and the City of Sacramento relating to civil or human rights continued in effect pursuant to Section 202 of this Charter may only be suspended, repealed, amended or re-adopted as follows:

(1) An ordinance or resolution extending or broadening the rights or protections afforded under such civil or human rights ordinances and resolutions, with respect to the rights or protection afforded or with respect to the territory subject to such ordinance or resolution shall require an affirmative vote of a majority of all members of the council of supervisors. Such ordinance or

resolution shall take effect and be subject to the mayor's veto and the council of supervisor's override as set forth in Sections 413(a) and 503.

(2) An ordinance or resolution suspending, repealing or restricting the rights or protections afforded under such civil or human rights ordinances, with respect to the rights or protections afforded or with respect to the territory subject to such ordinance or resolution shall require an affirmative vote of eight (8) members of the council of supervisors.

(c) As used in this Section, an ordinance or resolution relating to civil or human rights means and includes those ordinances and resolutions prohibiting discrimination and those ordinances and resolutions relating to equal opportunity and/or affirmative action programs.

Section 414. Records.

(a) The council of supervisors shall keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each supervisor regarding any matter before the council of supervisors.

(b) From time to time the council of supervisors shall cause to be prepared and published a codification of ordinances then in effect.

Section 415. Investigations.

The council of supervisors or any duly appointed committee of the council comprised solely of council members may make investigations into the affairs of the city-county government and sub-governments and the conduct of any of their departments, offices, agencies, officers or employees, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of these powers by the council of supervisors or a committee of the council shall be guilty of a misdemeanor and punishable by fine or imprisonment, or both, in such amount and for such time as prescribed by state law for misdemeanors.

Section 416. Consolidation or Segregation of Offices.

The council of supervisors by ordinance may provide for the consolidation of any city-county office with any other city-county office, and for the segregation of any consolidated city-county office, except elective and appointive offices specifically established by this Charter.

Section 417. Limitation on Future Employment.

No supervisor, during the term for which such person shall have been elected or appointed or for one year after such person ceases to hold office, shall be eligible for any appointive office or position in the city-county, carrying compensation, and created by this Charter or by ordinance. The filling of a vacancy in an elective office by appointment shall not constitute an appointive office under this Section.

ARTICLE 5
MAYOR

Section 501. Functions.

- (a) The chief executive officer of the city-county shall be a mayor.
- (b) The mayor:
 - (1) shall be recognized as the official head of the city-county for all purposes;
 - (2) shall see that the laws of the city-county are executed;
 - (3) shall appoint and may remove the chief administrative officer with the concurrence of a majority of the council of supervisors and shall supervise the performance of duties by the chief administrative officer;
 - (4) shall appoint and may remove the city-county attorney with the concurrence of a majority of the council of supervisors;
 - (5) shall appoint, subject to confirmation by the majority of the council of supervisors, and may remove the affirmative action officer;
 - (6) shall not be a member, but shall be the presiding officer of the council of supervisors. The mayor shall not be a member of any board or commission which the mayor appoints and shall have no vote on the actions of the council, or of any board or commission so appointed, but shall be entitled to speak and be heard at public meetings of the council or those boards and commissions and, at any of their closed meetings;

- (7) shall prepare comments on the proposed annual budget and shall submit these comments on the annual budget relating to the fiscal affairs of the city-county for the ensuing fiscal year to the council of supervisors for review, modification and adoption;
- (8) shall communicate to the council of supervisors at the commencement of the final budget hearings of each year a statement of the conditions and affairs of the city-county, and make specific recommendations for the adoption of measures which the mayor deems proper;
- (9) may propose ordinances and resolutions which shall be considered by the council of supervisors;
- (10) may veto enactments of the council of supervisors in accordance with Section 503;
- (11) shall appoint with the approval of the council of supervisors and may remove members of the boards and commissions and advisory agencies in accordance with Section 1102 except as otherwise provided in this Charter;
- (12) shall have and exercise such other powers and duties as provided in this Charter, the laws of the state, and ordinances and resolutions of the city-county; and
- (13) may exercise any function conferred on the mayor under this Charter through a designated member of the council of supervisors in the event of the mayor's temporary absence from the city-county.

Section 502. Emergency Powers.

Subject to the provisions of any ordinance governing emergency action, in the case of general conflagration, rioting, flood or other emergency menacing life and property, the mayor shall marshal all the forces of the city-county for the maintenance of the public health, safety and welfare, and shall have the power to designate or otherwise employ such other persons as the mayor may consider necessary for the protection and maintenance of the public health, safety and welfare.

Section 503. Veto Power.

The purpose of this Section is to ensure that the mayor has veto authority over all matters decided upon by the council of supervisors, except for the matters specifically listed below.

(a) The mayor may veto any action of the council of supervisors except:

- (1) enactments calling elections;
- (2) emergency enactments;
- (3) enactments regulating the conduct of meetings of the council of supervisors.

(b) Any enactment adopted by the council of supervisors over which the mayor has a veto power shall be presented to the mayor for consideration and recommendation. If the mayor approves the enactment, the mayor shall sign it and it shall become effective according to its terms. If the mayor disapproves, the mayor shall return the enactment to the council of supervisors without the mayor's signature, accompanied by a message indicating the reasons for disapproval and recommendations. Any enactment so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by a vote of not less than eight (8) of the members of the council of supervisors. Any enactment subject

to the mayor's veto shall become effective according to its terms with or without the mayor's signature, unless it is disapproved by the mayor and returned to the council of supervisors not more than ten days after the date when the enactment was delivered to the mayor's office for consideration.

(c) The council of supervisors shall appropriate money and approve or adopt budgets only by ordinance or resolution. The mayor may disapprove or reduce the sum of money appropriated by any one or more items, or parts of items, in any ordinance or resolution appropriating money or approving or adopting a budget, in the manner and time provided in subsection (b) of this Section, provided, however, that budgetary items to fund obligations of any collectively bargained agreements are not subject to the line item veto authority of the mayor. Any item or parts of an item disapproved or reduced shall be void to the extent disapproved or reduced, unless restored to the ordinance, resolution or budget by the vote of not less than seven (7) of the members of the council of supervisors.

(d) A veto by the mayor of any collective bargaining agreement may be overridden by a seven (7) vote majority of the council of supervisors.

Section 504. Qualifications.

Any candidate for election for the office of mayor shall be an elector and a resident of the city-county at the time that nomination papers are issued to the candidate and at election, and shall continue to reside in the city-county during the term of office.

Section 505. Election.

The mayor shall be elected from the city-county at large as provided in Article 14.

Section 506. Term.

The term of office of mayor shall be four years, commencing on the second (2nd) day of the January following election, and until a successor qualifies.

Section 507. Compensation and Expenses.

The compensation of the mayor shall be established as follows: The mayor shall receive an annual salary equal to eighty percent (80%) of the annual salary received by municipal court judges in Sacramento County plus ten percent (10%). This salary shall be adjusted each time the municipal court judges' salary is adjusted to maintain the mayor's salary at eighty percent (80%) of the municipal judges' salary plus ten percent (10%). In addition, the mayor shall receive benefits commensurate with the benefits received by management employees of the city-county. The mayor may also be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established by the council of supervisors and applicable to officers and employees of the city-county. The mayor shall not receive any additional stipends for service on boards and commissions associated with the office of mayor.

Section 508. Absence or Incapacity; Vice-mayor.

The mayor shall designate a member of the council of supervisors to be the vice-mayor.

During any absence of the mayor from the city-county, the vice-mayor shall become the acting mayor, with all powers of the office, until the mayor returns.

If the mayor becomes incapable of acting as mayor, the vice-mayor shall become acting mayor with all powers of the office. The council of supervisors by ordinance or resolution shall adopt procedures to determine incapacity of the mayor.

The vice-mayor, while serving as acting mayor under this Section, shall continue to hold office as supervisor.

In the event the mayor is unable to preside over a meeting of the council of supervisors, for whatever reason, the vice-mayor shall preside over the meeting.

Section 509. Vacancy.

A vacancy in the office of mayor shall be filled by special election to be called by the council of supervisors within ten (10) days of the vacancy unless the special election to fill the vacancy would occur within six (6) months of the next regular election for mayor, in which case no special election shall be called and the office of mayor shall be filled by a supervisor as provided below, until a mayor is elected at the next regular election. The special election shall be held at the earliest administratively feasible date possible. The person elected at the special election shall serve for the duration of the unexpired term. Pending the filling of any such vacancy and until a person is elected to hold the office of mayor, the vice-mayor shall be the acting mayor, with all powers of the office. The vice-mayor, while serving as acting mayor under this Section, shall continue to hold office as supervisor.

Section 510. Limitation on Future Employment.

The mayor, during the term for which such person shall have been elected and for one year after such person ceases to hold office, shall be ineligible for any appointive office or position in the city-county, carrying compensation, and created by this Charter or by ordinance.

ARTICLE 6
CHIEF ADMINISTRATIVE OFFICER

Section 601. Appointment, Qualifications, and
Removal.

There shall be a chief administrative officer who shall be appointed by the mayor subject to confirmation by a majority vote of the council of supervisors. This officer shall be a person of demonstrated administrative ability, having had significant experience in responsible executive capacities, and shall be selected and appointed on the basis of executive and administrative qualifications. The chief administrative officer shall serve at the pleasure of the mayor and the council of supervisors. The chief administrative officer may be removed from office by the mayor with the concurrence of a majority of the members of the council of supervisors. The chief administrative officer may also be removed from office without the consent of the mayor upon the vote of eight (8) members of the council of supervisors voting for such removal.

Section 602. Functions.

The chief administrative officer shall be responsible for the effective administration of the city-county government. Subject to the direction of the mayor and in accordance with the ordinances and resolutions adopted by the council of supervisors, the chief administrative officer shall:

- (a) see that all laws and ordinances are executed;
- (b) administer and exercise supervision and control over all agencies, departments and services of the city-county government under the jurisdiction of the chief administrative officer;
- (c) except as otherwise provided in this Charter, appoint all heads or directors of agencies and departments of the city-county, subject to ratification by the council of supervisors, and all subordinate officers and employees, and shall have the power to discipline and remove any officer or employee so appointed, subject to the provisions of Article 13;

(d) act in an advisory capacity to and with the mayor and the council of supervisors with respect to officials or boards not under the jurisdiction and control of the chief administrative officer;

(e) make recommendations to the mayor and the council of supervisors as the chief administrative officer deems appropriate concerning the operation, affairs and future needs of the city-county;

(f) perform such other duties consistent with this Charter as may be prescribed by the mayor or the council of supervisors.

Section 603. Preparation of Annual Budget.

The chief administrative officer shall prepare the annual budget for submission to the mayor and the council of supervisors. The chief administrator's final budget shall be submitted to the mayor not less than thirty (30) days prior to submission of the final budget to the council of supervisors to allow sufficient time for the mayor to prepare his or her comments on the proposed budget. The final budget, as revised by the mayor and council of supervisors shall be adopted not later than October 15.

Section 604. Non-Interference By Council of Supervisors; Mayor.

(a) No member or members of the council of supervisors shall directly or indirectly coerce or attempt to coerce the chief administrative officer or any other officer, agency or department head subject to the direction of the chief administrative officer, in the performance of the duties of such person's office or position, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any city-county officer, and any violation of the provisions of this Section shall be willful misconduct of the supervisor(s). Except for the purpose of obtaining information, the council of supervisors and its members shall deal solely and directly through the mayor and the chief administrative officer with respect to the part of the city-county government under their direction.

(b) The mayor shall not directly or indirectly coerce or attempt to coerce any officer, agency or department head or other employee subject to the direction of the chief administrative officer, in the performance of the duties of such person's office or position, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any city-county officer, and any violation of the provisions of this Section shall be willful misconduct of the mayor. Except for the purpose of obtaining information, the mayor shall deal solely and directly through the chief administrative officer with respect to the part of the city-county government under the chief administrative officer's direction.

ARTICLE 7
OTHER ELECTIVE AND APPOINTIVE OFFICERS

Section 701. Elective Officers.

The city-county elective officers, other than the mayor and the council of supervisors, shall be:

- (a) Assessor;
- (b) Auditor;
- (c) District Attorney;
- (d) Sheriff;
- (e) A County Board of Education which shall be elected as required by state law; and
- (f) Members of local community councils who shall be elected as provided in Articles 8 and 14.
- (g) Members of the board of directors of the fire subgovernment who shall be elected as provided in Article 18.

Section 702. Qualifications.

Each county-wide elective officer or candidate for election, or appointment in the case of vacancy, shall be an elector and a resident of the city-county at the time nomination papers are issued to the candidate or at the time of appointment, as the case may be, and shall continue to reside in the city-county during the officer's term of office.

Section 703. General Powers and Duties.

Except as otherwise provided in this Charter, each and all of the officers now existing or created by this Charter or by the Constitution or general law of the State of California or by the council of supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by the Constitution and the general laws of the State of California, by this Charter and by ordinance.

Section 704. Auditor.

(a) The auditor shall be the controller and the chief accounting officer of the city-county.

(b) The duties and responsibilities of the auditor shall be consistent with the general laws of the state, unless otherwise provided for in this Charter.

Section 705. Sheriff.

(a) The sheriff shall be the chief law enforcement officer of the city-county.

(b) The duties and responsibilities of the sheriff shall be consistent with the general laws of the state, unless otherwise provided in this Charter.

(c) The sheriff shall have sole responsibility for, and take charge of all city-county jails and correctional facilities and the prisoners in them; and all those employees who have authority to lawfully exercise physical restraint and/or force, shall be sworn deputy sheriffs/police officers.

(d) The sheriff's department shall also constitute the city-county municipal police department, and the sheriff's deputies shall also be officers of the city-county police department.

(e) The sheriff shall appoint an undersheriff, a chief of police services and other officers and employees necessary to carry out the functions of the sheriff's department. All sworn deputy/officer positions above the rank of captain,

including, but not limited to undersheriff and chief of police services, shall be exempt positions. Nothing in this Section shall be construed to infringe on the council of supervisors' authority over funding for the sheriff's department in any way.

(f) Except in cases of emergency, no sworn officers employed by the City of Sacramento Police Department prior to the enactment of this Charter and no sworn officers previously employed by the California Highway Patrol and appointed to the city-county sheriff/police department pursuant to subsection (g) of this Section, shall be assigned to any duties previously under the jurisdiction of the sheriff where there was no similar duty performed by the Sacramento Police Department, without the consent of the officer. Discrimination against said employees, including discrimination in promotions and work assignments to avoid the intent of this paragraph, is strictly prohibited.

(g) Subject to funding by the transition board, or the council of supervisors, as the case may be, the sheriff, at his or her discretion, may appoint sworn officers of the California Highway Patrol who have been assigned to the Valley Division for at least six (6) consecutive months prior to the enactment of this Charter, as sworn officers of the city-county sheriffs/police department. Such officers may count their service time with the California Highway Patrol as service time with the Sacramento City-County Sheriffs/Police Department for the purposes of departmental seniority. The sheriff's authority to make such appointments shall commence upon the enactment of this Charter and shall terminate two years after the date the California Highway Patrol ceases to provide traffic enforcement services for local streets within the city.

Section 706. Elections; Terms of Office.

The assessor, auditor, district attorney and sheriff shall be elected from the city-county at large as provided in Article 14 and shall serve terms of four years, commencing the second (2nd) day of January following their election, and until a successor qualifies.

Section 707. City-County Attorney.

The mayor shall appoint and may remove the city-county attorney with the concurrence of a majority of the council of supervisors. The council of supervisors may also remove the city-county attorney, without the consent of the mayor, by a vote of eight (8) members of the council of supervisors voting for such removal. The city-county attorney shall serve at the pleasure of the mayor and the council of supervisors. The council of supervisors shall prescribe the qualifications, duties and compensation of such officer. The city-county attorney shall serve as legal counsel to the city-county government and all of its officers, agencies, departments, boards, commissions, and sub-governments unless otherwise provided in Article 18 of this Charter, and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the council of supervisors. For purposes of applicable state law, the city-county attorney shall be both a city attorney and a county counsel, and the city attorney powers shall supersede the county counsel powers in the event of a conflict. In situations where the city-county attorney determines there is a conflict in representation by that office, the council of supervisors and/or the mayor may authorize the retention of other legal counsel to represent one or more of the conflicting parties.

Section 708. Mayor's and Supervisors' Staff.

The mayor and individual supervisors shall appoint such members of their respective staff, and the council of supervisors shall appoint such members of the council staff, all of whom shall be exempt from the civil service system, except as may be provided by ordinance of the council of supervisors. The compensation paid to such staff members shall be fixed by ordinance of the council of supervisors. The mayor's staff shall serve at the pleasure of the mayor. The supervisors' and council's staffs shall serve at the pleasure of the individual supervisors and council, respectively.

Section 709. Chief Probation Officer and Probation Committee.

The manner and method of appointment and removal of the chief probation officer and assistants and the members of the probation committee shall be as is now or as hereafter may be provided by general state law.

Section 710. County Superintendent of Schools.

The office of County Superintendent of Schools, as such office exists on the effective date of this Charter, shall continue as provided by applicable state law and shall be filled by appointment by the County Board of Education.

Section 711. Compensation and Expenses of Elected Officers.

Except as otherwise provided in this Charter, the compensation of the elective officers, including members of local community councils, shall be established annually by ordinance by the council of supervisors. In addition, these elected officers may be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established by the council of supervisors and applicable to officers and employees of the city-county.

Section 712. Compensation and Expenses of Appointive Officers.

Except as otherwise provided in this Charter, the compensation of appointed officers shall be established annually by ordinance by the council of supervisors. In addition, appointed officers may be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established by the council of supervisors and applicable to officers and employees of the city-county.

Section 713. Vacancy in Elective Office.

A vacancy in the office of assessor, auditor, district attorney or sheriff shall be filled by a special election to be immediately called by the council of supervisors, unless the vacancy occurs within two years of the next regular election at which the office would normally be filled, in which case the vacancy shall be filled by appointment by a majority vote of the members of the council of supervisors within sixty (60) days from the date of the vacancy. If the council of supervisors fails to make an appointment to fill the vacancy, the mayor shall make an appointment to fill the vacancy within thirty (30) days of the expiration of the sixty (60) day period.

A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Section 714. Vacancy in Appointed Office.

Whenever a vacancy occurs in any appointive office, the vacancy shall be filled, subject to the manner and method provided herein for the original appointment, by the person, council, board or commission who made the original appointment.

Section 715. Method of Suspension and Removal of Appointive Officers.

Every officer appointed by the chief administrative officer shall serve at the pleasure of chief administrative officer and may be removed or suspended at the pleasure of chief administrative officer. If an officer is part of the classified service, the suspension or removal shall be in accordance with Article 13 and the rules applicable to the classified service.

Section 716. Appointments.

The council of supervisors by ordinance or resolution, consistent with the provisions of Article 13 shall fix and regulate the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the offices of the city-county. The council of supervisors shall, in like manner, prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which and the terms for which they shall be appointed, and the manner of their appointment and removal, as provided for in this Charter, provided, however, that elective officers shall appoint their own deputies and subordinates as shall be designated in this Charter or in such ordinance, and that appointive officers may appoint their own deputies and subordinates, subject to the approval of the chief administrative officer.

ARTICLE 8
LOCAL COMMUNITY COUNCILS

Section 801. Establishment.

There shall be established in local communities throughout the city-county sub-governments of the city-county government pursuant to Article XI, section 5 of the California Constitution. The governing body for each local community shall be known as the local community council, and shall be established in accordance with the provisions of this Article.

Section 802. Purpose, Powers and Functions.

(a) The purpose of local community councils is to increase access to and opportunity for participation in the local planning issues, including but not limited to the general plan adoption and amendment process, local planning issues and public works issues. In addition, the local community councils will provide a forum for and an avenue and voice to provide input to the council of supervisors and the mayor on such other community issues as any local community council may deem appropriate. With respect to planning issues, the local community councils shall have the powers and functions relating to planning, zoning and subdivision review and approval as provided in Article 9 of this Charter. The local community councils shall have the power and function to bring public works projects and issues of a local nature to council of supervisors for action by the supervisors. The local community councils shall also have the power and function to provide substantial input on and to comment on any other issues, including the budget, that a local community council deems of interest to its local community. The local community councils may provide substantial input and recommendations on services provided to the local community.

(b) The council of supervisors may delegate additional responsibilities to the local community councils.

Section 803. Number and Boundaries.

(a) Number and Boundaries. Initially there shall be twenty (20) local community councils. The boundaries of these community councils shall be as set forth on Exhibit A, attached to this Charter. The number and/or boundaries of the local community councils may be changed as follows:

- (1) boundary changes, creation of new local community councils and merger of existing local community councils may be initiated by resolution of one of the affected local community councils, or by petition signed by not less than 10% of the registered voters within one of the affected communities. The resolution or petition shall be submitted to the council of supervisors.
- (2) the council of supervisors shall designate an agency, board or commission to investigate the request and report its recommendations to the council of supervisors. The designated agency, board or commission shall hold at least one noticed public hearing on the request.
- (3) upon receipt of the recommendation from the designated agency, board or commission, the council of supervisors shall hold a noticed public hearing. After consideration of the recommendation and the testimony submitted at the hearing, the council of supervisors may approve, modify and approve or deny the request.

(b) Districts. Each local community council shall initially be divided into five districts. The initial boundaries of each district shall be determined as provided in Article 20. The boundaries and size of the districts shall be determined pursuant to the standard set forth in Section 404.

(c) District Reapportionment. Within six months after a regular United States census, each local community council shall hold public hearings and

take public testimony on compliance of the boundaries of each district with the population standard set forth in Section 404 and shall, by resolution, submit to the council of supervisors modification of the boundaries of the districts, if necessary, to bring all district boundaries into compliance with that standard. The terms "regular United States census" and "within six months" shall be as defined in Section 405. Upon receipt of the district reapportionment submittals from the local community councils, the council of supervisors shall hold a noticed public hearing and shall take public testimony in the same manner as set forth in Section 405. After consideration of the submittals of the local community councils and the testimony submitted at the hearing, the council of supervisors shall approve or deny the submittals of the local community councils based upon the standard set forth in Section 404. The council of supervisors shall, by ordinance, modify the districts pursuant to the approved submittals, if necessary, to bring all district boundaries into compliance with the population standard set forth in Section 404. If the council of supervisors denies a district reapportionment submittal, such submittal shall be referred back to the local community council for revision in conformity with the standard set forth in Section 404, and then re-submitted to the council of supervisors.

(d) Change in Number of Members. If required to increase or decrease the number of members of a local community council as provided in Section 804(e), the number of districts and the boundaries of the districts may be changed as set forth in Section 803(c).

Section 804. Members and District Elections.

(a) Members. Each local community council shall be activated as of January 2, 1993, and shall initially consist of five members, elected by districts within each community. One community council member shall be elected from each district within the community. Each local community council member or candidate for election, or appointment in the case of vacancy, shall be an elector and a resident of the district within the particular community at the time nomination papers are issued to the candidate or at the time of appointment, as the case may be. Each member shall continue to reside in the district during the member's term of office, except that no boundary change pursuant to Section 803 or Section 804(e) shall disqualify a member from serving the remainder of the term.

(b) Term of Office. Members of local community councils shall serve terms of four (4) years commencing on the second (2nd) day of January following their election and until their successors are elected, except that of the initial members of each local community council, the three candidates receiving the three highest number of votes shall serve four year terms, and the remaining two candidates shall serve two (2) years. Thereafter, all members shall serve four (4) year terms.

(c) Elections. The office of local community council member shall be filled for each district in the city-county as provided in this Article and Article 14 of this Charter.

(d) Vacancies. A vacancy on a local community council shall be filled by special election to be called by the council of supervisors, unless the vacancy occurs within two years of the next regular election at which such office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the local community council within sixty (60) days from the date of the vacancy. If the local community council fails to make an appointment to fill the vacancy, the mayor shall make an appointment to fill the vacancy within thirty (30) days after the expiration of the sixty (60) day period. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

(e) Increase in Local Community Council Membership. Upon the request of a local community council, the council of supervisors may, by a majority vote, increase the number of members of the local community council. The request of the local community council shall state the desired increase in membership and the reasons for the desired increase in membership. In considering the request, the council of supervisors shall consider the reasons stated by the local community council, the size and population of the local community and the cost of implementing the increase in membership. If the council of supervisors determines to approve the request, any increase in membership shall maintain an odd number of members of the local community council and shall be implemented in a manner to retain staggered terms. The local community shall be redistricted as provided in Section 803(c) to accommodate the increase in membership. If the

number of members of a local community council is increased, the local community council may later request that its membership be decreased. The procedure for request and consideration of a decrease shall be the same as the request for an increase in membership; provided, that the number of members of a local community council shall not be decreased to less than five members.

Section 805. Meetings, Conduct of Meetings,
Records.

(a) Each local community council shall hold regular meetings at least once a month at such times and places as may be fixed by resolution of that body. All meetings of the local community councils shall be open to the public to the same extent and in the same manner as provided for meetings of the council of supervisors in Section 411(a) of this Charter.

(b) Rules, Quorum and Voting.

- (1) Each local community council shall determine and adopt its own rules of procedure.
- (2) A majority of the members of each local community council then in office shall constitute a quorum, except that a lesser number may adjourn from time to time and may compel attendance of absent members in a manner provided by resolution.
- (3) Each local community council shall act only by resolution or motion. Except as otherwise provided in the Charter, the affirmative vote of a majority of all members of each local community council shall be necessary to pass any resolution or motion of a particular local community council. Each of the local community councils shall be a continuing body and no measure pending before that body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of that body or any of them.

- (4) Each local community council shall elect a chairperson and a vice chairperson. The chairperson shall preside at all meetings. The chairperson may make or second any motion and present, discuss and vote on any matter as a member of the local community council. In the event of the chairperson's absence or inability to act, the vice-chairperson shall act as chairperson, who, while so acting, shall have all of the authority of the chairperson. In the event of the chairperson's and the vice-chairperson's absence or inability to act, the remaining members shall, by an order entered into the minutes, select one of their members to act as chair pro tem, who, while so acting, shall have all of the authority of the chairperson.

(c) Each local community council shall keep a permanent public record of its proceedings, including all actions considered and taken, motions and records, the text of resolutions introduced or adopted and all amendments proposed or adopted, and the vote of each member of the local community council regarding any matter before that body.

Section 806. Relationship to Council of Supervisors.

(a) The local community councils shall provide advice and recommendations to the council of supervisors on matters of local concern. Issues of a local nature, including public works issues, submitted to the council of supervisors by resolution of a local community council, shall be placed on an agenda of the council of supervisors within thirty (30) days of receipt by the clerk of the council of supervisors for consideration by the council of supervisors.

(b) The council of supervisors shall provide, within the constraints of the annual budget, planning, legal and other support to aid the local community councils in the timely development and completion of community plans and any other project that comes before the local community councils.

ARTICLE 9
LAND USE PLANNING

Section 901. Purpose.

(a) Pursuant to the home rule powers of the city-county under the California Constitution, this Article provides for the establishment of a framework governing land use planning and zoning administration in the city-county, whereby local communities shall have authority over land use planning matters of a local nature, and the city-county government shall have authority over land use planning matters of a county-wide nature. Accordingly, the provisions of the state Planning and Zoning Law, as set forth in the California Government Code, shall not be applicable to the actions of the city-county, its sub-governments created under this Charter, or to their officers or employees, except to the extent that the council of supervisors by ordinance expressly adopts provisions of the state Planning and Zoning Law not otherwise inconsistent with this Charter.

(b) It is the intent of this Article that the council of supervisors and local community councils establish policies and exercise powers in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. The council of supervisors and local community councils should act to discourage urban sprawl and encourage rational and sound development policies.

(c) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open space uses, the council of supervisors and local community councils shall consider the following policy: Development or use of land for uses other than open space uses shall be guided away from existing prime agricultural lands in open space use and toward areas containing non-prime agricultural lands, unless that action would not promote the planned, orderly efficient development of the area.

Section 902. General Plan.

(a) Preparation. The council of supervisors, with the assistance of the local community councils, the policy planning commission and the officers and employees of various departments of the city-county, shall prepare a general plan for the city-county. The mandatory elements of the general plan shall be those specified in those provisions of the state Planning and Zoning Law applicable to charter cities. Any discretionary elements of the general plan shall be determined by resolution of the council of supervisors.

(b) Adoption. The council of supervisors shall adopt the general plan or any amendment to the general plan by resolution only after complying with those procedural guidelines which the council of supervisors may by ordinance adopt. Such procedures shall include opportunity for public comment and hearing on the proposed general plan. The policy planning commission shall review and comment on any proposed general plan or amendment to the general plan and shall forward its comments and recommendations to the council of supervisors. In considering the adoption or amendment of the general plan, the council of supervisors shall give written notice to each local community council, at least thirty (30) days prior to the public hearing before the policy planning commission on the adoption or amendment of the general plan, to solicit comments on the general plan from the local community councils.

(c) Administration. Upon adoption of the general plan, the city-county shall administer the general plan in accordance with the policies established by the council of supervisors.

(d) Amendment. The council of supervisors may amend the general plan a maximum of four times per calendar year. Hearing dates shall be adopted by resolution prior to the beginning of each calendar year setting forth the first hearing date at both the policy planning commission and council of supervisors for each round of general plan amendment hearings. Amendments to the general plan may be initiated in the manner specified by the council of supervisors.

Section 903. Community Plans.

(a) Preparation. Each local community council shall prepare and update a community plan for its particular community based upon and consistent with the general plan of the city-county. Community plans must also be consistent with the fair share plan identified in Section 908 of this Charter. The council of supervisors may adopt guidelines to assure minimum standards for preparing and updating community plans including public notice and hearing. Community plans are the means for local community councils to express community development and land use goals, objectives and policies for their particular community. Community plans are also a mechanism to aid in the implementation of the general plan. The local community councils may prepare, update, and tentatively adopt community plans. In preparing their plans, they shall seek the views of relevant city-county departments including, but not limited to, the departments which relate to public works, parks and recreation, budget and finance, and land use planning. In addition, during the preparation of its community plan, the local community council shall provide opportunity for the involvement of its residents and residents of the entire city-county, plus public agencies, business, civic, education and other community groups and organizations, through public hearings and any other means the local community council deems appropriate.

(b) Adoption. After a community plan is prepared and after public hearing, the local community council shall adopt the plan by resolution as the tentative community plan. The local community council shall transmit the tentative plan to the council of supervisors for a determination of whether the community plan is consistent with the general plan. The community plan shall not become effective until the council of supervisors has determined that the community plan is consistent with the general plan.

(c) Consistency With General Plan. The council of supervisors shall determine whether each proposed community plan is consistent with the general plan. If the council of supervisors determines that the tentative community plan is consistent with the general plan, the council of supervisors by resolution shall approve the final community plan. If the council of supervisors determines that the tentative community plan is not consistent with the general plan, the council shall disapprove the community plan, setting forth in writing the reasons

for its disapproval, and return the community plan to the local community council for revision or other appropriate action in accordance with the action of the council of supervisors. If the local community council thereafter revises the draft community plan, it shall adopt it in the same manner as set forth above and transmit it to the council of supervisors for review and decision on the basis of consistency with the general plan as set forth above.

(d) Amendment.

- (1) Community plans may be amended in the same manner that they are adopted.
- (2) If a general plan amendment is presented to and approved by the council of supervisors prior to or concurrently with a proposed community plan amendment, and if the community plan as amended is consistent with the amended general plan, then the council of supervisors shall determine that the community plan amendment is consistent with the general plan, as amended.
- (3) If the local community council disapproves a proposed community plan amendment, that action may be appealed as provided in Section 911.

Section 904. Zoning; Rezoning.

(a) Zoning Code. Except as otherwise provided in this Charter, the council of supervisors shall have the sole authority to adopt and amend a zoning code for the city-county. The zoning code shall be consistent with the general plan.

(b) Rezoning.

- (1) All applications for rezoning of a particular parcel or parcels from one zone to another shall initially be submitted to the local community council for the

community in which the affected property is situated. Rezoning may be initiated either by subject property owner, the council of supervisors or local community councils. If the territory sought to be rezoned includes territory in more than one local community council, then separate applications shall be submitted to each of the respective local community councils for the territory within their respective community's borders. The council of supervisors shall as part of the Zoning Code and consistent with this Charter adopt procedural guidelines for the processing of rezoning applications that upon adoption shall be applicable to all local community councils, including a requirement that rezoning applications be consistent with the adopted general plan at the time of application submission.

- (2) The local community council for the community in which the affected property is situated shall hear and decide applications for rezoning. The local community council may approve, modify and approve or disapprove the application for rezoning; provided, however, that no rezoning application shall be approved unless it is consistent with the general plan and any community plan. The local community council's action on a rezoning application shall be final unless the decision is appealed as provided in Section 911.

(c) **Rezoning Requiring Amendment to Community Plan.** An application for rezoning may be filed concurrently with an application for a community plan amendment. The local community council may consider the application for rezoning concurrently with the application for a community plan amendment. If the local community council determines to approve the community plan amendment and the rezoning, the rezoning shall not become effective until the council of supervisors determines that the community plan amendment is consistent with the general plan, as provided in Section 903(c) of this Charter.

(d) Appeal of Rezoning Decisions. The action of the local community council on a rezoning may be appealed as provided in Section 911.

Section 905. Development Agreements.

Applications for development agreements, as defined in the state Planning and Zoning Law, shall be approved by the council of supervisors by ordinance; provided, however, that the applicable local community councils shall conduct public hearings in the same manner that hearings on rezonings are conducted. Such public hearings shall concern the terms of any development agreement which affects territory within the boundaries of that local community. The council of supervisors shall not approve a development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable community plan.

Section 906. Overlay Zones.

(a) The creation, initiation and approval of any overlay zones in the city-county shall be the sole responsibility of the council of supervisors.

(b) The council of supervisors shall prepare overlay zones for geographically specific resources and facilities, including, but not limited to, mineral resources, the American River Parkway, housing and airports. The council of supervisors may prepare overlay zones for other uses as the council of supervisors deems appropriate.

(c) Overlay zones shall be consistent with the general plan.

Section 907. Special Planning Areas; Neighborhood Preservation Zones.

In certain circumstances, it may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones in the city-county zoning code. It may also be desirable to provide for the protection and preservation of existing neighborhood characteristics through special regulations not found in the standard land use zones in the city-county zoning code.

Pursuant to this Section, proceedings may be initiated with the applicable local community council to regulate property in the city-county that has unique environmental, historic, architectural or other features which require special conditions not provided through the application of standard zone regulations. Local community councils may adopt special planning areas and/or neighborhood preservation zones pursuant to the requirements and procedures which the council of supervisors may provide by ordinance. Any local community council that adopts a special planning area or neighborhood preservation zone shall submit the proposal as adopted to the council of supervisors for a determination of consistency with the general plan. The process of review and approval of special planning areas by the council of supervisors shall be the same as the process of review and approval of community plans set forth in Section 903.

Section 908. Fair Share Plans

(a) The council of supervisors shall prepare a fair share plan for the distribution of land uses that affect public safety or the economic and social well being of the city-county and its citizens. This plan shall include, but not be limited to, policies for the siting of such land uses as:

- (1) The distribution and supply of low and moderate income housing;
- (2) Facilities for the care and well being of the elderly, children, or the mentally or physically disabled;
- (3) Facilities which aid socially or economically disadvantaged families or individuals;
- (4) Facilities which deal with the physical or emotional rehabilitation of persons, and any other facilities that the council of supervisors deems necessary to ensure the equitable distribution of health, social, and safety facilities throughout the city-county.

(b) The fair share plan shall be prepared and approved by the council of supervisors. In preparing this plan, the views, comments and actions of the local community councils shall be considered.

(c) The local community councils are responsible for the implementation of the fair share plan. Each local community council must accept and site any facility and/or activity which is identified in and consistent with the fair share plan. The procedures for review and approval of the projects within the scope of the fair share plan shall be prescribed by ordinance of the council of supervisors.

(d) Notwithstanding the foregoing, the council of supervisors shall have the final authority in all matters associated with implementing the fair share plan. If a local community council rejects or fails to approve the siting of any such facility and/or activity within its jurisdiction in a manner consistent with the fair share plan, the council of supervisors may approve and site such facility and/or activity pursuant to the procedure prescribed by the ordinance set forth in subsection (c) above.

Section 909. Subdivision and Parcel Maps.

(a) Local Ordinance. The council of supervisors shall adopt, by ordinance, regulations governing all subdivisions pursuant to the Subdivision Map Act (Title 7, Division 2 of the California Government Code). Those regulations shall constitute a "local ordinance" as defined by the Subdivision Map Act.

(b) Tentative Subdivision Maps and Parcel Maps. Tentative subdivision maps and parcel maps shall be subject to review and approval by the particular local community council in which property is sought to be subdivided; provided, however, that all map applications shall first be reviewed by any body or official of the city-county designated by ordinance of the council of supervisors to serve as an "advisory agency" as that term is defined in the Subdivision Map Act. The council of supervisors shall by ordinance provide regulations governing the review and approval of maps consistent with this Section, including, but not limited to, procedures for assuring that regional impacts, including the need for

additional municipal services or construction of additional infrastructure, are considered, in the review process.

(c) Final Maps. The council of supervisors shall have the sole authority to approve final subdivision maps and to review proposed amendments to final maps. The council of supervisors shall also have sole authority to accept or reject offers of dedication at the time of final map approval.

(d) Appeal. All actions of local community councils regarding subdivision maps or parcel maps shall be appealable as provided in Section 911.

(e) Changes in State Law. The provisions of this Section may be modified to the extent necessary to comply with changes or amendments to the Subdivision Map Act.

Section 910. Use Permits; Variances.

(a) Governing Body. Each local community council shall hear and decide all applications for use permits and for variances from the city-county zoning code or other land use ordinances for property within its territory. The council of supervisors shall as part of the zoning code adopt guidelines and regulations for the processing and for the approval or denial of use permits and variances that upon adoption shall be applicable to all local community councils.

(b) Appeal. The decisions of local community councils on use permits and variances, shall be appealable as provided in Section 911.

(c) General Plan Consistency. Use permits and variances shall be consistent with the general plan.

Section 911. Appeals of Land Use Decisions.

(a) Policy Planning Commission as Appeals Body. Decisions of local community councils as provided in this Article shall be appealable to the policy planning commission.

(b) Procedures. The policy planning commission shall review all matters appealed to it according to the procedures established by this Charter and by ordinance of the council of supervisors.

(c) Action on Appeal.

- (1) After conducting a hearing on an appeal, the policy planning commission, by majority vote of all commissioners present and voting on the appeal, may uphold, modify and uphold or reverse the action of the local community council.
- (2) The decision of the policy planning commission on an appeal shall be in writing, setting forth the reasons for its action. The decision of the policy planning commission shall be reported to the local community council, the applicant and any appellants. The decision of the policy planning commission shall be final, except as otherwise provided in this Article.
- (3) Tentative map and parcel map decisions shall be appealable to the policy planning commission or to the council of supervisors, or both, in the manner provided by state law.

Section 912. Creation and Duties of Policy Planning Commission.

(a) A policy planning commission shall be established by the council of supervisors. The commission shall be comprised of eleven (11) local community council members and three (3) alternates who shall also be local community council members. Each member of the council of supervisors shall nominate one policy planning commission members from any of the local community councils within his or her supervisorial district. The three (3) alternates shall be nominated by resolution of the council of supervisors as a whole. The council of supervisors shall then ratify the eleven (11) selected members and the

three (3) alternates from the nominees submitted by the individual members and the council of supervisors as a whole, respectively. A veto by the mayor of any appointment to the policy planning commission may be overridden by a seven (7) vote majority of the council of supervisors.

(b) Each member and alternate appointed to the commission shall serve a four (4) year term, except that the terms of six (6) of the initial members and two (2) alternates shall be two years. Thereafter, all members and alternates shall serve four (4) year terms.

(c) If a member or alternate resigns or otherwise vacates his or her office as a member of a local community council, the member or alternate shall also automatically vacate his or her position as a member of the policy planning commission. The member appointed to fill the vacancy shall serve for the unexpired term of the former incumbent.

(d) No representative from a local community council shall sit in review of a decision appealed from his or her particular local community council. The alternates shall vote only upon one of the following conditions: (1) Absence of one or more members; (2) Disqualification of one or more members either because the appeal is from a decision from the member or members' local community council or because of an expressed conflict of interest.

(e) The policy planning commission shall be the planning commission for the city-county. It shall hear appeals from decisions of the local community councils as provided in this Charter. In addition, the commission shall consider, review and make recommendations to the council of supervisors on adoption and amendment of the general plan, implementation of the general plan, adoption and amendment of the capital improvement program, and on such other planning matters as the council of supervisors may determine. The policy planning commission shall also perform such other functions as determined by the council of supervisors.

ARTICLE 10
URBAN AND GENERAL SERVICES AREAS

Section 1001. Services Areas.

(a) Within its geographic limits, the city-county government shall comprise initially two service and taxing areas (herein called "services areas"), wherein taxes and municipal service charges shall be assessed, levied and collected by the city-county government in accordance with the kind, character, type, degree and level of services provided within these services areas, and, subject to the limitations contained in the state Constitution, the rate and manner of taxation and of municipal service charges may vary in one area from that in the other area.

(b) The council of supervisors shall divide the territory of the city-county into two services areas. One services area shall be known as the urban services area and shall consist of the total geographical area of the former City of Sacramento. The other services area shall be known as the general services area and shall consist of the total geographical area of the city-county not included in the urban services area. The boundaries of services areas may be changed from time to time consistent with this Article. Any territory to be annexed to an existing services area need not be contiguous to that existing area. Only areas that are urbanized, or identified for urban uses in the general plan, and in need of extended services offered solely in the urban services area may be annexed by the urban services area. Upon annexation, the annexed territory shall receive only those extended services offered in the urban services area.

(c) Subject to the limitations contained in the state Constitution, it is intended by this Article that taxation and municipal service charges of the city-county government within the general services area shall be determined, levied and assessed on the basis of those governmental duties, functions, services, and obligations, including the creation of indebtedness, which are generally available and accessible to all residents, or are the responsibility of all residents, throughout the total geographical area of the city-county; and, that taxation and municipal service charges of the city-county government within the urban services area shall be determined, levied and assessed on the basis of those higher or more comprehensive governmental duties, functions, services, and obligations, including

the creation of indebtedness, which benefit primarily the residents and territory of the urban services area.

(d) In the initial establishment of the urban services area, the service levels of the former city of Sacramento shall be maintained at levels similar to the service levels provided in the City of Sacramento prior to the adoption of this Charter and commensurate with the taxes, including the utility users tax, paid by residents of the former City of Sacramento. The service levels and taxes paid in the two services areas shall not be changed by the transition board established under Article 20. Thereafter, the service levels and the taxes and charges may be changed as provided in this Article.

Section 1002. Implementation.

In order to fully implement the provisions of this Article consistent with legal requirements, and to obtain the intended results, the council of supervisors may exercise any power or procedure available under the Constitution and general laws of the State of California, including the power to create sub-governments of the city-county.

Section 1003. Review of Services Areas.

Prior to January 1, 1995, the council of supervisors shall investigate and review the services provided within the urban services area and the general services area and the costs of such services. This investigation and review shall include a determination of those services that are or should be provided on a city-county wide basis and those services that are of primary benefit only to residents and territory within the urban services area. After completion of the investigation and review but in no event later than January 1, 1995, the council of supervisors shall take such action to amend, modify or confirm the services provided and the charges and taxes levied within the urban services area and the general services area, and/or to modify the boundaries of the urban services area to meet the standard set forth in Section 1001(c). In investigating and modifying or confirming these areas as set forth above, the council of supervisors shall take into consideration services provided to specific areas of the city-county by special districts.

ARTICLE 11
BOARDS, COMMISSIONS AND AGENCIES

Section 1101. Boards and Commissions - Continuation.

All boards and commissions other than governing bodies of the consolidated governments on the effective date of this Charter shall continue in existence with the same jurisdiction and powers until re-established, suspended, modified or abolished by the council of supervisors.

Section 1102. Boards and Commissions - Creation and Appointments.

The council of supervisors shall provide by ordinance for such boards and commissions as may be required by law or deemed desirable, shall prescribe their functions, and may prescribe qualifications and conditions of service on such boards and commissions, including compensation and reimbursement for expenses, and terms of office. Except as otherwise expressly provided in this Charter, the mayor shall appoint all members of boards and commissions with the approval of the council of supervisors; provided that advisory boards and advisory commissions to the council of supervisors shall be appointed and function as prescribed by the council. After appointment and approval by the council of supervisors, all members of boards and commissions, except those appointed solely by the council of supervisors, shall serve at the pleasure of the mayor.

Section 1103. Functions of Boards and Commissions.

Except as otherwise provided in this Charter, the authority and functions of boards and commissions shall be specified by ordinance, consistent with applicable federal and state law.

Section 1104. Meetings.

The council of supervisors by ordinance shall prescribe an open public meeting requirements comparable to those contained in Section 411 of Article 4 for all boards and commissions of the city-county, and shall include therein provisions

to afford the public a reasonable opportunity to appear on matters considered by boards and commissions.

Section 1105. Agencies.

The existence, status, jurisdiction, rights, powers and obligations of redevelopment agencies, housing authorities, parking authorities, dependent special districts and joint powers authorities in existence and functioning on the effective date of this Charter shall not be affected by the adoption of this Charter, except that after the effective date of this Charter the mayor and council of supervisors shall succeed to the rights, powers and functions of the mayor and legislative body of the former City of Sacramento and the presiding officer of the board and board of supervisors of the former County of Sacramento with respect to those agencies. Thereafter, the council of supervisors by ordinance or resolution may terminate the existence or change the status, jurisdiction, rights, powers or obligations of any such agency or authority, and may merge or consolidate any such agency or authority with any other, in any manner consistent with the Charter, or applicable state law and any outstanding obligations of that agency or authority.

As used in this Section a "dependent special district" is a special district whose governing body, prior to the adoption of this Charter, was the board of supervisors of Sacramento County or the city council of the City of Sacramento.

ARTICLE 12
FINANCIAL PROVISIONS

Section 1201. Fiscal Year.

Unless otherwise provided by ordinance, the fiscal year of the city-county shall commence on the first day of July and end on the last day of June next following.

Section 1202. Levy of Property Tax.

No later than the date set by state law for such purpose, and subject to the limitations contained in the Constitution, the council of supervisors shall fix the rate or rates of property tax to be levied and levy the tax upon all taxable property in the city-county. Subject to the limitations contained in the Constitution, these rate or rates shall be adequate to meet all obligations of the city-county for the fiscal year, taking into account estimated revenues from all other sources. Subject to the limitations contained in the Constitution, the property tax rate or rates may vary from area to area within the city-county in accordance with the services districts established in Article 10. Should the council of supervisors fail to fix the rate or rates and levy taxes within the time prescribed, the rate or rates for the last preceding fiscal year, as those rate or rates were applied to various areas, shall be automatically effective, and a tax at such rate or rates shall be levied upon all taxable property in the city-county in the same manner for the current fiscal year.

Section 1203. Taxes.

The city-county shall have the power of a charter city to levy taxes. The council of supervisors shall have sole authority to levy taxes within the city-county. Without limiting the foregoing, the city-county may levy a utility users tax, business license tax or any other legal tax to support municipal services within the city-county. The city-county may levy taxes in portions, areas, or urban service districts within the city-county.

Section 1204. Creation and Appropriation of Revenues and Other Financial Resources.

Creation and appropriation of city-county revenues and other financial resources shall fall within the sole authority of the council of supervisors unless otherwise provided in this Charter. The council of supervisors may incur bonded indebtedness for any lawful purpose under such terms and conditions as the council of supervisors may determine.

Section 1205. Budgetary Procedures.

Except as otherwise expressly or impliedly provided in this Charter, and except with respect to time provisions, the budgetary, financial and accounting procedures and practices of the city-county shall be generally as prescribed by state law applicable to counties; provided, however, that nothing in this Section shall be construed to bar or limit the city-county from exercising the powers of a charter city with respect to revenue sources. Consistent with this Charter, the council of supervisors, by ordinance or resolution, shall establish budgetary and financial policies for the city-county government and for all sub-governments.

The chief administrative officer shall establish a uniform system of accounting and reporting which shall require all officers, boards, and city-county institutions to report all necessary information concerning activities, personnel, funds, receipts, and expenditures. The chief administrative officer may, at any time, cause to be made an audit of the accounts of any city-county officer.

The chief administrative officer shall establish budgetary procedures and prepare the estimates of the general revenues of the city-county. At such time as the chief administrative officer may direct, each city-county officer required by law to file budget estimates for the next ensuing fiscal year shall submit to the chief administrative officer, on such form and in such manner as the chief administrative officer may prescribe, full and complete information concerning the estimates. It shall be the duty of the chief administrative officer to consult with and advise such officers concerning their proposed estimates in order to make proper recommendation to the mayor and the council of supervisors.

Appropriations from contingencies or from anticipated increases in available financing shall be by eight (8) votes of the members of the council of supervisors.

Section 1206. Assumption of Obligations.

(a) General obligation indebtedness of all consolidated governments as of the effective date of this Charter shall be assumed as general obligations by the city-county government; provided that such general obligation indebtedness shall remain and be payable only from the area that was subject to such indebtedness prior to the adoption of this Charter. General obligation indebtedness incurred by any consolidated government following the date of adoption of this Charter and prior to its effective date shall also remain payable from the area subject to such indebtedness. As used in this Section, "general obligation" means a liability or indebtedness of the kind which, if incurred by a city or county, would be subject to the provisions of Section 18 of Article XVI of the Constitution of the State of California, or a liability or indebtedness payable from taxes or general revenues of a consolidated government to be received in a fiscal year other than the fiscal year in which such liability or indebtedness was incurred.

(b) Continuing costs and obligations of all consolidated governments for retirement systems and pensions plans in existence on the effective date of this Charter shall be assumed by the city-county government.

(c) Lease payments, including those associated with certificates of participation, and operating costs of all consolidated governments as of the effective date of this Charter for all public buildings and facilities shall be assumed by the city-county government.

(d) Revenue bond or special fund indebtedness, not involving a general obligation, of the consolidated governments as of the effective date of this Charter shall not be assumed as general obligations by the city-county government, but shall continue in effect and be payable according to the terms of such indebtedness. As used in this Section "revenue bond or special fund indebtedness" includes any liability or indebtedness of the kind not subject to the provisions of Section 18 of Article XVI of the Constitution of the State of California and includes,

but is not limited to, obligations of a redevelopment agency, housing authority, parking authority, joint powers authority, special assessment districts, and obligations payable solely from a special source of revenues or a special fund of a consolidated government other than ad valorem property taxes.

(e) Any obligation or indebtedness of the consolidated governments on the effective date of this Charter not specifically mentioned in this Section shall be assumed by the city-county.

(f) Notwithstanding the above subsections, the council of supervisors may finance obligations in such a manner as to allow equity in taxation and municipal service charges consistent with the establishment of urban and general service areas.

Section 1207. Bonds Authorized.

Bonds authorized but not issued by any consolidated government on the effective date of this Charter may be issued by the city-county government according to the terms of the authorization of such bonds.

Section 1208. Revenue Bonds.

The council of supervisors may issue revenue bonds for any lawful purpose in such manner and upon such terms and conditions as the council of supervisors may fix and establish.

Section 1209. Collection of Fees and Public Monies.

Except as otherwise provided by ordinance, all fees and public monies collected by an officer, board or commission, or employee of the city-county shall be paid into the Treasury of the city-county with notice to the auditor in such form as prescribed by the auditor.

Section 1210. Special Assessment and Community Facilities
Districts.

Special assessment districts and community facilities districts whose formation has been completed on the effective date of this Charter shall not be affected by the adoption of this Charter. Special assessment district and community facilities district proceedings commenced but not completed by the City of Sacramento or the County of Sacramento on the effective date of this Charter shall be continued by the governing body of the government that initiated the proceedings. On or after the second day of January, 1993, special assessment district and community facilities district proceedings commenced but not completed by the City of Sacramento or the County of Sacramento shall be continued by the city-county council of supervisors according to the provisions governing such proceedings.

Section 1211. Appropriations Limit.

Pursuant to and for the purposes of Article XIII B of the California Constitution, the voters of the city-county hereby establish an appropriations limit for the new consolidated government of the city-county as follows:

Fiscal year 1990-1991	\$621,668,000.00
-----------------------	------------------

Thereafter, the appropriations limit shall be adjusted as provided by Article XIII B of the California Constitution. If Article XIII B of the California Constitution is repealed, this Section shall be inoperable.

ARTICLE 13
PERSONNEL ADMINISTRATION

Section 1301. Purpose.

There shall be established in the city-county a system of personnel administration that meets the social, economic and program needs of the people of Sacramento. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities. All appointments, promotions, reductions and removals in the government service shall be made without regard to sex, race, religion, national origin, physical or mental disability, sexual orientation, age or political affiliation. Nothing in this Section is intended to require that benefits available to lawful spouses be made available to other persons. The council of supervisors by ordinance shall include such additional non-discrimination provisions as may be necessary from time to time to conform to applicable federal and state law. All appointments and promotions into civil service positions shall be based on merit as determined by competitive examination. The provisions of this Section are not intended to prevent the establishment of special limited programs or affirmative action programs for the employment of economically or socially disadvantaged persons, or physically or mentally disabled persons.

Section 1302. Equal Opportunity.

(a) It shall be a policy of the city-county government to provide equal opportunity in employment for all persons, and to provide a continuing affirmative action program, to include goals and timetables as permitted by law, for equal employment opportunity at each level of government.

(b) The mayor, chief administrative officer, council of supervisors, each elective official and each appointing power shall exercise personal leadership in establishing, maintaining and carrying out a continuing affirmative action program for equal employment opportunity designed to promote equal opportunity

in every respect of personnel policy and practice in the employment, development, advancement and treatment of employees.

(c) There is hereby established the position of affirmative action officer. The affirmative action officer shall be appointed by the Mayor subject to confirmation by a majority vote of the council of supervisors. The affirmative action officer shall be responsible for administering the affirmative action program and assuring that the city-county exercises leadership in establishing, maintaining and carrying out a continuing affirmative action program for equal employment opportunity designed to promote equal opportunity in every respect of personnel policy and practice in the employment, development, advancement and treatment of employees.

(d) The affirmative action officer shall be provided with staff, subject to the budgetary approval of the council of supervisors, as necessary to carry out the responsibilities of the affirmative action officer pursuant to this Section.

(e) It shall be the policy of the city-county government to provide equal opportunity to minority business enterprises and women's business enterprises in the letting of contracts by the city-county and may establish programs to provide preferences to these businesses as provided by law.

Section 1303. Civil Service.

The civil service shall be a permanent career service to which this Charter shall apply and shall comprise all positions in the public service except the following:

- (a) Elective and appointed officers;
- (b) Members of boards and commissions;
- (c) Judges;
- (d) Staff employees of the council of supervisors other than clerical personnel;

- (e) Staff employees of the mayor;
- (f) The chief administrative officer, agency and department heads;
- (g) Chief deputies to each elective and appointed city-county officer other than the mayor and supervisors, and such other managerial assistants as may be authorized by this Charter or by ordinance; provided that the number of managerial assistants exempted by ordinance shall not exceed seven and one-half percent of the total number of permanent positions;
- (h) Persons serving the city-county without compensation;
- (i) Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the mayor, chief administrative officer, council of supervisors, or other elected officers. No person shall be employed in such a capacity more than the equivalent of six months in any twelve calendar months;
- (j) Persons employed for temporary periods of seasonal employment or because of emergency affecting public health, safety, or welfare. No person shall be employed in such a capacity more than the equivalent of six months in any twelve calendar months;
- (k) Public safety auxiliaries as defined by ordinance. No persons shall be employed in such a capacity more than the equivalent of six months in any twelve calendar months, except that periods of employment and the scope of duties of such auxiliaries shall be subject to any applicable collective bargaining agreements.

Section 1304. Administration of Personnel System.

- (a) The chief administrative officer or his designee shall be responsible for the administration of central personnel services and programs.

(b) The chief administration officer or his designee shall classify all civil service positions and shall administer civil service examinations. All administrative acts the chief administrative officer or his designee takes affecting rights under the jurisdiction of the Civil Service Commission shall be subject to appeal and final decision as provided by the commission.

(c) The chief administrative officer or his designee shall propose, and the council of supervisors shall adopt by ordinance, personnel rules consistent with this Charter, including but not limited to rules providing for leaves of absence, layoff, transfer, reinstatement, and reemployment. Such rules shall specify the circumstances in which an employee who has permanent status in a class who accepts other county employment in probationary, provisional or exempt status shall have a right to return to his former class. Such rules which are within the scope of representation shall be subject to collective bargaining.

Section 1305. Promotions.

In the Sheriff's/Police Department and Fire subgovernment, all appointments above the journey level for civil service sworn personnel shall be by promotional examination only. For all other represented civil service promotional classes in any department, promotional only examinations are subject to collective bargaining.

Section 1306. Collective Bargaining.

(a) As used in this Article and elsewhere in this Charter, "collective bargaining" means meeting and conferring in good faith in accordance with applicable state law.

(b) All matters within the scope of representation shall be subject to collective bargaining with recognized employee organizations.

(c) The chief administrative officer or designee shall be responsible for the administration of labor relations services and programs.

(d) Collective Bargaining agreements with recognized employee organizations shall be subject to approval by the council of supervisors and the mayor as specified in Section 503 of this Charter. The mayor, the chief administrative officer, and other management representatives may meet with the council of supervisors in closed session on matters concerning employee-employer relations in conformance with applicable state law. The mayor may coordinate and facilitate negotiations between recognized employee organizations and management representatives in the negotiation of collective bargaining agreements.

(e) In the event a conflict arises between the jurisdiction of the Civil Service Commission and a matter within the scope of representation contained in a collective bargaining agreement approved as stated in subsection (d) above, the collective bargaining agreement shall prevail. Any such agreement must be consistent with the merit principles established in Section 1301 of this Charter.

Section 1307. Civil Service Commission.

(a) There shall be a civil service commission consisting of five members to be appointed by the mayor with the consent of the council of supervisors. No member of the commission, during membership or for a period of one year after he or she has ceased to be a member shall hold any salaried city-county office or employment. Except for the first appointments, the members of the commission shall serve staggered terms of five years. The term of one commissioner shall expire the first day of each July. The phase-in of initial appointments and qualifications of commissioners shall be provided by ordinance.

(b) Each commissioner shall receive compensation as fixed by ordinance of the council of supervisors. Any vacancy in the office of Commissioner shall be filled for the unexpired term.

(c) The mayor, with approval of the council of supervisors may remove a commissioner during his or her term of office.

(d) The commission may appoint, subject to budgetary approval of the council of supervisors, an executive officer who shall serve as agent of the

commission, and may employ such other employees as necessary to carry out the responsibilities of the commission pursuant to this Section.

(e) The commission shall establish rules consistent with merit principles regarding the selection of employees for, and the classification of, civil service positions. The commission may provide for lateral transfers at the entry level (above the trainee level) from another merit system agency without further examination.

(f) The commission shall adopt rules to carry out the commission's power and duties and governing the commission's proceedings under this Section.

(g) The commission shall make final decisions on appeals from disciplinary actions involving civil service employees with permanent status, provided that appeal procedures mutually agreed upon by the mayor and recognized employee organizations and approved by the council of supervisors shall substitute for appeal procedures established by the commission.

(h) The commission shall make final decisions on appeals involving alleged improper action under, or the denial of any rights provided by, this Section or rules adopted thereunder. The commission's authority pertains only to matters under the jurisdiction of the commission pursuant to this Section.

(i) The commission may conduct such investigations as are necessary for the proper administration of its responsibilities. In conducting such investigations and in hearing disciplinary and other appeals the commission shall have the power to subpoena witnesses, books, records and papers, and to administer oaths.

(j) The commission, subject to the approval of the council of supervisors, may employ or contract for hearing officers to hear appeals of disciplinary actions and other matters and prepare recommendations for the commission.

(k) Persons released during the probationary period may appeal such release to the civil service commission only upon grounds of discrimination based on sex, race, religion, national origin, political affiliation, age, sexual orientation, or mental or physical disability.

Section 1308. Local Community Council Staff.

Local community council staff shall be city-county employees selected by the local community councils from lists of qualified personnel established by the city-county government. Those persons employed as city-county employees shall remain city-county employees while employed by local community councils and shall be subject to supervision, discipline and removal in the same manner as other city-county employees. In addition, the local community council shall supervise the day to day duties of its staff and may request that staff be transferred or removed from assignment to the local community council. The city-county government shall transfer or reassign any employee upon the request of a local community council.

Section 1309. Retirement Systems.

(a) Retirement systems and pension plans existing under any consolidated government on the effective date of this Charter shall continue without modification as to all persons retired or active members of such systems and plans as of the effective date of this Charter.

(b) The council of supervisors by ordinance shall provide for a retirement system for all persons employed by the city-county after the effective date of this Charter or shall, in the alternative, specify their membership in one of the retirement systems continued under subsection (a) of this Section. No new retirement system shall go into effect without the approval of the council of supervisors.

(c) Nothing in this Section shall prevent the council of supervisors from modifying a retirement system continued or established under this Section in accordance with law and pursuant to the provisions under which such system was originally established, or from establishing a new retirement

system from time to time subject to approval of a majority of the members of the council of supervisors. The modification of any existing retirement system or adoption of a new system shall be subject to collective bargaining.

(d) No funds or property created by and for the benefit of members of a retirement system or pension plan of a consolidated government may be used or invested in such a manner as to create a conflict of interest between the city-county and the retirement system.

ARTICLE 14
ELECTIONS

Section 1401. Election Code.

The initial elections for mayor, supervisors, fire directors and all county-wide elective offices conducted under this Charter shall be governed by the provisions in Section 1403 and general state law applicable to cities. Not later than 180 days prior to the first day for filing nomination papers for subsequent elections under this Charter, the council of supervisors shall adopt an Election Code Ordinance, providing an adequate and complete procedure to govern city-county and local community council elections, including the nomination of candidates for all elective offices. All subsequent elections provided for by this Charter, whether for choice of officers or submission of questions to the voters, shall thereafter be conducted in the manner prescribed by the Election Code Ordinance.

Section 1402. Nominations.

Nominations of candidates for all elective offices shall be made in the manner prescribed by this Charter and the Election Code Ordinance.

Section 1403. Initial Elections.

(a) The initial primary election for mayor, supervisors, fire directors and other county-wide elected officials whose terms expire during the year in which the initial election is held under this Charter shall be held at the spring 1992 state primary election after adoption of this Charter. The initial general election of mayor, supervisors and county-wide elective offices, if necessary, shall be held at the November 1992 election after adoption of this Charter. These initial elections shall be conducted and candidates nominated and qualified in the manner provided in this Article.

(b) The initial primary election of the members of each local community council shall be held in spring 1992. The initial general election of the members of each local community council, if necessary, shall be held at the November 1992 election after adoption of this Charter. The transition board shall

establish the procedures for the nomination and election of members of the local community councils. The transition board shall also adopt regulations on campaign contributions and expenditure limits and reporting requirements applicable to the initial election. On the ballot in each district in each community, the voters in the district shall vote for one (1) member of the local community council. The election shall be called, held and conducted and the returns shall be canvassed and the result declared in substantially the same manner as other elections held in the County of Sacramento, except as modified procedurally by ordinance. Notwithstanding any other provisions in this Charter to the contrary, in the event that at the primary election any candidate for nomination to the office of local community council member shall receive a majority of the votes cast for all the candidates for nomination for that office at the primary election, the candidate so receiving this majority of all votes shall be elected to that office. At the general election, the voters of each local community council district in which a primary election was held shall select between the two candidates who received the highest number of votes at the primary elections one who shall succeed to the office of member of the local community council.

(c) The transition board and the county election officials shall call and conduct the initial elections, shall provide for the nomination and qualification of candidates for election, shall canvass the results of the elections and declare the persons elected, and shall do all other acts necessary to provide for the initial elections and qualification of the mayor and supervisors in accordance with the provisions of this Charter. The transition board shall also adopt regulations on campaign contributions and expenditure limitations and reporting requirements applicable to the initial election.

Section 1404. Elections.

(a) The primary city-county election shall be held on the same date as the regular statewide primary election, and the general city-county election shall be held on the same date of the regular statewide general election. If either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other elections which may be held under this Charter shall be special elections.

(b) At the primary election, the qualified voters of each supervisorial district with a supervisor whose term expires at the end of or during the same year as the election, shall select one candidates for supervisor for that district. When the term of the mayor or other county-wide elective office expires at the end of or during the same year as the election, the qualified voters in the entire city-county shall also select one candidate for mayor and for each other county-wide elective office. Notwithstanding any other provision in this Charter to the contrary, in the event that at the primary election any candidate for nomination to the office of supervisor or any county-wide elective office shall receive a majority of the votes cast for all the candidates for nomination for that office at the primary election, the candidate so receiving this majority of all votes shall be elected to that office.

(c) At the general election, the voters of each supervisorial district in which a primary election was held shall select between the two candidates who received the highest number of votes at the primary election one candidate who shall succeed to the office of supervisor for that district. For county-wide elective offices, the voters of the entire city-county shall select between the two candidates who received the highest number of votes at the primary election for each county-wide office one candidate who shall succeed to each of the county-wide offices on the ballot.

(d) For elections after the initial election at which the local community councils are elected, the council of supervisors shall provide for primary and general elections. At the next city-county election after the initial election, the seats of those two members of each local community council who received the lowest number of votes in their respective districts at the initial general election or, if no general election was required in a district, at the primary election, shall stand for election to full four-year terms. Two years after that first subsequent election, the seats of the remaining three members of each local community shall stand for election. In each city-county general election year thereafter, either two or three members of each local community council shall be elected for four-year terms.

(e) Electors or voters of the city-county residing in cities not consolidated by this Charter are electors and voters of the city-county and their supervisorial districts for purposes of all city-county elections, including election for the offices of mayor and supervisor, other county-wide elective office and city-

county ballot measures. This provision is a clarification of this Charter and not an exception to or qualification of other provisions.

(f) For the purpose of filling by special election midterm vacancies on the council of supervisors, on the local community councils, on the fire board and for any county-wide elective office, the provisions for primary and general elections set forth in this Section for each body or office shall apply, except for the provisions requiring the timing of the election to coincide with statewide primary and general elections. A special primary election shall be followed by a special general election, in lieu of a regular primary election and a regular general election.

Section 1405. Elector.

The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California.

Section 1406. Appointment to Office

If the number of qualified candidates for any office is equal to or fewer than the number of open seats for such office or offices, the qualified candidate or candidates shall be appointed to the office or offices by the council of supervisors. This Section shall apply to candidates for all elected offices.

Section 1407. Taking Office.

All elected officials shall take office on the second (2nd) day of January following the election.

Section 1408. Application of General Law.

Unless otherwise provided for by ordinances subsequently enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may be subsequently amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

ARTICLE 15
INITIATIVE, REFERENDUM, RECALL

Section 1501. Initiative.

All provisions of state law applicable to cities relative to the initiative may be invoked by the electors of the city-county, whenever the use of the initiative is permitted by state law applicable to cities. The provisions of the Elections Code of the State of California applicable to city initiatives shall apply to initiatives in the city-county. The local communities shall not have the power of initiative at the local community level.

Section 1502. Referendum.

All ordinances which may be passed by the council of supervisors shall be subject to referendum, whenever the use of referendum is permitted by state law applicable to cities. The provisions of the Elections Code of the State of California applicable to city referenda shall apply to referenda in the city-county. Motions and resolutions of the local community councils shall not be subject to referendum.

Section 1503. Recall.

The holder of any elective office may be recalled in the manner provided by state law applicable to cities by the electors after such person has held office six months.

Section 1504. Elections Code.

The council of supervisors may include procedural provisions in the Elections Code Ordinance consistent with this Article.

ARTICLE 16
CITIES OF FOLSOM, GALT, ISLETON

Section 1601. Continuation.

(a) If the electorate of the City of Folsom has voted (at the election at which this Charter was adopted) against the consolidation and merger of that city with a city-county by a majority voting in favor of the ballot proposition to retain its local governmental structure, the City of Folsom shall continue in existence as a municipal corporation having general law status, rights and powers, and the status or relationship of that city to the city-county shall be the same as that of a city to another city and also to the county in which it is located.

(b) If the electorate of the City of Galt has voted (at the election at which this Charter was adopted) against the consolidation and merger of that city with the city-county by a majority voting in favor of the ballot proposition to retain its local governmental structure, the City of Galt shall continue in existence as a municipal corporation having general law status, rights and powers, and the status or relationship of that city to the city-county shall be the same as that of a city to another city and also to the county in which it is located.

(c) If the electorate of the City of Isleton has voted (at the election at which this Charter was adopted) against the consolidation and merger of the city with the city-county by a majority voting in favor of the ballot proposition to retain its local governmental structure, the City of Isleton shall continue in existence as a municipal corporation having general law status, rights and powers, and the status or relationship of that city to the city-county shall be the same as that of a city to another city and also to the county in which it is located.

Section 1602. Consolidation and Merger.

No city continued in existence under this Article shall be consolidated and merged with the city-county without approval of a majority of its electors voting in an election called for that purpose. Such election may be called by the city council of the city in which the election will be held or through the initiative petition process. In the event that following the adoption of this Charter, a majority of the electors of

any such city voting in an election called for that purpose approves consolidation and merger with the city-county, the council of supervisors by ordinance may prescribe the terms and conditions of the consolidation and merger of any such city and by ordinance may establish any such city as a local community as provided in Article 8.

Section 1603. Changes in Boundaries.

Boundaries of cities continued under Section 1601 shall be subject to change in the manner provided by general state law for general law cities.

ARTICLE 17
SPECIAL DISTRICTS

Section 1701. Special Districts Continued.

Except as otherwise provided in this Charter, all special districts operating within the County of Sacramento or exercising all or any part of its jurisdiction or powers within the County of Sacramento shall remain in existence and shall not be affected by the adoption of this Charter.

Section 1702. Request to Join Consolidated Government.

(a) Any special district may request to join the consolidated city-county government prior to the Charter being placed before the electors of the city-county, as provided herein.

(b) Upon approval of the Charter by the Charter commission and prior to the filing of the Charter in the office of the clerk of the City of Sacramento and in the office of the Sacramento County clerk, the commission shall give each special district written notice of its ability to join the consolidated government. Such notice shall be sent by registered mail addressed to the clerk or secretary, as the case may be, of the special district. Any special district desiring to join the consolidated government shall so request by resolution approved by a majority vote of its governing board. Such request shall be filed with the clerk of the legislative board of the County of Sacramento within thirty (30) days of mailing of the written notice. Any such request shall be without conditions. If such request is not received within the thirty (30) day period referenced above, it shall be deemed that the special district does not request to join the consolidated government.

Section 1703. Requesting Special Districts Dissolved.

Upon adoption of the Charter, every special district which requested to join the consolidated government pursuant to Section 1702, shall be dissolved and merged into the city-county government. The city-county shall assume the functions of any and all special districts so dissolved and merged with the city-county government. The provisions of Government Code sections 51942, 51943,

51944 and 51945 shall be applicable to every such special district. A list of those special districts which are dissolved pursuant to this Section shall be maintained in the office of the clerk of the board of supervisors and thereafter in the office of the clerk of the council of supervisors.

Section 1704. Special Districts - Consolidation and Merger with City-County.

(a) Special districts that did not request to join the consolidated city-county government and which, therefore, continue in existence after the effective date of this Charter, may be consolidated and merged with the city-county government as follows:

- (1) By a request adopted by the governing board of the special district and approval of the request by a majority vote of the council of supervisors.
- (2) By a petition signed by not less than ten percent (10%) of the registered voters of the special district and approval of the petition by the council of supervisors. Such petition shall, after approval by the council of supervisors, be approved by a majority vote of the electors of the district voting on the issue.
- (3) By resolution adopted by a majority of the council of supervisors. Such resolution of the council of supervisors, when not preceded by a request from the governing board of the affected special district, shall be approved by a majority vote of the electors of the affected district voting on the issue.
- (4) By any procedure established by state law to the extent such procedure is not inconsistent with this Section.

(b) The council of supervisors may adopt procedures to implement this Section.

Section 1705. Annexations and Detachments to Special Districts.

Until merged and consolidated with the city-county pursuant to Section 1704, special districts may continue to annex territory, detach territory, and reorganize and consolidate with other special districts with similar powers and duties as provided in state law.

ARTICLE 18
FIRE PROTECTION

Section 1801. Creation of Fire Subgovernment.

Upon adoption of this Charter, all fire districts and other districts offering fire protection service (hereinafter "fire districts") previously operating within the County of Sacramento and the former Sacramento City Fire Department shall be dissolved and reorganized into a single subgovernment of the city-county (hereinafter "fire subgovernment").

Section 1802. Governing Board Powers; Fire Districts.

(a) The fire subgovernment shall be governed by the applicable provisions of this Charter, as specified below, and the rules and procedures of state law governing fire protection districts established pursuant to the Fire Protection District Act of 1987 and applicable amendments of that act, including all responsibilities, obligations, and liabilities of fire protection districts, except those specifically exempted in this Charter.

(b) The legislative body of the fire subgovernment shall be a Board of Directors composed of eleven members (hereinafter "fire directors") residing in and elected from eleven districts (hereinafter "electoral districts") whose boundaries shall coincide with the eleven supervisorial districts, as they may change from time to time pursuant to Article 4. Each fire director shall be nominated and elected by the electors of the electoral district in which that fire director resides as provided in this Article and consistent with Article 14. The office of each fire director shall bear the number accorded the electoral district of that fire director.

(c) The fire board shall set policy for the fire subgovernment and shall ensure the provision of those services that the fire board determines to provide. The fire subgovernment shall provide fire suppression and prevention services and other related services as the fire board may see fit.

(d) The fire board shall also approve and be responsible for the expenditures of any and all funds spent by the fire subgovernment.

(e) The fire board shall have, in addition to the powers set forth in this Section, the powers of the fire commission set forth in Section 1808(b) for the period between January 2, 1993 and June 30, 1993.

Section 1803. Terms.

Each fire director shall serve on the fire board for a term of four years commencing on the second day of January following election until a successor is qualified except that, of the initial fire directors elected, the fire directors elected from odd numbered electoral districts shall serve initially four year terms and the fire directors from even numbered electoral districts shall serve two year terms. Thereafter, all fire directors shall serve four year terms.

Section 1804. Vacancies.

Vacancies of fire directors shall be filled by special election, unless the vacancy occurs within two years of the next election at which the office would be normally filled, in which case the vacancy shall be filled by appointment by a majority of the remaining fire directors within 60 days of the vacancy.

Section 1805. Initial Election of Governing Board.

The initial primary election for the fire board shall take place in the spring of 1992 pursuant to the procedures set forth in Article 14 of this Charter. The initial general election for the fire board shall take place in November of 1992 pursuant to the procedures set forth in Article 14 of this Charter. Fire directors shall take office on January 2, 1993.

Section 1806. Fire Chief.

The fire directors shall select by majority vote a fire chief. The fire chief shall be responsible for the day-to-day operation of the fire subgovernment and shall report to the fire board. The fire chief shall be qualified in all aspects of the services to be provided by the fire subgovernment, and shall be selected solely on his or her qualifications in this area.

The fire chief shall serve at the pleasure of a majority of the fire board.

Section 1807. Personnel.

Personnel of the fire subgovernment shall be employees of the city-county and the personnel provisions of Articles 2, 13 and 19 of this Charter shall be applicable to fire subgovernment excepting Sections 1306(c) and 1306(d) of this Charter. Collective bargaining agreements with recognized employee organizations shall be subject to approval of the fire board. In the event of impasse in collective bargaining, the procedures outlined in the city-county employee-employer relations ordinance shall apply.

Section 1808. Transition; Fire Commission.

(a) Continuation of districts. The elected and appointed members of governing bodies of the fire districts shall continue in office until the first day of July, 1993. No election to fill such offices of the fire districts shall be held after adoption of this Charter, and persons holding such offices shall, notwithstanding any other provisions of law, continue to hold such offices until the fire directors take office. Any vacancy occurring in fire district offices shall be filled by appointment of the remaining members of that fire district board and, if the fire district board fails to fill such vacancy, by the transition board of the city-county. The administrative organization and personnel of the fire districts shall continue beyond the effective date of this Charter in the same manner as prior to adoption of this Charter in order to continue uninterrupted day-to-day operations of the facilities and services of the fire districts. In order to provide interim budgetary, fiscal, purchasing and contracting procedures, former district by-laws, state law, and procedures effective on the effective date of this Charter shall apply, except as modified by the fire commission to better achieve administrative consolidation or until superseded by new ordinances adopted by the fire board.

(b) Fire commission. A fire commission shall be created to oversee the orderly transition and reorganization of the fire districts and the former City of Sacramento Fire Department into the fire subgovernment. The fire commission shall establish procedures for, and implement administrative

consolidation of, the various fire districts and the former City of Sacramento Fire Department prior to January 2, 1993. The powers and duties of the fire commission shall include, but shall not be limited to:

- (1) Instituting procedures for, and the establishment of, a consolidated budget;
- (2) Establishment of early retirement plans for selected management positions as recommended by the interim chief executive officer;
- (3) Veto authority over any fire personnel decision made by any fire district or fire department legislative body, or any long term debt decision related to fire services made by any fire district or fire department legislative body;
- (4) Making provisions for the continuation and active participation of volunteer personnel;
- (5) Approval of collective bargaining agreements between fire subgovernment employees and management.
- (6) Selection of an interim chief executive officer.
- (7) Any other action, consistent with this Charter, as may be necessary to implement a smooth, functioning transition;

(c) Composition of fire commission. The fire commission shall be composed of the following members:

- (1) Three members chosen by the Mayor from the City Council of Sacramento;

- (2) Two members chosen from the governing board of the American River Fire District;
- (3) Two members chosen from the governing board of the Sacramento County Fire Protection District;
- (4) Two members from the remainder of the fire district boards chosen by a majority of all these directors.

(d) Adequate funding for the work of the fire commission shall be supplied by the city-county government. The monies used by the fire commission shall be reimbursed to the city-county upon completion of the reorganization during the first consolidated budget year.

(e) The fire commission shall be subject to the open public meeting requirements as specified in Section 1104 of this Charter.

(f) Within one month of the adoption of this Charter, the fire commission shall form and assume its responsibilities.

Section 1809. Interim Chief Executive Officer.

The fire commission shall select an interim chief executive officer to aid in the administration of the fire district reorganization. The interim chief executive officer shall be knowledgeable in all aspects of fire protection and related services and shall have demonstrated experience in fire administration. In the selection of the chief executive officer, the fire commission shall select, by majority vote, an executive consulting firm who shall screen the best qualified applicants based upon specific qualifications determined by the fire commission. The fire commission shall then select from such applicants, by majority vote, the interim chief executive officer. The interim chief executive officer shall be hired by March 1, 1991. The interim chief executive officer shall be responsible for overseeing and making recommendations to the fire commission on every aspect of the fire district reorganization.

Section 1810. Succession.

The fire subgovernment shall be vested with and shall hold, own, and control all rights and property of every kind and nature owned and controlled by the former special fire districts and Sacramento City Fire Department on the effective date of this Charter. The fire subgovernment shall be subject to all debts, obligations, contracts and liabilities of the former fire protection districts and the former Sacramento City Fire Department on the effective date of this Charter.

Section 1811. Relationship to City-County Government.

The fire subgovernment may contract with the city-county to provide any or all services provided by the city-county to aid in the efficiency of the fire operation and the provision of other services and to reduce overhead costs.

Section 1812. Financing.

All property tax revenues received by the former fire districts shall accrue to the fire subgovernment in the same form and manner as prior to the reorganization.

The city-county shall contribute an amount of funding to the subgovernment comparable to that supplied to the former City of Sacramento Fire Department, including support services. This amount, including allowances for growth in future years, shall be negotiated with the fire commission. This funding will continue until amended and approved by both the fire board and the council of supervisors.

By agreement of both the fire board and the council of supervisors, the monies and formulas used to fund the fire subgovernment may be modified after negotiation and approval of both the fire board and council of supervisors. Unless agreement is made by both bodies, the formulas and monies previously in place shall remain in effect.

All revenue accrued to the subgovernment shall be under the sole authority of the fire directors. The council of supervisors shall have no authority to spend revenues of the subgovernment.

Section 1813. Appropriations Limit.

Pursuant to and for the purposes of Article XIII B of the California Constitution, the voters of the city-county hereby establish an appropriations limit for the new consolidated fire subgovernment of the city-county as follows:

Fiscal Year 1990-91	\$167,103,667.00
---------------------	------------------

Thereafter, the appropriations limit shall be adjusted as provided by Article XIII B of the California Constitution. If Article XIII B of the California Constitution is repealed, this Section shall be inoperable.

Section 1814. Future Reorganization.

If a majority of the members of each of the legislative bodies of the fire subgovernment and the city-county respectively adopt substantially similar resolutions approving the dissolution of the fire subgovernment and reorganization of the fire subgovernment into a city-county department, the reorganization shall be deemed approved.

ARTICLE 19
MISCELLANEOUS PROVISIONS

Section 1901. Franchises.

(a) The council of supervisors shall have the authority to grant or issue franchises, licenses and permits for the transaction of business or the providing of services, or for the use of public streets or other public places. The council shall provide by ordinance uniform procedures for the granting or issuing of franchises, licenses and permits, the taxes, charges, fees or other compensation to be paid for them and the penalties for their violation.

(b) No franchise grant shall be construed to impair or affect the right of the city-county, acting pursuant to law, to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Section 1902. Financial Disclosure and Campaign
Contribution Reporting.

The council of supervisors shall provide in the Election Code Ordinance requirements for financial disclosure and campaign contribution reporting for all elected officials and candidates for elective office of the city-county, including candidates and elected members of local community councils and governing bodies of other sub-governments. The financial disclosure provisions applicable to elected officials shall also be applicable to members of boards and commissions, and to such other officers and employees as shall be designated by ordinance.

Section 1903. Regulation of Lobbying Activities.

The council of supervisors by ordinance shall regulate lobbying activities, as shall be defined by the council, before the mayor, council of supervisors, and agencies, boards and commissions, and sub-governments of the city-county government. Former elected officials shall not engage in such lobbying activities within one year after leaving office.

Section 1904. Conflicts of Interests.

The council of supervisors by ordinance shall adopt regulations governing conflicts of interest applicable to city-county officers and employees, members of boards and commissions, and elected officials and candidates for elective office of the city-county including candidates and elected members of local community councils and elected and appointed candidates and members of governing bodies of other sub-governments.

Section 1905. Regulation and Limitations on Campaign Contributions and Expenditures.

The council of supervisors by ordinance shall adopt regulations governing campaign contributions to and campaign expenditures by all city-county elective officials and candidates for elective office of the city-county, including candidates and elective members of local community councils and governing bodies of other sub-governments and public financing of campaigns. This ordinance and regulations shall include limitations on the amounts of campaign contributions to such elective officials and candidates, limitations on the campaign expenditures by such elective officials and candidates, rules and regulations for the public financing of campaigns and reporting requirements disclosing campaign contributions and expenditures.

Section 1906. Ordinances to Carry Into Effect Charter Provisions.

It shall be a duty of the council of supervisors to pass and adopt such ordinances as may be necessary or proper in order to fully carry into effect each and every provision of this Charter.

Section 1907. Water Supply and Meters.

(a) The supply of water for the city-county for municipal and domestic purposes, to the extent it is in public ownership of the consolidated governments on the effective date of this Charter and to the extent that it shall thereafter be in the public ownership of the city-county, including future acquisitions and expansions thereof, shall always be owned and administered by the

city-county government. Place of use designation which refers to the City of Sacramento shall refer to the city-county, other than any cities within the County of Sacramento which retain their local governmental structures. Priority with respect to the service of water derived from the former City of Sacramento's water rights shall be applied first to the urban service area prior to the time that such rights are utilized in the general service area. The consolidated government will take appropriate action to conform place of use designations in applicable water rights permits in accordance with this definition.

(b) With respect to all of the area within the former City of Sacramento as of the date this Charter is adopted, no water meters shall ever be attached to residential water service pipes; provided, however, that the council of supervisors in its discretion may regulate by meter the charges for water supply of all other water users, unless and until amended or repealed by a majority vote of the voters residing within the former City of Sacramento voting on such measure. With respect to the other areas within the city-county, to the extent that water supply and service is in the public ownership of the consolidated governments on the effective date of this Charter and to the extent that water supply and service shall thereafter be in the public ownership of the city-county, including future acquisitions and expansions thereof, the council of supervisors by ordinance may regulate by meter or otherwise the charges for water supply for all water users.

Section 1908. School Districts Not Affected By This Charter.

The organization, government, administration and jurisdiction of school districts and the public school system within the city-county shall not be affected by adoption of this Charter.

Section 1909. Severability.

If any provision of this Charter, or its application to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provisions to other persons or circumstances, shall not be affected.

ARTICLE 20
TRANSITION

Section 2001. Effective Date of Charter.

(a) This charter shall take effect immediately upon its filing with the Secretary of State. During the transition period the following acts necessary to effect orderly transition shall occur for:

- (1) the districting of the city-county into supervisor districts under Section 2007;
- (2) the districting of the local communities into council districts under Section 2009;
- (3) the creation of the transition board and its administration of the transition period under Section 2006;
- (4) the exercise of transition duties and functions under Section 2006 and Article 18;
- (5) the qualification, nomination and first election of the mayor and supervisors under Articles 4, 5, and 14 and Section 2008;
- (6) the qualification, nomination and first election of the members of the local community councils under Articles 8 and 14 and Section 2008;
- (7) the qualification, nomination and first election of the fire directors under Articles 14 and 18;
- (8) the continuation of existing governmental organization during the period of transition under Section 2002;

- (9) the succession provisions of Articles 2 and 18;
- (10) the division of the city-county into service areas under Article 10; and
- (11) the implementation of administrative consolidation under Section 2006.

(b) Except as otherwise provided in this Charter all other provisions of this Charter shall become operative on the second day of January, 1993.

Section 2002. Continuation of Government Bodies; Existing Governmental Structure.

(a) The elected and appointed members of governing bodies of all the consolidated governments shall continue in office until the second day of January 1993, and thereafter until the city-county council of supervisors takes office. No election to fill any such office shall be held after the adoption of this charter, and those persons holding any such office shall, notwithstanding any other provisions of law, continue to hold such office until the second day of January, 1993, and thereafter until the city-county council of supervisors takes office. Vacancies occurring in such offices shall be filled by appointment of the remaining members and, if not, by the board of supervisors of the County of Sacramento.

(b) Elected and appointed members of governing bodies of all the consolidated governments shall, while holding their present office or position, be eligible to qualify for and be elected or appointed to elective or appointive positions in the city-county government and the sub-governments of the city-county.

(c) The administrative organization and personnel of the consolidated governments shall continue beyond the effective date of this Charter in order to continue uninterrupted day-to-day operations of facilities and services of the consolidated governments and consolidated services and functions. The continuation of the administrative organization and personnel of the consolidated governments shall be subject to the supervision, direction and control of the

appropriate chief administrative officer acting under the governing bodies of the consolidated governments and ordinances and resolutions adopted by the governing bodies of the consolidated governments and shall continue until January 2, 1993, except as may be earlier terminated or modified pursuant to action of the transition board.

(d) In order to provide interim budgetary, fiscal, purchasing and contracting procedures, former charter, state law, and ordinance provisions governing such procedures and applicable to the consolidated governments as of the effective date of this Charter shall continue to apply, except as may be modified pursuant to action of the transition board to better achieve administrative consolidation, until superseded by new ordinances adopted by the council of supervisors.

(e) The city council of the City of Sacramento shall adopt appropriate ordinances prior to the effective date of this Charter to continue provisions of the Charter of the City of Sacramento necessary for the succession and transition provisions of this Charter.

(f) The board of supervisors of the County of Sacramento shall adopt appropriate ordinances prior to the effective date of this Charter to continue provisions of the Charter of the County of Sacramento necessary for the succession and transition provisions of this Charter.

Section 2003. Status of Employees.

(a) No person employed for at least six months immediately prior to the effective date of this Charter who has successfully completed his or her probationary period in a civil service position or position of comparable full time employment as determined by the transition board shall suffer any loss of employment, salary, benefits or seniority rights as a result of reorganization of the consolidated governments under this Charter. Persons employed in positions exempt from civil service who have a right to return to a civil service position shall retain that right. Persons with civil service status at the time this Charter is enacted shall not have that civil service status affected by the adoption of this Charter. Persons entitled to formally appeal disciplinary action to a civil service board or commission or in a

grievance procedure under a collective bargaining agreement shall continue to have comparable appeal rights while employed in a comparable class of employment in the city-county government subject to such changes as may be subsequently agreed to through collective bargaining. Subject to the foregoing and collective bargaining with recognized employee organizations, all such civil service or comparable full time positions of employment shall be subject to reallocation and reclassification.

(b) For unrepresented employees, salary and benefit equalization shall occur upon completion of the reorganization of each department, agency or service at such time and to such extent as prescribed by the transition board and, thereafter by the council of supervisors. This Section shall be construed to require, to the extent deemed feasible and practicable by the transition board and the council of supervisors, substantial equalization of salaries and normal benefits such as health insurance, holidays, vacations, and sick leave, for persons employed in comparable positions upon completion of reorganization, but shall not be construed to require equalization of retirement benefits or special benefits such as the longevity payments provided for City of Sacramento personnel.

(c) For represented employees, salary and benefit equalization shall occur through collective bargaining after the determination of bargaining units and the certification of recognized employee organizations. However, the freezing of salaries, the City's health and welfare contribution, and the County's medical and health insurance contribution to accomplish such equalization within a bargaining unit shall be prohibited. This prohibition shall not apply to a freeze of an entire bargaining unit or in conjunction with the implementation of a classification study.

Section 2004. Status of Recognized Employee Organizations.

(a) Upon adoption of this Charter, all recognized employee organizations of the consolidated governments shall continue to be recognized and all organizational rights of these organizations shall continue until amended as provided herein. The initial determination of bargaining units shall be mutually agreed upon by the city-county chief administrative officer and existing recognized employee organizations. As used in this Section, "existing recognized employee organizations" means those employee organizations with formal recognition rights for employees of the City of Sacramento and employees of the County of

Sacramento immediately prior to the effective date of this Charter. In the event that the city-county chief administrative officer has not yet been appointed, the transition board shall designate another official to perform these duties. If agreement regarding bargaining units is not reached, any outstanding unit determination disputes shall be submitted to a three-member arbitration panel. The chief administrative officer shall select one member of the panel and the interested recognized employee organizations shall select one member of the panel. In the event the interested recognized employee organizations cannot agree on the selection of their member of the panel, the Executive Secretary of the Sacramento Central Labor Council, AFL-CIO shall select the one panel member on behalf of all recognized employee organizations. The two panel members shall select the third member of the panel. In the event the two panel members fail to mutually agree on a third member they shall make a joint request to the state Conciliation and Mediation Service for a list of five (5) qualified labor arbitrators. The parties shall each strike two (2) names from the list and the remaining person shall be accepted as the third member of the arbitration panel. The first party to strike will be determined by the flip of a coin. The decision of a majority of the panel shall be final and binding on all parties. In the event the Executive Secretary of the Sacramento Central Labor Council, AFL-CIO does not select the one panel member by December 16, 1991, the transition board shall establish an alternate process to select an impartial labor arbitration system to resolve any outstanding unit determination disputes.

(b) The city-county chief administrative officer shall propose the initial determination of appropriate bargaining units for the new government to existing recognized employee organizations no later than September 1, 1991. Each existing recognized employee organization shall have the right, within 60 calendar days, to file in writing proposals for alternative bargaining units. Existing recognized employee organizations who do not respond within the 60 calendar days shall be deemed to be in agreement with the proposal of the city-county chief administrative officer.

(c) Disputes which cannot be resolved regarding the appropriate bargaining units shall be submitted to arbitration as provided in subsection (a) above. Such arbitration hearing shall commence no later than April 1, 1992. The arbitration decision shall be rendered in writing no later than July 1, 1992. All

petitions for representation elections, including intervention petitions, shall be filed no later than August 15, 1992. Representation elections shall be conducted no later than October 15, 1992. Runoff elections, if necessary, shall be conducted no later than December 1, 1992. An employee organization shall be certified by the transition board or council of supervisors as the recognized employee organization for the bargaining unit involved if elected by a majority of those casting ballots. No employee organization shall be certified as the exclusive recognized employee organization without a majority vote of those employees voting in a secret ballot election.

(d) For the purposes of unit determination and representation election the standards, rules, and procedures as set forth in the following sections of the Sacramento County Code as in effect on December 6, 1989 shall apply: Section 2.79.020, Section 2.79.075, Section 2.79.080, Section 2.79.090, and Section 2.79.095. Any dates set forth in these code sections shall be adjusted to be consistent with subsection (c) above. The Registrar of Voters shall conduct the representation and run-off elections in lieu of the elections supervisor designated by the American Arbitration Association.

(e) All existing recognized employee organizations shall have a right to participate in the unit determination arbitration. Other employee organizations desiring to participate in the unit determination arbitration must meet the definition of a concerned employee organization as set forth in County Code Section 2.79.020(a).

(f) The initial Employer-Employee Relations Ordinance shall provide for an impasse procedure patterned after Article XV, except Section 2(d)(3)(i), of the City of Sacramento Employer-Employee Relations Resolution in effect on December 6, 1989. The following provision shall be substituted for Section 2(d)(3)(i): City-county job classifications shall be compared to comparable job classifications in private and public employment in the Sacramento metropolitan area, and in public employment in comparable local jurisdictions in size and function in the state, to the extent such can be reasonably done.

(g) This Section and the process described in this Section shall apply only to the initial determination of bargaining units and representation elections of the city-county government.

Section 2005. Officers - Expiration of Present Terms.

(a) The terms of the assessor, auditor, district attorney and sheriff in office on the effective date of this Charter shall continue until the normal expiration of their terms; provided that a person holding such office shall continue to hold office until a successor has been qualified.

(b) The terms of appointed officers of the consolidated governments in office on the effective date of this Charter shall expire upon the effective date of this Charter, provided that each shall continue to hold office until a successor has been appointed and has been qualified or the position has been abolished or consolidated.

Section 2006. Transitional Duties and Functions.

(a) The consolidated governments, their elected and appointed governing bodies, and elected and appointed officers and employees, shall cooperate fully in the implementation of this Charter, and failure to so cooperate shall constitute misconduct in office.

(b) There is hereby established a transition board consisting of five members of the board of supervisors of the County of Sacramento and three members of the city council of the City of Sacramento. The mayor of the City of Sacramento, with the concurrence of a majority of the council, shall appoint the three city council members to serve on the transition board. The mayor may be one of the three city council members. The transition board shall constitute itself and shall begin functioning as soon as practicable following the adoption of this Charter. An affirmative vote of five members of the transition board shall be necessary to take action. Staff and technical assistance shall be provided to the transition board by the City of Sacramento and the County of Sacramento. The transition board shall also employ an interim chief administrative officer to assist in carrying out the duties of the transition board and to assist in managing the transition period, as

directed by the transition board. Except as provided in Article 18, the transition board shall have the power and duty to:

- (1) establish supervisorial districts as provided in Section 2007.
- (2) establish local community council districts as provided in Section 2009.
- (3) establish procedures for and implement administrative consolidation of the various city and county departments and agencies subject to the provisions of this Article. The transition board shall establish early retirement plans for selected management positions as recommended by the interim chief administration officer to assist in implementing administrative consolidation. The transition board shall have the authority to approve or reject collective bargaining agreements of the City of Sacramento and the County of Sacramento during the transition period. The transition board shall have the authority to expend funds of the city and the county to implement administrative consolidation.
- (4) establish procedures for and implement a consolidated budgetary process and budget for the city-county.
- (5) take such other and further action, consistent with this charter, as may be necessary to implement this charter during the transition period.

(c) The transition board shall not have the authority to impose new taxes. The transition board shall not have the authority to incur any long-term debt or obligation extending beyond the transition period, unless the transition board, the board of supervisors and the city council each find that such debt or obligation is (1) a matter of public necessity and (2) not inconsistent with the

provisions of this charter. Nothing in this Section shall prevent the transition board from implementing collective bargaining agreements and early retirement plans to implement administrative consolidation of the various city and county departments and agencies.

(d) The board of supervisors of the County of Sacramento and the city council of the City of Sacramento shall make provisions prior to and after the effective date of this Charter for funds in relation to population, meeting and clerical facilities, staff and technical assistance, and any other matters as may be required for the proper functioning of the transition board of the city-county.

Section 2007. Initial Supervisor Districts.

(a) As soon as feasible after the receipt of the 1990 regular United States census, the transition board, shall hold public hearings and take public testimony on the establishment of supervisorial districts and fire board districts for the city-county. By no later than six months after the receipt of the 1990 census, as provided in Section 405, the transition board shall certify and file with the county clerk the boundaries for the eleven supervisor districts established under Article 4, boundaries to be established in accordance with the standards set forth in Section 404 of Article 4.

(b) The determination of the transition board under this Section shall be final, and upon the filing of the boundaries of the supervisor districts with the county clerk, said boundaries shall be deemed established.

Section 2008. First Election of Mayor, Supervisors, Countywide Officers, Fire Directors and Community Councils.

(a) The first election of mayor, supervisors, countywide officers and fire directors under this Charter shall be held with primary elections in spring and general elections in November of 1992. The existing board of supervisors of the County of Sacramento and other election officials of the County shall call and conduct such election and provide for the nomination and qualification of candidates for election, and shall canvass the results thereof and declare the persons

elected, and do any and all other acts necessary to provide for the first election and qualification of the mayor and the supervisors in accordance with the provisions of this Charter.

(b) The first election of members of community councils pursuant to Section 1403(b) of Article 14 shall be held with the state primary election in spring of 1992. The existing board of supervisors of the County of Sacramento and other election officials of the County of Sacramento shall call and conduct such elections and provide for the nomination and qualifications of candidates for election, and shall canvass the results thereof and declare the persons elected, and do any and all other acts necessary to provide for first election and qualification of the members of community councils in accordance with the provisions of this Charter.

Section 2009. Initial Local Community Council
District Boundaries

(a) The transition board shall determine and establish, pursuant to the provisions of Section 803 of Article 8, the boundaries of the local community council districts within each local community and shall designate each district by description. As soon as feasible after receipt of the 1990 regular United States Census, the transition board shall hold public hearings and take public testimony on the establishment of local community council districts.

(b) By not later than six months from the receipt of the 1990 census, the transition board shall certify and file with the county clerk the boundaries for the local communities established in accordance with Section 803(a) of Article 8 and the districts within each community in accordance with the standards set forth in Section 803(b) of Article 8.

(c) The determinations of the transition board under this Section shall be final, and upon filing of the boundaries of the districts within each community with the county clerk, said boundaries of the local community council districts shall be deemed established.

Section 2010. Repeal Date for Transition Article

Article 20 of this Charter relating to the transition process shall remain in effect only until January 2, 1993 and as of that date shall be repealed unless a later enacted Charter amendment, which is enacted before January 2, 1993, deletes or extends that date. Upon repeal, Article 20 shall no longer be part of the Charter of the City and County of Sacramento.

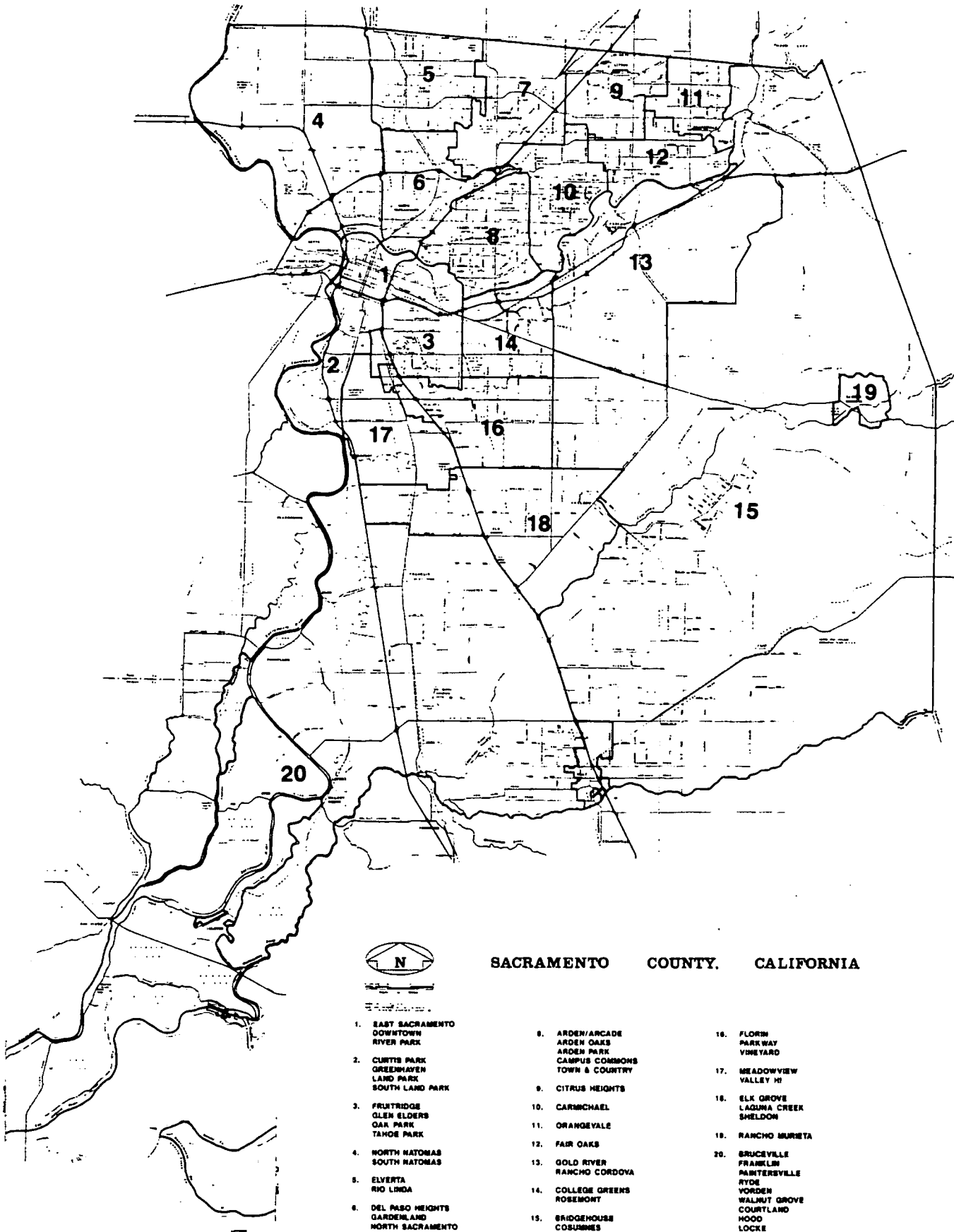
PASSED AND APPROVED by the following members of the Sacramento
Ad-Hoc Charter Commission.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

By _____
Clerk of the Commission

The following Sacramento Ad-Hoc Charter Commission alternates by affixing the signatures concur in the Commissions approval of the Charter.



SACRAMENTO CITY-COUNTY COMMUNITY COUNCIL DISTRICTS

For the purposes of these descriptions, unless otherwise noted herein, all references to streets, roads, highways, railroads, and canals are intended to be measured along the centerlines of the same. All references to the "center" of rivers refers to the "thread of the stream" most commonly accepted as the dividing line between properties. Lines described are intended to follow lines of ownership, and when applicable to conform with existing corporate boundaries and "neighborhood" boundaries as defined by the U.S. Postal Service Zip Code Zones. The references to zip code zones in the post script of each described district are given for convenience only.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 1**

**EAST SACRAMENTO, DOWNTOWN,
RIVER PARK & CAMPUS COMMONS**

All that portion of the City of Sacramento, County of Sacramento, State of California described as follows:

BEGINNING at confluence of the Sacramento River with the American River; thence easterly (upstream) along said American River to the northerly line of " The Campus Commons Golf Course" being also the city limit line of the City of Sacramento as it existed on January 1, 1990; thence southeasterly along said city limit line to the centerline of Howe Avenue; thence southerly along said Howe Avenue to the center of State Highway No. 50; thence westerly along said State Highway No. 50 and Highway No. 80 (Business) to the center of said Sacramento River, being also the Sacramento County Line; thence northerly along said Sacramento River to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones in use on January 1, 1990, numbered 95814, 95816, 95817, 95818, 95819, 95825, and 95826.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 2**

**CURTIS PARK, GREENHAVEN
LAND PARK, SOUTH LAND PARK**

All that portion of the City of Sacramento, County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of the centerline of Highway No. 80 (Business) with the center of the Sacramento River, being also the county line of Sacramento County; thence easterly along said centerline to the intersection with the centerline of State Highway No. 99; thence southerly along said centerline of Highway No.99 to Sutterville Road (12th Avenue); thence westerly along said Sutterville Road to 24th Street; thence southerly along said 24th Street to Fruitridge Road; thence westerly along said Fruitridge Road to Freeport Boulevard; thence southerly along said Freeport Boulevard to a point in the city limit line of the City of Sacramento as it existed on January 1, 1990; thence westerly along said city limit line to the center of the aforesaid Sacramento River; thence northerly (upstream) along said river to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95817, 95818, 95822 and 95831.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 3**

**FRUITRIDGE, GLEN ELDERS,
OAK PARK, TAHOE PARK**

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of centerlines of Highway No. 80 (Business), U.S. Highway No. 50 and State Highway No. 99; thence easterly along said U.S. Highway No. 50 to Howe Avenue; thence southerly along said Howe Avenue to Folsom Boulevard; thence continuing southerly along Power Inn Road to an angle point westerly, of the city limit line of the City of Sacramento as it existed on January 1, 1990; thence westerly and northerly along said city limit line to Elder Creek Road (also known as 47th Avenue); thence westerly along said 47th Avenue to the centerline of said Highway No. 99; thence northwesterly along said centerline of Highway No. 99 to Martin Luther King Boulevard; thence southerly along said boulevard to an angle point westerly in the aforesaid city limit line; thence westerly and southerly along said city limit line to the Western Pacific Railroad; thence southerly along said railroad to the aforesaid 47th Avenue; thence westerly along said 47th Avenue to 24th Street; thence northerly along said 24th Street to Sutterville Road; thence easterly along said Sutterville Road to the centerline of the aforesaid State Highway No. 99; thence northerly along said centerline to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95816, 95817, 95819, 95820, 95822, 95823, 95824, 95826, and 95828.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 4**

NORTH & SOUTH NATOMAS

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the confluence of the center of the Sacramento River with the center of the American River; thence northerly (upstream) along said Sacramento River to the intersection with the northerly County Line of Sacramento County; thence easterly along said county line to the center of the "Natomas East Main Drainage Canal"; thence southerly along said canal to El Camino Avenue; thence easterly along said El Camino Avenue to the Western Pacific Railroad; thence southerly along said railroad to State Highway No. 160; thence southwesterly along said State Highway to the aforesaid American River; thence westerly (downstream) along said American River to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95833, 95834, 95835, 95836, 95837, and 95673.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 5**

ELVERTA-RIO LINDA

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of the center of the "Natomas East Main Drainage Canal" with the northerly county line of Sacramento County; thence easterly along said county line to Watt Avenue; thence southerly along said Watt Avenue to Elverta Road; thence westerly along said Elverta Road to 28th Street; thence southerly along said 28th Street to "U" Street; thence easterly along said "U" Street to 32nd Street; thence southerly along said 32nd Street to the general northerly boundary of that certain Military Reservation known as "McClellan Air Force Base"; thence westerly and northerly along said general northerly boundary and along the general westerly boundary of said Military Reservation to Ascot Avenue; thence westerly along said Ascot Avenue, and the prolongation thereof to the center of the aforesaid "Natomas East Main Drainage Canal"; thence northerly along said canal to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95626, 95660, 95673, and 95835.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 6**

**DEL PASO HEIGHTS, GARDENLAND,
NORTH SACRAMENTO, ROBLA**

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of Highway No. 80 (Business) with the center of the American River; thence northwesterly (downstream) along said river to the centerline of State Highway No. 160; thence northeasterly along said centerline to the Western Pacific Railroad; thence northerly along said Railroad to El Camino Avenue; thence westerly along said El Camino Avenue to the center of the "Natomas East Main Drainage Canal"; thence northerly along said canal to the westerly prolongation of Ascot Avenue; thence easterly along said prolongation and along Ascot Avenue to the general westerly boundary of that certain Military Reservation known as "McClellan Air Force Base"; thence southerly and easterly along said general westerly boundary and the general southerly boundary of said military reservation to the northerly line of "Del Paso Park" being also the city limit line of the City of Sacramento as it existed on January 1, 1990; thence easterly along said city limit line to Winding Way; thence westerly along said Winding Way and said city limit line to Auburn Boulevard; thence southwesterly along said Auburn Boulevard to the aforesaid Highway No. 80 (Business); thence southwesterly along said highway to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95660, 95815, 95833, 95838, and 95841.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 7**

**ANTELOPE, FOOTHILL FARMS
NORTH HIGHLANDS**

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of the Southern Pacific Transportation Company Railroad, with the northerly county line of Sacramento County; thence southwesterly along said railroad to Antelope Road; thence easterly along said Antelope Road to the easterly boundary of U.S. Postal Service Zip Code Zone No. 95842, as said zone existed on January 1, 1990; thence southerly along said zone boundary to U.S. Highway No. 80; thence continuing southerly along the easterly zone boundary of Zone 95841 to Madison Avenue; thence leaving said Zip Code Zone boundary westerly along said Madison Avenue to the center-line of the aforesaid U.S. Highway No.80; thence southwesterly along said U.S. Highway No. 80, and along Highway No. 80 (Business) to the City Limit Line of the City of Sacramento, as it existed on January 1, 1990, being also the northerly line of Del Paso Park; thence westerly along said city limit line to the boundary of that certain military reservation known as McClellan Air Force Base; thence westerly and northerly along the boundaries of said military reservation, being also a continuation of the aforesaid city limit line to Ascot Avenue; thence leaving said city limit line and continuing along the westerly, northerly, and easterly boundaries of said military reservation to 32nd Street; thence northerly along said 32nd Street to "U" Street; thence westerly along said "U" Street to 28th Street; thence northerly along said 28th Street to Elverta Road; thence easterly along said Elverta Road to Watt Avenue; thence northerly along said Watt Avenue to the aforesaid northerly county line of said Sacramento County; thence easterly along said county line to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95842, 95660, 95841, and 95652.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 8**

**ARDEN/ARCADE, ARDEN OAKS
ARDEN PARK, TOWN AND COUNTRY**

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of the centerline of Highway No. 80 (Business) with the center of the American River; thence northeasterly along said State Highway to Auburn Boulevard; thence continuing northeasterly along said Auburn Boulevard to Winding Way; thence easterly along said Winding Way to Cypress Avenue; thence southeasterly along said Cypress Avenue to Edison Avenue; thence southerly along said Edison Avenue to Gibbons Drive; thence easterly along said Gibbons Drive to Mission Avenue, being also the boundary between U.S. Postal Service Zip Code Zones numbered 95821 and 95608, as they existed on January 1, 1990; thence southerly along said Mission Avenue and said Zip Code Zone Boundaries to Fair Oaks Boulevard; thence southerly along the Zip Code Zone boundary between Zones numbered 95608 and 95864 to the center of said American River, thence westerly (downstream) along said river to Howe Avenue; thence northerly along said Howe Avenue to the city limit line of the City of Sacramento as it existed on January 1, 1990; thence northwesterly along said city limit line to the center of the aforesaid American River; thence westerly (downstream) along said river to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones in use on January 1, 1990, numbered 95815, 95825, 95864, and 95821.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 9**

CITRUS HEIGHTS

All that portion of the County of Sacramento, State of California, being comprised of U.S. Postal Service Zip Code Zones numbered 95621 and 95610, as they existed on January 1, 1990, and being more particularly described as follows:

BEGINNING at the intersection of the centerline of the Southern Pacific Transportation Company Railroad, with the northerly county line of Sacramento County, being also an angle point in the boundary of said Zip Code Zone No. 95621; thence along said northerly county line to the boundary line between said Zip Code Zones numbered 95610 and 95662, said point being approximately 800 feet easterly of the point of intersection of the centerline of "Old Auburn Road" with said county line; thence southerly along said Zip Code Zone boundary to the northwest corner of the "Mt. Vernon Memorial Cemetery"; thence southerly and westerly continuing along the Zip Code Zone boundary between zones numbered 95610 and 95628 to a point in the centerline of Madison Avenue; thence westerly along said centerline to the centerline of San Juan Avenue; thence generally westerly and northerly, continuing along the southerly boundary of the aforesaid Zip Code Zone No. 95621 to the intersection of Auburn Boulevard and Manzanita Avenue; thence northerly along the general westerly boundary of said Zone No. 95621 to the point of beginning.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 10**

CARMICHAEL

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of centerlines of Madison Avenue with U.S. Highway No. 80; thence easterly along said Madison Avenue to Manzanita Avenue; thence northerly along said Manzanita Avenue to the northwesterly corner of the U.S. Postal Service Zip Code Zone No. 95608, as it existed on January 1, 1990; thence easterly along the general northerly boundary of said zip code zone to Dewey Drive, being the general easterly boundary of said zone; thence southerly along said Dewey Drive and said zone boundary to Winding Way; thence easterly and southerly continuing along said zone boundary to San Juan Avenue; thence southerly continuing along said boundary and along San Juan Avenue to the center of the American River; thence southwesterly along said river being also the general southerly boundary of said Zip Code Zone No. 95608, to the southwesterly corner thereof; thence northerly along the general westerly boundary of said zip code zone to Fair Oaks Boulevard; thence continuing northerly along said zone boundary and along Mission Avenue to Gibbons Drive; thence leaving said zip code zone boundary, westerly along said Gibbons Drive to Edison Avenue; thence northerly along said Edison Avenue to Cypress Avenue; thence northwesterly along said Cypress Avenue to Winding Way; thence westerly along said Winding Way to the easterly city limit line of the City of Sacramento as it existed on January 1, 1990; thence northerly and westerly along said city limit line, to the northerly line of Del Paso Park; thence continuing along said city limit line to Highway No. 80 (Business); thence northeasterly along said Highway and along U.S. Highway No. 80 to the point of beginning.

The above described lands are comprised of portions of U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95841, 95821 and 95608.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 11**

ORANGEVALE

All that portion of the County of Sacramento, State of California, described as U.S. Postal Service Zip Code Zone No. 95662, as it existed on January 1, 1990, and being more particularly described as follows:

BEGINNING at the intersection of Barton Road with the northerly county line of Sacramento County, being also a point in the northerly line of the City of Folsom, as it existed on January 1, 1990; thence westerly along said northerly line of the City of Folsom to the northwest corner thereof, being also a point in the boundary of said Zip Code Zone No. 95662; thence generally southerly along said city limit line and zip code zone boundary to the center of the American River; thence continuing southerly along said zip code zone boundary to the southerly most corner thereof being a point in said American River; thence leaving said river, northerly and westerly along the westerly boundary of said zip code zone to the northwesterly corner thereof, being also a point in the aforesaid northerly county line of Sacramento County, approximately 800 feet easterly of the intersection of the centerline of Old Auburn Road with said county line; thence easterly along said county line to the point of beginning.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 12**

FAIR OAKS

All that portion of the County of Sacramento, State of California, described as U.S. Postal Service Zip Code Zone No. 95628, as it existed on January 1, 1990, and being more particularly described as follows:

BEGINNING at the intersection of the southerly prolongation of San Juan Avenue with the center of the American River, being also the southwesterly corner of said U.S. Postal Service Zip Code Zone No. 95628; thence northerly along the general westerly boundaries of said zip code zone, and along said San Juan Avenue to Walnut Road; thence continuing along said zip code zone boundaries to Winding Way; thence westerly along said Winding Way and said zone boundary to Dewey Drive; thence northerly along said Dewey Drive and said zone boundary to the northwesterly corner of said zone; thence continuing easterly and southerly along the general northerly boundary of said Zip Code Zone 95628 to Madison Avenue; thence easterly and northerly along said Madison Avenue to an angle point northerly in said zip code zone boundary; thence northerly along said boundary of said zone to Fair Oaks Boulevard; thence northerly along said Fair Oaks Boulevard to the northwest corner of the "Mt. Vernon Memorial Cemetary"; thence easterly and southerly along the boundaries of said zip code zone to Kenneth Avenue; thence southerly along said Kenneth Avenue and continuing along the boundaries of said zip code zone to Pershing Avenue; thence easterly to Corinne Way; thence southeasterly to Beech Avenue; thence southerly to Jonnie Way; thence easterly to Hazel Avenue; thence northerly to Leedy Lane; thence easterly to Beauregard Way; thence southerly to Norway Drive; thence southwesterly to said Madison Avenue; thence northeasterly to an angle point southerly in said zip code zone boundary; thence southeasterly and southerly along said zone boundary to the center of the aforesaid American River; thence westerly (downstream) along said river to the point of beginning.

In determining the above described lines, in any conflict between described streets and the described U.S. Postal Service Zip Code Zone boundaries, the zip code zone boundaries shall prevail.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 13**

**GOLD RIVER,
RANCHO CORDOVA**

All that portion of the County of Sacramento, State of California described as follows:

BEGINNING at the intersection of centerline of U.S. Highway No. 50 with Prairie City Road; thence southerly along said Prairie City Road to White Rock Road; thence southwesterly along said White Rock Road to Grant Line Road; thence southerly along said Grant Line Road to Douglas Road; thence westerly along said Douglas Road to Sunrise Boulevard; thence southerly along said Sunrise Boulevard to Jackson Highway; thence northwesterly along said Jackson Highway to Bradshaw Road; thence northerly along said Bradshaw Road and northerly prolongation thereof to the center of the American River; thence northeasterly (upstream) along said river to the city limit line of the City of Folsom as it existed on January 1, 1990; thence easterly and southerly along said city limit line to the aforesaid U.S. Highway No. 50; thence easterly along said U.S. Highway No. 50 to the point of beginning.

The above described lands are comprised of portions of U.S. Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95830, 95655, 95827, 95670, and 95742.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 14**

**COLLEGE GREENS,
ROSEMONT**

All that portion of the County of Sacramento, State of California, described as follows:

BEGINNING at the intersection of Power Inn Road with Elder Creek Road; thence northerly along said Power Inn Road to Folsom Boulevard; thence continuing northerly along Howe Avenue to the center of the American River; thence northeasterly (upstream) along said river to the intersection with the northerly prolongation of Bradshaw Road; thence southerly along said prolongation and along said Bradshaw Road to the aforesaid Elder Creek Road; thence westerly along said Elder Creek Road to the point of beginning.

The above described lands are comprised of portions of U.S. Postal Service Zip Code Zones, as existed on January 1, 1990, numbered 95828, 95829, 95826, 95827, 95824, and 95820.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 15**

**BRIDGEHOUSE, COSUMNES, MICHIGAN BAR,
SLOUGHHOUSE, WALLTOWN, WALMORT, WILTON
CLAY, HERALD**

All that portion of the County of Sacramento, State of California described as follows:

BEGINNING at the intersection of U.S. Highway No. 50 with the general easterly county line of Sacramento County; thence southerly along said county line to the center of Dry Creek, being also the general southerly line of said Sacramento County; thence along said southerly county line and along said Dry Creek, to the centerline of State Highway No. 99; thence northerly along said State Highway No. 99 to the center of the Cosumnes River; thence northeasterly (upstream) along said river to the Central California Traction Company Railroad; thence northwesterly along said railroad to Grant Line Road; thence northeasterly along said Grant Line Road to Calvine Road; thence westerly along said Calvine Road to Bradshaw Road; thence northerly along said Bradshaw Road to Jackson Highway; thence southeasterly along said Jackson Highway to Sunrise Boulevard; thence northerly along said Sunrise Boulevard to Douglas Road; thence easterly along said Douglas Road to the aforesaid Grant Line Road; thence northerly along said Grant Line Road to White Rock Road; thence northeasterly along said White Rock Road to Prairie.

City Road; thence northerly along said Prairie City Road to the aforesaid U.S. Highway No. 50; thence easterly along said U.S. Highway No. 50 to the point of beginning.

EXCEPTING THEREFROM all those lands known as the "Rancho Murieta Community Services District" as described in Book 83-05-24, Official Records, Page 1406, Sacramento County

ALSO EXCEPTING THEREFROM any portion thereof lying within the corporate boundaries of the City of Galt, California.

The above described lands are comprised of portions of US Postal Service Zip Code Zones, as existed on January 1, 1990, numbered 95630, 95830, 95742, 95642, 95693, 95683, 95638, 95632, 94829, and 95827.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 16**

FLORIN, PARKWAY, VINEYARD

All that portion of the County of Sacramento, State of California described as follows:

BEGINNING at the intersection of centerlines of Bradshaw Road with Calvine Road; thence westerly along said Bradshaw Road to the centerline of State Highway No. 99; thence northwesterly along said State Highway to Tangerine Avenue, being also the city limit line of the City of Sacramento as it existed on January 1, 1990; thence westerly and northerly along said city limit line to Franklin Boulevard; thence continuing along said city limit line northerly and westerly to the Western Pacific Railroad; thence northerly along said railroad to an angle point easterly in said city limit line; thence easterly along said city limit line to Martin Luther King Boulevard; thence northerly along said Martin Luther King Boulevard to the center of the aforesaid State Highway No. 99; thence southeasterly along said State Highway No. 99 to 47th Avenue; thence easterly along said 47th Avenue to an angle point southerly in the aforesaid city limit line of the City of Sacramento; thence southerly and easterly following said city limit line, to Power Inn Road; thence northerly along said Power Inn Road to Elder Creek Road; thence easterly along said Elder Creek Road to the aforesaid Bradshaw Road; thence southerly along said Bradshaw Road to the point of beginning.

The above described lands are comprised of portions of U.S. Postal Service Zip Code Zones as existed on January 1, 1990, numbered 95829, 95828, 95823, and 95824.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 17**

MEADOWVIEW-VALLEY HI

All that portion of the County of Sacramento, State of California described as follows:

BEGINNING at the intersection of centerlines of Freeport Boulevard and Fruitridge Road; thence easterly along said Fruitridge Road to 24th Street; thence southerly along said 24th Street to 47th Avenue; thence easterly along said 47th Avenue to the Western Pacific Railroad, being also the city limit line of the City of Sacramento, as it existed on January 1, 1990; thence southerly along said railroad to an angle point easterly in said city limit line; thence easterly along said city limit line to Franklin Boulevard; thence southerly along said Boulevard and said city limit line to an angle point easterly in said city limit line; thence easterly and southerly along said city limit line to the centerline of State Highway No. 99; thence southeasterly along said State Highway No. 99 to an angle point westerly in said city limit line; thence westerly along said city limit line to Bruceville Road; thence southerly along said Bruceville Road and said city limit line to Jacinto Road; thence easterly, southerly, and westerly, following said city limit line of the City of Sacramento, and returning to said Bruceville Road; thence southerly along said Bruceville Road and said City limit line, to the intersection with Sheldon Road; thence westerly along said city limit line to Franklin Boulevard, being also an angle point in the northerly boundary of U.S. Postal Service Zip Code Zone No. 95758, as it existed on January 1, 1990; thence northwesterly along said zip code zone to a point in the general southerly city limit line of said City of Sacramento; thence westerly along said general southerly city limit line to Freeport Boulevard; thence northerly along said Freeport Boulevard, to the point of beginning.

The above described lands are comprised of portions of the U.S. Postal Service Zip Code Zones, as they existed on January 1, 1990, numbered 95758, 95832, 95823, and 95822.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 18**

**ELK GROVE, LAGUNA CREEK
SHELDON**

All that portion of the County of Sacramento, State of California described as follows:

BEGINNING at the intersection of centerlines of Calvine Road with Grant Line Road; thence southwesterly along said Grant Line Road to the Central California Traction Company Railroad; thence southeasterly along said railroad to the center of the Cosumnes River; thence southwesterly (downstream) along said river to the center of State Highway No.99; thence northwesterly along said highway to Elk Grove Boulevard; thence westerly along said Elk Grove Boulevard to Franklin Boulevard; thence northerly along said Franklin Boulevard to Elliot Ranch Road; thence westerly along said Elliot Ranch Road and prolongation thereof to the centerline of U.S. Highway No. 5; thence northerly along said highway to the general southerly city limit line of the City of Sacramento, as it existed on January 1, 1990; thence easterly along said city limit line to the intersection with the general northerly boundary of US Postal Service Zip Code Zone No. 95758, as it existed on January 1, 1990; thence continuing easterly and southeasterly along said Zip Code Zone boundary to an angle point in said boundary being also a point in Franklin Boulevard, and an angle point in the above mentioned city limit line; thence easterly along said city limit line to the intersection of Sheldon Road with Bruceville Road; thence northerly along said Bruceville Road and said city limit line to an angle point easterly in said city limit line; thence easterly, northerly and westerly continuing along said city limit line to the intersection of Jacinto Road with the aforesaid Bruceville Road; thence continuing northerly along said city limit line to an angle point easterly thereof, being the approximate westerly prolongation of Calvine Road; thence easterly along said city limit line to the centerline of the aforesaid State Highway No. 99; thence southeasterly along said highway to said Calvine Road; thence easterly along said Calvine Road to the point of beginning.

The above described lands are comprised of portions of US Postal Service Zip Code Zones, in use on January 1, 1990, numbered 95832, 95958, and 95624.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 19**

**RANCHO MURIETA
COMMUNITY SERVICE DISTRICT (83-05-24/O.R./1406)**

All that portion of Sections 2, 3, 4, 5 and 9, Township 7 North, Range 8 East, and Section 34 and portions of Sections 26, 27, 28, 33 and 35, Township 8 North, Range 8 East, Mount Diablo Meridian, Sacramento County, California, described as follows:

BEGINNING at the Northeast corner of said Section 27; thence, from said POINT OF BEGINNING, along the East line of said Section 27, South 00°56'07" East 3,958.18 feet to the Northwest corner of the South one-half of the Southwest one-quarter of said Section 26; thence, along the North and East lines thereof, South 89°51'03" East 2,651.44 feet and South 00°36'39" East 1,318.47 feet to the North one-quarter corner of said Section 35; thence, along the North line of said Section 35, South 89°52'06" East 1,321.65 feet to the Northeast corner of the West one-half of the East one-half of said Section 35; thence, along the East line thereof, South 00°21'43" East 5,272.51 feet to the Southeast corner thereof; thence, along the South line thereof, North 89°18'54" West 39.64 feet; thence, leaving said line, South 00°28'36" West 1,749.33 feet; thence West 1,051.25 feet; thence, South 02°54'46" East 788.84 feet; thence, South 30°39'35" East 199.78 feet; thence, South 75°47'12" East 274.74 feet; thence, South 49°27'43" East 393.84 feet; thence, North 89°32'26" East 392.13 feet; thence, South 00°59'39" West 749.57 feet to a point on the North line of Jackson Road; thence, along said line, the following seven (7) courses: (1) North 86°01'50" West 323.52 feet; (2) South 78°40'11" West 129.27 feet (3) South 78°54'05" West 646.66 feet; (4) South 78°49'49" West 55.47 feet; (5) South 77°39'15" West 1,160.56 feet; (6) South 76°44'59" West 96.61 feet; and (7) South 71°19'14" West 237.62 feet; thence, leaving said line, South 00°16'36" East 962.19 feet to a point on the Southerly line of said Section 2; thence, along said line, South 89°29'28" West 1,315.14 feet to the Southeast corner of said Section 3; thence, along the South line thereof, South 88°27'32" West 3,973.97 feet to the Southeast corner of the West one-half of the Southwest one-quarter of said Section 3; thence, along the East line thereof, North 00°20'53" West 2,667.86 feet to the Northeast corner thereof; thence, along the East line of the West one-half of the Northwest one-quarter

of said Section 3, North 00°21'06" West 627.48 feet; thence, leaving said line, North 87°51'24" West 505 feet, more or less, to a point on the Southerly bank of the Cosumnes River; thence, along the Southerly bank thereof, Westerly a distance of 800 feet, more or less, to a point on the East-West centerline of said Section 3; thence, along said East-West centerline, South 88°44'25" West 235 feet, more or less, to the East one-quarter corner of said Section 4; thence, along the East line thereof, South 00°22'08" East 668.57 feet; thence, leaving said line South 55°20'22" West 1,201.94 feet; thence, South 89°07'52" West 341.53 feet; thence, South 00°10'08" East 230.47 feet; thence South 55°20'22" West 2,018.17 feet; thence South 82°35' West 1,984.26 feet; thence North 61°39'38" West 438.70 feet; to the corner common to Sections 4, 5, 8 and 9; thence, North 68°28'38" West 315.95 feet; thence, North 00°17'38" West 920.32 feet; thence, North 00°59'38" West 650.00 feet; thence, North 00°40'38" West 1,026.50 feet; thence, North 00°26'38" West 854.19 feet; thence, North 01°00'38" West 729.00 feet; thence, North 00°33'38" West 708.80 feet; thence, North 00°42'38" West 336.73 feet to a point on the South line of said Jackson Road; thence, along said South line, North 89°10'27" East 786.71 feet; thence, continuing along said line, North 79°41'25" East 516.86 feet to a point on the North line of said Section 4; thence, leaving said North line, North 79°41'20" East 422.92 feet to a point on the Southerly prolongation of the West line of Parcel 4 as shown and so designated on that certain parcel map filed in the office of the Recorder of said county in Book 6 of Parcel Maps at Page 17; thence, coincident with the West and North lines thereof, North 01°34'28" West 5,198.46 feet; thence North 89°36'24" East 1,437.63 feet; to the North one-quarter (1/4) corner of said Section 33; thence, South 89°40'55" East 569.14 feet to the centerline of Stone House Road; thence, along the centerline of Stone House Road, North 01°34'35" West 1,326.86 feet to a point on the North line of the South one-half of the Southeast one-quarter of said Section 28; thence, leaving said centerline and along said North line, North 89°52'57" East 2,084.93 feet to the Northeast corner of said South one-half; thence, along the South and East lines of the Northwest one-quarter of the Southwest one-quarter of said Section 27, North 89°36'42" East 1,321.25 feet; and North 01°00'13" West 1,336.32 feet to the Northeast corner thereof; thence, along the West and North lines of the Southeast one-quarter of the Northwest one-quarter of said Section 27, North 01°00'09" West 1,349.66 feet, and North 89°33'32" East 1,326.06 feet to the northeast corner thereof; thence,

along the North-South centerline of said Section 27, North $00^{\circ}54'01''$ West 1,356.92 feet to the North one-quarter corner of said Section 27; thence, along the North line of said Section, South $88^{\circ}29'53''$ East 2,641.91 feet to the point of beginning, and containing 3786 acres, more or less.

The above described lands are comprised of a portion of the US Postal Service Zip Code Zone, in use on January 1, 1990, numbered 95683.

**SACRAMENTO CITY-COUNTY
COMMUNITY COUNCIL DISTRICT NO. 20**

**BRUCEVILLE, FRANKLIN, PAINTERSVILLE
RYDE, VORDEN, WALNUT GROVE, COURTLAND,
HOOD, LOCKE**

All that portion of the County of Sacramento, State of California described as follows:

BEGINNING at the southwest corner of said Sacramento County , being the confluence of the Sacramento River and the San Joaquin River; thence northerly (upstream) along said Sacramento River and the Sacramento County Line to the confluence with Steamboat Slough; thence continuing along said county line through Steamboat and Sutter Sloughs and upstream along said Sacramento River to the intersection of said county line with the general southerly city limit line of the City of Sacramento, as it existed on January 1, 1990; thence southeasterly along said general southerly city limit line to the centerline of U.S. Highway No. 5; thence southerly along said highway to the intersection with the westerly prolongation of Elliot Ranch Road; thence easterly along said prolongation and along Elliot Ranch Road to Franklin Boulevard; thence southerly along said Franklin Boulevard to Elk Grove Boulevard; thence easterly along said Elk Grove Boulevard to the centerline of State Highway No. 99; thence southeasterly along said State Highway No. 99 to the center of "Dry Creek", being the southerly county line of said Sacramento County; thence westerly (downstream) along said "Dry Creek" and Sacramento County Line to the confluence with the "Mokelumne River"; thence continuing along said county line downstream to the confluence of said Mokelumne River with the aforesaid San Joaquin River; thence continuing along said county line and downstream along said San Joaquin River to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying within the corporate boundaries of the Cities of Isleton, and Galt, California.

The above described lands are comprised of portions of the US Postal Service Zip Code Zones as existed on January 1, 1990, numbered 94571, 95641, 95690, 95680, 95615, 95758, 95632, 95639, and 95832.

EXHIBIT 3

RESOLUTION OF THE SACRAMENTO AD-HOC CHARTER COMMISSION

RESOLUTION NO. _____

WHEREAS, the Sacramento Ad-Hoc Charter Commission has completed both Phase I and Phase II of their assignment by developing a new Charter for the merger of the City of Sacramento and the County of Sacramento; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission does approve of the content of this Final Draft Charter; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission accepts this Final Draft Charter as the Final Charter; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission desires to allow the citizens of the City and County of Sacramento to determine their future form of government by ballot measure; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission finds it necessary that the Citizen's Committee on Local Governmental Reorganization Corporation transmit the Charter to the Voter Registrar for placement on the November, 1990 ballot.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento Ad-Hoc Charter Commission that the Commission does hereby endorse the Final Draft Charter as the Final Charter and accepts the corresponding ballot language for placement on the November 1990 election ballot.

BE IT FURTHER RESOLVED, that the Sacramento Ad-Hoc Charter Commission does hereby transmit the Final Charter to the Citizen's Committee on Local Governmental Reorganization Corporation in order that they transmit the Final Charter to the Voter Registrar for placement on the November, 1990 election ballot.

On a motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted this _____ day of _____, 1990, by the following vote to wit:

AYES: Commissioner

NOES: Commissioner

ABSENT: Commissioner

Sacramento Ad-Hoc Charter Commission

Chairman

ATTEST:

Commission Clerk

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION ENDORSING THE FINAL CHARTER, BALLOT LANGUAGE
AND REQUESTING THAT CITIZEN'S COMMITTEE ON LOCAL
GOVERNMENTAL REORGANIZATION TRANSMIT DOCUMENT TO VOTER
REGISTRAR FOR NOVEMBER ELECTION

WHEREAS, the Sacramento Ad-Hoc Charter Commission has completed both Phase I and Phase II of their assignment by developing a new Charter for the merger of the City of Sacramento and the County of Sacramento; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission does present this Final Draft Charter for the endorsement of the Sacramento City Council; and,

WHEREAS, the Sacramento City Council does approve of the content of this Final Draft Charter; and,

WHEREAS, the Sacramento City Council desires to allow the citizens of the City and County of Sacramento to determine their future form of government by ballot measure; and,

WHEREAS, the Sacramento City Council finds it necessary that the Citizen's Committee on Local Governmental Reorganization Corporation transmit the Charter to the Voter Registrar for placement on the November, 1990 ballot.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Council that the City Council does hereby endorse the Final Charter and accepts the corresponding ballot language for placement on the November, 1990 election ballot.

BE IT FURTHER RESOLVED, that the City Council does hereby request that the Citizen's Committee on Local Governmental Reorganization Corporation transmit the Final Draft Charter to the Voter Registrar for placement on the November, 1990 election ballot.

Sacramento City Council

Mayor

ATTEST:

City Clerk

90'122

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION OF THE SACRAMENTO COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

WHEREAS, the Sacramento Ad-Hoc Charter Commission has completed both Phase I and Phase II of their assignment by developing a new Charter for the merger of the City of Sacramento and the County of Sacramento; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission does present this Final Draft Charter for the endorsement of the Board of Supervisors; and,

WHEREAS, the Sacramento County Board of Supervisors do approve of the content of this Final Draft Charter; and,

WHEREAS, the Sacramento County Board of Supervisors desires to allow the citizens of the City and County of Sacramento to determine their future form of government by ballot measure; and,

WHEREAS, the Sacramento County Board of Supervisors finds it necessary that the Citizen's Committee on Local Governmental Reorganization Corporation transmit the Charter to the Voter Registrar for placement on the November, 1990 ballot.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento County Board of Supervisors that the Board of Supervisors do hereby endorse the Final Charter and accept the corresponding ballot language for placement on the November 1990 election ballot.

BE IT FURTHER RESOLVED, that the Board of Supervisors do hereby request that the Citizen's Committee on Local Governmental Reorganization Corporation transmit the Final Charter to the Voter Registrar for placement on the November, 1990 election ballot.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted this _____ day of _____, 1990, by the following vote to wit:

AYES: Supervisor

NOES: Supervisor

ABSENT: Supervisor

Sacramento County Board of Supervisors

Chairman

ATTEST:

Clerk of the Board