

# PROPOSED CHARTER

*of the*

# CITY and COUNTY of SACRAMENTO

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## MEASURE A

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NOVEMBER 5, 1974

GENERAL ELECTION

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PREPARED AND DISTRIBUTED BY DIRECTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO, IN ACCORDANCE WITH SECTION 51922 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

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## ARTICLE 1

### INTRODUCTORY PROVISIONS

#### Section 101. Effect of Charter.

(A) Pursuant to Article XI 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) Each special district operating within the County of Sacramento or exercising all or any part of its jurisdiction or powers within the County of Sacramento, except as otherwise provided in Section 901 of Article 9.

(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 and rural problems and the equalization of services, and sharing powers with communities and other forms of sub-governments established hereunder. In implementing the reorganization of the consolidated governments under this charter, the mayor, board 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 1701 of Article 17. When referred to in this charter: the effective date of this charter shall be the first Monday in December of 1975; 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 1702 of Article 17, to the extent required to carry out the succession provisions of Article 2 and the transition provisions of Article 17 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 1702 of Article 17, to the extent required to carry out the succession provisions of Article 2 and the transition provisions of Article 17 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. 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.

**Section 202. Ordinance and Regulations Continued in Effect.** 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 thereof 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.

**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 termination 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.

**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 officer, employee, department or agency thereof shall be affected by the adoption of this charter. No claim filed pursuant to the California Tort Claims Act against any consolidated government or any officer, employee, department or agency thereof 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 municipal corporations and to cities 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, sub-government 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 thereof, 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 said cities and the territory and citizens thereof. 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

### BOARD OF SUPERVISORS

**Section 401. Powers.** All powers of the city-county shall be vested in the board of supervisors except as otherwise provided in this charter.

**Section 402. Composition.** The legislative body of the city-county shall be a board of eleven supervisors, residing in and elected from eleven supervisor districts. Each supervisor shall be nominated and elected by the electors of the district in which such person resides as provided in Article 14. The board of supervisors shall elect from among its members a chairperson who shall be the presiding officer of the board and serve at the pleasure of the board.

**Section 403. Districts.** The city-county is hereby divided into eleven supervisor districts, designated First through Eleventh Supervisor Districts, respectively. Each supervisor district shall be numbered and its initial boundaries determined as provided in Section 1707 of Article 17. The office of each supervisor shall bear the number accorded the district of such supervisor.

**Section 404. District Standards.** Supervisor 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: topography;

geography; cohesiveness, continuity, integrity and compactness of territory; community of interests of the districts; existing neighborhoods; and, when established under this charter, community boundaries.

### Section 405. Reapportionment of Districts.

(A) Within six months after an official United States census, the board of supervisors shall examine the boundaries of each supervisor district for compliance 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 said standard.

(B) For purposes of this section the six-month period shall begin upon the availability of population data equivalent to that described as "Block Data" in the 1970 census.

(C) If the board of supervisors fails to adopt an ordinance modifying district boundaries as required and within the time specified by subsection (A) of this section, said district boundaries shall be examined and modified into compliance with the population standard set forth in Section 404 by a district reapportionment commission. The district reapportionment commission shall consist of the district attorney, who shall call the commission together and act as its chairperson, the assessor, and the auditor. The district reapportionment commission shall act to complete its work not later than six months prior to the next general election. The adjustment of district boundaries by the commission shall be filed with the clerk of the board of supervisors with the same force and effect as if it were an ordinance of the board of supervisors but shall be final and not subject to referendum.

**Section 406. Redistricting.** District boundaries may be changed by ordinance, provided that any such revised district boundaries shall comply with the population standard set forth in Section 404.

**Section 407. Terms of Office.** Each supervisor shall serve for a term of four years commencing on the first Monday of the December following election and until a successor qualifies. In order to establish staggered terms for supervisor, the board shall determine by lot at its first regular meeting following the commencement of its first term under this charter whether the supervisors elected from the odd-numbered districts or whether the supervisors elected from the even-numbered districts shall serve initial two-year terms, and the supervisors shall serve initial two-year terms from those districts so determined.

**Section 408. Qualifications of Supervisors.** Each supervisor at the time of candidacy and election or appointment shall be an elector, and a resident in such supervisor's district for not less than 30 days preceding the date of candidacy, election or appointment, as the case may be, and must continue to reside in such district during the term of office, except that no boundary change under Section 405 or 406 shall disqualify a supervisor from serving the remainder of the term. 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 409. Vacancies.** A vacancy on the board of supervisors shall be filled by special election to be immediately called by the board, unless such special election would occur within one year of the next general 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 board. A person elected to fill a vacancy shall hold office for the unexpired term of the former incumbent. A person appointed to fill a vacancy shall serve until a person nominated and elected at the next primary and general city-county elections assumes the office.

**Section 410. Compensation and Expenses.** The compensation of supervisors shall be established by ordinance subject to referendum as provided in Section 1 of Article XI of the Constitution of the State of California. In addition thereto, supervisors may be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established and applicable to the officers and employees of the city-county.

### Section 411. Rules, Quorum and Voting.

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

(B) A majority of the members of the board 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 board rules.

(C) The board of supervisors shall act only by ordinance, resolution or motion. The affirmative vote of six members of the board shall be necessary to pass any ordinance, resolution or motion. Emergency ordinances and resolution, passed by seven votes, shall take effect as indicated in the ordinance or resolution. All other ordinances shall take effect not earlier than 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 30 days after the date of passage or passage over the mayor's veto, as the case may be. Resolutions subject to the mayor's veto shall take effect not earlier than 11 days after the date of passage, provided that resolutions not subject to the mayor's veto or passed over the mayor's veto may 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 therein.

### Section 412. Meetings.

(A) The board of supervisors shall hold regular meetings at least once each month at a time and place fixed by ordinance. Meetings of the board of supervisors shall be held within the corporate limits of the city-county and shall be open to the public unless otherwise closed by the board of supervisors as permitted by State law. Any regular meeting of the board 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 board 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 adjourned meeting.

(B) A special meeting may be called at any time by the mayor, or the chairperson of the board, or any three members of the board 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 such meeting.

### Section 413. Ordinances. Records.

(A) Subject to the provisions of Section 503 of Article 5, the form and manner of enactment of ordinances shall be as provided by ordinance adopted by the board of supervisors.

(B) The board 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 board of supervisors or any committee thereof.

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

**Section 414. Investigations.** The board of supervisors or any duly appointed committee of the board may make investigations into the affairs of the city-county government and sub-governments and the conduct of any department, office, agency, officer or employee thereof, 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 board of supervisors or a committee of the board 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 415. Consolidation, Segregation of Offices.** The board 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 416. 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 such office an appointive office under this section.

## ARTICLE 5

### MAYOR — ADMINISTRATION

#### Section 501. Mayor — 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 not be a member of the board of supervisors and shall have no vote on board actions, but shall be entitled to speak and be heard at public meetings of the board and, by invitation of the board, at closed meetings of the board;
- (4) shall prepare an annual budget relating to the fiscal affairs of the city-county for the ensuing fiscal year and submit it to the board of supervisors for review, modification and adoption;
- (5) shall communicate to the board of supervisors on or before the 15th day of January of each year a statement of the conditions and affairs of the city-county, and make specific recommendations for legislation;
- (6) may propose ordinances and resolutions which shall be considered by the board of supervisors;
- (7) may veto ordinances and resolutions in accordance with Section 503;
- (8) shall appoint and may remove the chief administrative officer in accordance with Section 521 and shall supervise the performance of duties by the chief administrative officer;
- (9) shall appoint and may remove members of the boards and commissions and advisory agencies in accordance with Section 1102 of Article 11, except as otherwise provided in this charter;
- (10) 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;
- (11) may exercise any function conferred on the mayor under this charter through a designated member of the board of supervisors in the event of the mayor's temporary absence from the city-county.

**Section 502. Mayor — 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. Mayor — Veto Power.

(A) The mayor may veto any ordinance or resolution of the board of supervisors except:

- (1) zoning ordinances involving the reclassification of particular parcels from one land use classification to another;
- (2) ordinances or resolutions calling elections;
- (3) emergency ordinances or resolutions.

(B) Any ordinance or resolution adopted by the board 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 ordinance or resolution, the mayor shall sign it and it shall become effective according to the terms thereof. If the mayor disapproves, the mayor shall return the ordinance or resolution to the board of supervisors without the mayor's signature, accompanied by a message indicating the reasons for disapproval and recommendations. Any ordinance or resolution so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by a vote or not less than seven of the members of the board of supervisors. Any ordinance or resolution shall become effective on the date provided therein, with or without the mayor's signature, unless it be disapproved by the mayor and returned to the board of supervisors not more than ten days after the date when the ordinance or resolution was delivered to the mayor's office for consideration.

(C) The board 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. Any such 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 of the members of the board of supervisors.

**Section 504. Mayor — Qualifications.** The mayor at the time of candidacy and election shall be an elector, and a resident of the city-county not less than 30 days prior to the time of candidacy, and shall continue to reside in the city-county during the term of office. The term "elector" shall have the meaning given in Section 408 of Article 4.

**Section 505. Mayor — Election.** The mayor shall be elected from the city-county at large as provided in Article 14.

**Section 506. Mayor — Term.** The term of office of mayor shall be four years, commencing on the first Monday of the December following election, and until a successor qualifies.

**Section 507. Mayor — Compensation and Expenses.** The compensation of the mayor shall be established by ordinance subject to referendum. In addition thereto, the mayor shall be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with general policies to be established and applicable to officers and employees of the city-county.

**Section 508. Mayor — Absence or Incapacity.** During any absence of the mayor from the city-county, the mayor may designate a member of the board of supervisors to be the acting mayor, with all powers of the office until the mayor returns. If the mayor becomes incapable of acting as mayor and incapable of delegating duties, the chairperson of the board of supervisors shall become acting mayor, with all powers of the office except the power to remove the chief administrative officer or other appointees of the mayor. The board of supervisors by ordinance or resolution shall adopt procedures to determine incapacity of the mayor. The person serving as acting mayor under this section shall continue to hold office as supervisor.

**Section 509. Mayor — Vacancies.** A vacancy in the office of mayor shall be filled by special election to be immediately called by the board of supervisors, unless such special election would occur within one year of the next general election at which the office of mayor would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the members of the board then in office. An appointee shall serve until a person nominated and elected at the next primary and general city-county elections assumes the office. A person elected shall serve for the duration of the unexpired term. Pending the filling of any such vacancy and until a person elected or appointed qualifies to hold the office of mayor, the chairperson of the board of supervisors shall be the acting mayor, with all

powers of the office except the power to remove the chief administrative officer or other appointees of the mayor, but shall continue to hold office as supervisor.

**Section 510. Mayor — Limitation on Future Employment.** The mayor shall not, during the term for which the mayor shall have been elected or for one year after the mayor ceases to hold office, be eligible for any other 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 such office an appointive office under this section.

[Sections 511 - 520 reserved for future use.]

**Section 521. Chief Administrative Officer — Appointment, Qualifications, and Removal.** There shall be a chief administrative officer who shall be appointed by the mayor subject to confirmation by not less than seven votes of the board of supervisors. This officer shall be selected without regard to such person's political beliefs and solely on the basis of administrative qualifications. Such person need not be a resident of the city-county at the time of appointment, but shall be a resident while in office. The chief administrative officer shall serve at the pleasure of the mayor. The chief administrative officer shall not be subject to removal by an acting mayor under Section 508 or 509.

**Section 522. Chief Administrative Officer — Functions.** The chief administrative officer shall be responsible for the effective administration of the city-county government. Subject to direction of the mayor and in accordance with ordinances and resolutions adopted by the board of supervisors, such officer shall have the power and it shall be such officer's duty:

(A) to see that all laws and ordinances are executed;

(B) to administer and exercise supervision and control over all agencies, departments and services of the city-county government under the jurisdiction and control of such officer;

(C) to act in an advisory capacity to and with the mayor and board of supervisors with respect to officials or boards not under the jurisdiction and control of such officer;

(D) except as otherwise provided in this charter, to appoint all heads or directors of agencies and departments of the city-county and all subordinate officers and employees, with power to discipline and remove any officer or employee so appointed, subject to the provisions of Article 13 with respect to civil service officers and employees;

(E) to make such recommendations to the mayor and board of supervisors as such officer shall deem appropriate concerning the operation, affairs and future needs of the city-county;

(F) to perform such other duties consistent with this charter as may be prescribed by the mayor or the board of supervisors.

**Section 523. Annual Budget.** Under the direction of the mayor, the chief administrative officer shall prepare the annual budget, which shall include the budgets of all elective officers and sub-governments, as prepared and submitted by said officers and sub-governments, for submission by the mayor to the board of supervisors.

**Section 524. Non-interference With Chief Administrative Officer.** No member or members of the board 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 or position, relative to any appointment or removal of any city-county officer, and any violation of the provisions of this section shall be wilful misconduct of the supervisor. Except for the purpose of obtaining information, the board of supervisors and its members shall deal solely and directly through the mayor and the chief administrative officer with respect to the part of city-county government under their direction.

## ARTICLE 6

### OTHER ELECTIVE AND APPOINTIVE OFFICERS

**Section 601. Elective Officers.** The city-county elective officers, other than the mayor and the board 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;

(F) Members of Community Councils who shall be elected as provided in Section 703 of Article 7.

**Section 602. City-County Attorney.** The board of supervisors shall appoint a city-county attorney and 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 officers, agencies, departments, boards, commissions, and sub-governments thereof, and shall have such other powers and duties as may be prescribed by State law and by ordinance or resolution of the board 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 board of supervisors may authorize the retention of other legal counsel to represent one of the conflicting parties.

**Section 603. Court Reporters.** The Judges of the Superior Court may appoint the phonographic reporters, subject to the provisions of the Code of Civil Procedure of the State of California, but the board of supervisors by ordinance shall determine the fees to be charged by such phonographic reporters.

**Section 604. Probation Officer and Probation Committee.** The manner and method of appointment and removal of the probation officer and assistants and the members of the probation committee, subject to the applicable provisions of Article 13, shall be as is now or hereafter may be provided by general State law.

**Section 605. County Clerk as Clerk of the Superior Court.** The board of supervisors by ordinance shall provide for the county clerk to be appointed by and serve at the pleasure of the superior court, and for the manner of appointment and removal of assistants, deputies and civil service employees under the direction of such officer, subject to the applicable provisions of Article 13. The county clerk shall function as and have only the duties of clerk of the superior court. Other functions and duties formerly performed by the county clerk shall be transferred and assigned by the board of supervisors by ordinance to other officers of the city-county. Whenever under any provision of State law, reference is made to functions or duties of the county clerk other than those as clerk of the superior court, such reference shall be deemed to apply to such other officer or officers to whom such comparable duties have been transferred and assigned pursuant to this section.

#### **Section 606. Law Enforcement.**

(A) A professional chief of police, appointed by the chief administrative officer, shall serve as head of the law enforcement agency, department or division thereof providing law enforcement services to the urban services district established under Section 802 of Article 8, which comprises the urban area of the former City of Sacramento.

(B) The sheriff shall serve as the sheriff of the city-county and, in addition, shall serve as the head of the law enforcement agency, department or division thereof providing law enforcement services to the city-county except the urban services district established in Section 802 of Article 8. The sheriff shall exercise no jurisdiction over the chief of police appointed under subsection (A) of this section or the assistants, deputies, and employees under the direction of

the chief of police, except such jurisdiction as may be expressly conferred by applicable State law on county sheriffs with respect to charter city chiefs of police.

(C) It is the intent of this section that the respective jurisdiction and duties of the chief of police of the City of Sacramento and the sheriff of Sacramento County, as such offices exist on the effective date of this charter, shall continue without change or modification, except that the sheriff shall assume jurisdiction over agricultural areas excluded from the urban services district under Section 802 of Article 8, until the voters of the city-county shall have amended this charter to merge and consolidate such offices and determine the manner of selection of the person to fill the merged and consolidated office.

(D) At a special city-county election to be held in November, 1976, the board of supervisors shall submit to the voters of the city-county the question of an amendment to this charter, as provided in Section 1711 of Article 17, to merge and consolidate the offices of chief of police and sheriff and determine whether the chief law enforcement officer of the city-county shall be appointive or elective.

**Section 607. 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 608. Other Appointive Officers.** Each elective officer shall appoint such assistants and deputies, exempt from civil service under Section 1303 of Article 13, as may be provided by ordinance. Except as otherwise expressly provided in this charter, applicable State law or ordinance adopted pursuant to Section 618, the chief administrative officer shall appoint all other officers of the city-county as established by ordinance.

#### **Section 609. General Powers and Duties.**

(A) Except as otherwise provided in this charter, each and all of the officers now existing or created hereunder or by the Constitution or general law of the State of California or by the board 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.

(B) The auditor shall be the chief accounting officer for the city-county and all sub-governments.

#### **Section 610. Office of Ombudsman.**

(A) There is established in the city-county government the office of ombudsman.

(B) The ombudsman shall be appointed by the board of supervisors for a term of five years. The ombudsman may be removed from office for cause by the vote of not less than seven members of the board of supervisors after notice and public hearing. The board of supervisors shall provide the ombudsman with an adequate staff.

(C) The jurisdiction of the ombudsman extends to the investigation of all acts or omissions of the city-county and its sub-governments, boards, commissions, agencies, officers and employees.

(D) The ombudsman may establish procedures for receiving and processing complaints, conducting investigations and reporting findings. The procedures shall be published and shall be effective until amended or repealed by a vote of the board of supervisors.

(E) The ombudsman shall submit to the mayor and the board of supervisors at least annually a report of the ombudsman's activities and recommendations for administrative or legislative action.

(F) The board of supervisors shall act to fill such office within one year following the effective date of this charter.

#### **Section 611. Residency.**

(A) Each elective officer at the time of candidacy and election or appointment shall be an elector, and a resident of the city-county

for not less than 30 days prior to the date of candidacy for election or appointment, as the case may be, and must continue to reside in the city-county during the term of office. The term "elector" shall have the meaning given in Section 408 of Article 4.

(B) Each appointive officer need not be a resident of the city-county at the time of appointment, but shall be a resident while in office.

(C) The board of supervisors may provide that subsection (B) of this section shall not apply to any person who, on the date of adoption of this charter, is serving as an officer of any consolidated government and is living outside the city-county consistent with laws and regulations governing such office for so long as such person remains in such office.

**Section 612. Tenure 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 on the first Monday of December following election, and until a successor qualifies. The terms of such officers in office on the effective date of this charter shall expire as provided in Section 1705 of Article 17. Terms of all officers unless otherwise herein or by law provided, shall be at the pleasure of the appointing power.

**Section 613. Vacancy in Elective Office — How Filled.** Whenever a vacancy shall occur in any elective office, other than in the board of supervisors or mayor, the board of supervisors shall fill the same in the manner, and the appointee shall hold office for the time, provided by general State law.

**Section 614. Vacancy in Appointive Office — How Filled.** Whenever a vacancy shall occur in an appointive office, it shall be filled, subject to the manner and method herein provided with respect to the original appointment, by the person, board or commission, as the case may be, empowered to make such original appointment.

**Section 615. Method of Suspension and Removal of Appointive Officers.** Every appointive officer appointed by the board of supervisors may be suspended or removed at the pleasure of the board of supervisors. Every appointive officer appointed by the chief administrative officer may be suspended or removed at the pleasure of the chief administrative officer.

**Section 616. Annual Salaries of Elective Officers.** The annual compensation of elective officers shall be fixed by ordinance of the board of supervisors.

**Section 617. Salaries of Appointive Officers.** The annual compensation of the appointive officers shall be fixed by ordinance of the board of supervisors.

**Section 618. Appointments.** The board of supervisors by ordinance, 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 several offices of the city-county, and 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 in this charter provided; provided, however, that such ordinance shall authorize elective officers to appoint their deputies and such subordinates as shall be designated and provided by said ordinance, and that appointive officers may appoint their deputies and subordinates, subject to the approval of the chief administrative officer.

## ARTICLE 7 COMMUNITIES

**Section 701. Purpose.** This article provides for the establishment of communities within the urban area of the city-county, provides for the election of community councils within said communities, and provides for the sharing of rights and powers between the city-county

government and the community councils. Community councils are sub-governments within the meaning of Section 5 of Article XI of the California Constitution.

### Section 702. Community Boundaries.

(A) Criteria for the establishment and modification of community boundaries shall include, but not be limited to: population, identifiable boundaries, history, existing records, popular opinion, convenience and common interests, contiguity with an existing community, compactness, ethnic composition, economic base, and existing provisions of public services. Communities need not be equal in population, size or other respects.

(B) The initial boundaries of communities shall be established by a community boundary commission as provided in Section 1709 of Article 17.

(C) Thereafter, community boundaries may be changed and new community boundaries established in accordance with procedures provided by ordinance. Such procedures shall require approval of boundary changes by each community council affected thereby and by a majority vote of the voters of the area transferred voting on such change.

### Section 703. Community Councils — Established and Elections.

(A) A governing body for each community shall be known as the community council, and shall be established in accordance with the provisions of this section.

(B) Each community council shall be activated as of the first Monday in December of 1975, and shall initially consist of five members, elected at large, who shall be resident electors of the community and who shall continue to reside in the community during their term of office. Members of community councils shall serve terms of two years commencing on the first Monday of the December following election and until their successors are elected and qualified.

(C) The initial election to elect the five members of each council shall be held concurrently with the city-county primary election in September, 1975. The then existing board of supervisors of the County of Sacramento shall provide for the nomination and election of members for community councils. On the ballot in each community the voters thereof shall vote for five members of the community council, and shall also vote on whether to elect community council members at subsequent elections at large or by districts. The election shall be called, held and conducted and the returns thereof shall be canvassed and the result thereof declared in substantially the same manner as in the case of other elections held in the county, except as modified procedurally by ordinance. The then existing board of supervisors of the County of Sacramento by an order entered on its minutes shall declare the five candidates receiving the highest number of votes at such election as elected members of the community council of said community. If at such election a majority of votes cast is in favor of electing community council members at subsequent elections by districts, the newly elected city-county board of supervisors shall provide for the establishment of districts by an independent body applying the population standard applicable to supervisor districts and shall further provide for primary and general elections for the community council concurrently with the city-county primary and general elections.

(D) At any subsequent election after the first election at which the community council is elected, the electorate of a community may vote to change the number, composition and method of election of its community council. If a district representation is established, the board of supervisors shall provide for the establishment of districts by an independent body applying the population standard applicable to supervisor districts and shall further provide for primary and general elections for the community council concurrently with city-county primary and general elections.

(E) The board of supervisors shall call an election in each community every two years concurrently with the city-county primary election or, in the case of district elections, concurrently with the



primary and general elections, for the purpose of electing members to the community council and voting on any other matter that may be placed on the community ballot.

(F) In the event a community council area is divided into election districts, the board of supervisors by ordinance shall provide for periodic reapportionment and redistricting by community councils. In the event the community councils fail to act on periodic reapportionment and redistricting as provided by ordinance, the reapportionment commission shall do so as provided under Section 405 of Article 4.

(G) Following the initial establishment of communities and the first elections for community councils the board of supervisors by ordinance shall provide uniform procedures, consistent with the provisions of this Article 7, for:

- (1) the dissolution and re-establishment of community councils;
- (2) the nomination, election and recall of members of community councils, and the filling of vacancies thereon;
- (3) the exercise of initiative and referendum by the voters of communities with respect to actions of communities and community councils;
- (4) annexation of area not within a community to an adjacent community upon a determination that said area has changed from status of rural area to status of urban or suburban area;
- (5) the creation of new communities and establishment of community councils therein; and
- (6) changes in community boundaries.

#### **Section 704. Community Councils — Internal Organization, Powers.**

(A) The board of supervisors by ordinance shall adopt uniform procedures and limitations, consistent with the provisions of this section and this Article 7, governing the implementation and application of this section and procedures and actions of community councils under this section.

(B) Subject to such uniform procedures and limitations as shall be adopted pursuant to subsection (A) of this section:

(1) Members of a community council shall receive such compensation as the community council shall determine, subject to referendum by the electorate in the community. Members of a community council may receive, in addition, reimbursement for reasonable and necessary expenses incurred in the performance of duties in accordance with general policies to be established and applicable to officers and employees of the city-county.

(2) Each community council shall determine its own organization and procedures, consistent with maximum public participation, and shall provide for the time, place and frequency of its meetings. Meetings shall be open and public to the same extent and in the same manner, with notice of special meetings, as provided for meetings of the board of supervisors in Section 412 of Article 4.

(3) Each community council shall keep a permanent public record of its proceedings showing all actions considered and taken, motions and records, the text of resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each member of the community council regarding any matter before the community council or any committee thereof.

(4) Each community council shall have the ability to contract for services and shall have the power to adopt resolutions, adopt a community budget, appoint and remove advisory commissions, and conduct hearings and investigations, and all other powers necessary or incidental to the conduct of its business and the exercise of its functions under this article.

(5) Each community council, if authorized by the voters within the community, shall have the power to establish an ad valorem property tax to be levied within the community as provided in Section 1204 of Article 12.

(6) Subject to the provisions of Section 1310 of Article 13, and to the extent funds are available to it for such purpose, each

community council may employ a community manager and such other employees as it shall deem necessary and may remove or dismiss any persons so hired or retained.

#### **Section 705. Community Councils — Powers and Functions.**

(A) The board of supervisors shall adopt appropriate ordinances to carry out the provisions of this section, consistent with the provisions of this charter and applicable State law. Such ordinances shall provide for the exercise by community councils of the specific powers and functions allowed under this section at such earliest time as determined by the board of supervisors as being appropriate under procedures providing for an orderly transition period for the reorganization of the consolidated governments hereunder. Such ordinance may further provide for the transfer of any governmental powers and functions between the city-county government and any community council with the concurrence of both the board of supervisors and the community council, to the extent that such transfer is lawful. The board of supervisors shall grant community councils such authority, and shall provide each community council with such funds or appropriations pursuant to community council budgets approved by the board of supervisors, as shall be found by the board to be necessary for the provision of basic levels of services by community councils under this section. City-county subventions and expenditures for communities shall be equalized, to the extent deemed feasible by the board of supervisors, to promote equal access to services within all communities.

(B) Each community council shall have the specific powers and functions set forth in this section, but may elect not to exercise any or all of such powers and functions in accordance with procedures established by ordinance adopted by the board of supervisors.

(C) From January 1, 1976, during and beyond the time established by the board of supervisors for the assumption of powers by community councils under this section and other sections of this Article 7, community councils shall advise and consult with the mayor, board of supervisors and other officers of the city-county government concerning the orderly reorganization of the consolidated governments during the transition period under this charter and concerning the content and adoption of ordinances to implement the provisions of this Article 7.

(D) A community council may undertake responsibility for the following programs and services provided within its community:

- (1) the operation and maintenance of neighborhood and community parks and neighborhood and community recreation facilities and programs and the establishment of policies relating to such operation and maintenance;
- (2) street lighting, and initiation of and approval of proceedings to establish street lighting assessment districts;
- (3) cultural activities which are community in scope;
- (4) the determination of the number and location of parking meters on streets within the community;
- (5) provision of a higher level of services than the basic level of services, to be paid for by the community council out of locally raised funds, and consistent with the powers delegated to community councils, provided that where primary responsibility for provision of a service lies with the city-county government, the community council may contract with the city-county government for a higher level of service;
- (6) such other programs and services as may be specified by the board of supervisors from time to time by ordinance.

(E) A community council may undertake the functions provided in this subsection (E), with respect to the following programs and services provided within its community. A community council may:

- (1) determine priorities for the provision of animal control services within the community by the city-county government;
- (2) determine priorities for street cleaning and street maintenance within the community;

- (3) determine priorities for the expenditure by the city-county government of minor street and road funds within the community for such purposes, coordinating the determination of said priorities with the community plan for the community and general plan of the city-county;
- (4) determine priorities for the performance by the city-county government of tree trimming and related services, and advise the city-county government as to the types of tree trimming services required within the community;
- (5) recommend redevelopment projects within the community to the city-county government and participate in the formation and coordination of project area committees for such projects;
- (6) recommend to the city-county government concerning the location and size of public offstreet parking lots within the community, and the requirements for offstreet parking within the community under ordinances of the city-county;
- (7) undertake such additional functions with respect to city-county programs and services provided within the community as may be specified by the board of supervisors from time to time by ordinance.

(F) In adopting ordinances or resolutions relating to land use planning and zoning administration, and land division regulation and review, the board of supervisors shall define the appropriate planning agency referred to herein and shall provide as follows:

- (1) for community council consultation and recommendation on the preparation and adoption of the city-county general plans and on ordinances designating land use classifications which shall be consistent with such general plans;
- (2) for community council preparation and submission for consideration by the city-county planning agency and adoption by the board of supervisors in implementation of the city-county general plans, of community plans and specific plans (which may include architectural and landscaping standards for areas of special significance and sign and billboard regulations within the community) consistent with the city-county general plans or, if not consistent, with recommendations to amend the city-county general plans;
- (3) for findings stating reasons for such action and at least one public hearing in the affected community before either (a) the city-county planning agency shall recommend against adoption of a community plan or a specific plan or recommend adoption with substantial changes from the recommendation of the community council, or (b) the board of supervisors shall disapprove a community plan or specific plan or consider adoption of a community plan or specific plan with substantial changes from the recommendation of the community council; provided that the board of supervisors need not hold a public hearing in the affected community prior to accepting changes recommended by the city-county planning agency in a community plan or specific plan if the city-county planning agency has held a public hearing in the affected community on such changes;
- (4) for an opportunity for community council review and comment with respect to land use planning, zoning and land division matters being considered by the city-county planning agency or board of supervisors or both; provided that it is not intended by this subsection (4) to require additional hearings or procedures before a community council on such matters;
- (5) to the extent permitted by law, for community councils under the comprehensive zoning ordinance, to act upon such zoning administration issues as variances, special use permits (other than special use permits involving planned unit developments and basic land use determinations as shall be defined by the board), home occupations, and similar applications, with appeal therefrom directly to the board of supervisors or the city-county planning agency as may be provided by ordinance or resolution;

- (6) that with respect to land use planning, zoning or land division decisions directly affecting any particular community, such affected community council shall be deemed an interested, affected or aggrieved party for purposes of being able to either initiate action or appeal a decision;
- (7) that insofar as practicable, procedures for community council action, review and comment on land use planning, zoning and land division matters shall be integrated into procedures at the city-county level for environmental review, initial application review and action, and appeal procedures, with the objective that such matters be processed by the city-county planning staff and considered by community councils in the most expeditious manner consistent with legal requirements and a reasonable opportunity for participation by community councils and the public generally.

In the event that State law applicable to the city-county government in one or more of the matters referred to in this subsection (F) is changed to render any of the provisions of this subsection in conflict with such applicable State law, the board of supervisors by ordinance or resolution may provide for such alternative procedures as may be necessary to comply with such applicable State law.

#### **Section 706. Community Councils — Relationships to Board of Supervisors.**

(A) A community council may submit any matter determined by it to be a matter of special concern to the community to the board of supervisors with a request that it be considered by the board at a regular meeting thereof. Upon receipt of such a request, the board of supervisors shall place the matter upon its agenda at a regularly scheduled meeting within 30 days or at such later regular meeting as may be requested by the community council, and shall consider the matter and allow representatives of the community council to appear and be heard.

(B) The board of supervisors by ordinance or resolution shall provide a procedure for notice to and receipt of advice and comment from community councils generally, as to matters of special concern to all communities, and from particularly affected community councils, as to matters of special concern to particular communities, when matters relating to the following subjects are considered by the board:

- (1) consumer protection;
- (2) general government operations involving staff services to community councils;
- (3) health care programs and services;
- (4) publicly assisted housing programs and projects;
- (5) libraries and library services;
- (6) public assistance programs and services;
- (7) reclamation, drainage and flood control projects;
- (8) traffic engineering proposals;
- (9) weed abatement programs;
- (10) any specific matter of special concern identified by a community council in a written notice or request to the board of supervisors;
- (11) such other matters of special concern to a community or communities as may be specified by the board of supervisors from time to time.

#### **Section 707. Community Councils — Relationship to City-County Government Administration.**

(A) The city-county government shall provide staff assistance to community councils by the city-county staff and may provide other services to community councils, on such terms and conditions as shall be prescribed by the board of supervisors.

(B) At the request of a community council, the chief administrative officer or a principal assistant, deputy, or agency or department head designated by such officer shall meet with the community council at any regular or special meeting thereof.

(C) At the request of a community council, the chief law enforcement officer or a principal assistant or deputy designated by such officer shall meet with the community council at any regular or special meeting thereof. It is the intent of this subsection (C) that community councils shall have broad opportunities through this provision and other provisions of this charter to bring to the attention of the law enforcement agency or department and the board of supervisors, for discussion and consideration by such bodies, the views and comments of the community concerning law enforcement operations, policies and procedures within the community.

(D) At the request of a community council, the assessor, auditor and district attorney, or principal assistant or deputy designated by such officer, shall meet with the community council at any regular or special meeting thereof.

**Section 708. Community Councils — Other Areas.** Notwithstanding any provision in this charter to the contrary, the board of supervisors may provide for the establishment of communities, and the activation and election of community councils within said communities, in any part of the rural area of the city-county, and the provisions of this article shall apply with equal force and effect to such communities and community councils to the extent that the programs and services referred to in this article are applicable to such communities.

**Section 709. Community Councils — User Fees.** Community councils may impose user fees for the use of community facilities and community-provided services as authorized by uniform ordinance adopted by the board of supervisors.

**Section 710. Community Councils — Acceptance of Financial Assistance; Contracts.** A community council may accept financial assistance from any public or private source to carry out any function lawfully delegated to it by or pursuant to this charter and may contract for such assistance; provided that no such acceptance of financial assistance or contract shall constitute a general indebtedness of the community council beyond current revenues sufficient to repay the same without approval of a two-thirds vote of the voters within the community voting on such question; and provided, further, that in no event shall any obligation or indebtedness of the city-county be created by any contract of a community council without the express consent of the board of supervisors.

**Section 711. Community Councils — Audits.** The board of supervisors by ordinance shall provide for periodic audits of programs and fiscal affairs of community councils and a uniform system of fiscal management and supervision for community councils.

**Section 712. Subject to Transition.** The provisions of this article, except for the activation and election of community councils, shall be subject to Section 1713 of Article 17 permitting the board of supervisors by eight votes and a finding of necessity therefore, to suspend or modify certain provisions of this charter for a limited period of time in order to complete the reorganization of the consolidated governments during the transition period.

## ARTICLE 8

### URBAN AND RURAL AREAS — SERVICES DISTRICTS

**Section 801. Establishment of Urban and Rural Areas.** For purposes of levels of service, administration, taxation and orderly implementation of reorganization, the city-county shall be divided into two general areas: an urban area and a rural area. The urban area shall initially consist of (1) all the area of the former City of Sacramento, excluding therefrom lands located north of the Interstate 880 Freeway in the City of Sacramento which are both agriculturally zoned and agriculturally used, (2) all of the formerly unincorporated areas of the former County of Sacramento for which community boundaries have been prepared under Section 1709 of Article 17, and (3) the area of any former municipality (other than the City of Sacramento) which is consolidated under this charter. The rural area shall initially consist

of all area of the city-county not included within the urban area. Thereafter, the boundaries of the urban and rural areas of the city-county may be changed by ordinance.

### Section 802. Services Districts.

(A) The city-county government, within the geographic limits thereof, shall comprise initially three or more service and taxing districts (herein called "services districts"), 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 said services districts, and the rate and manner of taxation and of municipal service charges may vary in any one district from that in another or other districts.

(B) The board of supervisors shall divide the territory of the city-county into three or more services districts. One services district shall be known as the general services district and shall consist of the total area of the city-county as fixed in Section 104 of Article 1. One services district shall be known as the urban services district and shall consist of the total area of the former City of Sacramento, excluding therefrom lands located north of the Interstate 880 Freeway in the City of Sacramento which are both agriculturally zoned and agriculturally used. One or more services districts shall be known as suburban services districts and shall consist of all formerly unincorporated areas of the former County of Sacramento for which community boundaries have been prepared under Section 1709 of Article 17, and the area of any former municipality (other than the City of Sacramento) which is consolidated under this charter. The boundaries of services districts may be changed from time to time consistent with this section, and the urban services district may be consolidated with some or all of the suburban services districts at any time following the passage of five years from the effective date of this charter if the board of supervisors finds that such change is in the public interest. In addition, one or more services districts known as rural services districts may be established in the rural area of the city-county for special services or a higher level of services to any portion of the rural area.

(C) Without limitation on the board of supervisors, it is intended by this article that taxation and municipal service charges of the city-county government within the general services district 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 area of the city-county, that taxation and municipal service charges of the city-county government within the urban and suburban services districts 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 such urban and suburban services districts, and that taxation and municipal service charges of the city-county government within the rural services districts shall be determined, levied and assessed on the basis of those special governmental duties, functions, services and obligations, including the creation of indebtedness, which benefit primarily the residents and territory of such rural services districts.

(D) In determining the rates of property taxation within the urban services district, the board of supervisors shall:

- (1) consider the fact of the exclusion hereunder of certain areas of the former City of Sacramento from the tax base of the urban services district and take appropriate action so that the residents and territory of said urban services districts are not adversely affected in determining tax rates by the exclusion of said area; and
- (2) consider the fact of reduced revenues from utility user taxes and business licenses taxes and take appropriate action so that said reduction in revenues is restored wholly or partially, as may be necessary, by property taxation.

**Section 803. Implementation.** In order to fully implement the provisions of this article consistent with legal requirements, and to obtain the results intended hereunder, the board 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. So long as urban and suburban services districts are separately maintained under the provision of this article, the board of supervisors by ordinance may establish and maintain as separate agencies or departments of the city-county an urban fire department and suburban fire department to provide fire protection for the urban services district and the suburban services districts, respectively. So long as urban and suburban services districts are separately maintained under the provisions of this article, the board of supervisors by ordinance may establish and maintain as a separate agency or department of the city-county an urban law enforcement agency to provide law enforcement services in the urban services district as distinct from the provision of law enforcement services rendered county-wide and to other areas of the city-county.

## ARTICLE 9 SPECIAL DISTRICTS

**Section 901. Special Districts Dissolved.** 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 be dissolved on the effective date of this charter and consolidated with and merged into the city-county government except the following:

- (A) Sacramento-Yolo Port District;
- (B) Sacramento Municipal Utility District;
- (C) Sacramento Regional Transit District;
- (D) Reclamation Districts, which includes Levee Maintenance Districts exercising one or more functions of a Reclamation District;
- (E) School and Community College Districts;
- (F) Sacramento County-Yolo County Mosquito Abatement District;
- (G) Sacramento Regional County Sanitation District;
- (H) Sacramento County Water Agency, which shall continue until dissolved pursuant to ordinance adopted by the board of supervisors;
- (I) San Juan Suburban Water District, which shall continue until dissolved or reorganized pursuant to ordinance adopted by the board of supervisors;
- (J) El Dorado Irrigation District, which shall continue until dissolved or reorganized pursuant to ordinance adopted by the board of supervisors.

### Section 902. Re-establishment of Special Districts.

(A) The board of supervisors shall adopt an ordinance or ordinances re-establishing, as sub-governments of the city-county carrying out special district functions, the following:

- (1) Special districts in the rural area of the city-county established under Article 8;
- (2) Special districts exercising jurisdiction or functions in another county, to the extent that such action is necessary to continue the jurisdiction of the district in the other county;
- (3) Special districts exercising jurisdiction or functions in the city-county, to the extent that such action is necessary to continue the jurisdiction or functions of the special district in the city-county in order to comply with mandatory and applicable requirements of general State law.

(B) The board of supervisors may adopt an ordinance or ordinances re-establishing, as sub-governments of the city-county, any other special district whose re-establishment is deemed necessary or desirable by the board of supervisors.

(C) Ordinances re-establishing special districts as sub-governments may provide for the continuation in office of incumbent governing bodies of said districts, and may incorporate as functions, powers and procedures of said special districts the functions, powers and procedures provided under general State law for similar special districts, and may provide for the future modification or dissolution of said special districts. General State law shall apply to any such special district only to the extent it is incorporated into the ordinance re-

establishing said special district, and under no circumstances shall any such special district be deemed to exist or function independently under general State law.

**Section 903. Special Assessment Districts.** Special assessment districts whose formation has been completed on the effective date of this charter shall not be affected by the adoption of this charter, and special assessment proceedings commenced but not completed on the effective date of this charter shall be continued by the city-county board of supervisors according to the provisions of law governing such proceedings.

**Section 904. Assets and Obligations Transferred to Sacramento Regional County Sanitation District.** In the event such action has not been accomplished by the effective date of this charter, the board of supervisors by ordinance may provide for the dissolution of the following sewerage districts and the incorporation of such districts, including all assets and obligations thereof, into the Sacramento Regional County Sanitation District:

- (A) Arden Sanitation District;
- (B) Central Sanitation District;
- (C) Cordova Sewer Maintenance District;
- (D) County Sanitation District No. 2;
- (E) County Sanitation District No. 6;
- (F) Highland Estates Sewer Maintenance District;
- (G) Linwood Sewer Maintenance District;
- (H) Natomas Sanitation District;
- (I) Northeast Sacramento County Sanitation District;
- (J) Sabre City Sewer Maintenance District.

**Section 905. 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 is not affected by the adoption of this charter, except as provided in Section 1712 of Article 17 which contains interim provisions to prevent the adoption of this charter from affecting the existing status of the government of the Sacramento City Unified School District which was governed by the former Charter of the City of Sacramento.

## ARTICLE 10

### CITIES OF FOLSOM, GALT, ISLETON

#### Section 1001. 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 the 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 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 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 1002. 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. 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 board 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 community as provided in Article 7.

**Section 1003. Changes in Boundaries.** Boundaries of cities continued under Section 1001 shall be subject to change in the manner provided by general State law for general law cities. For purposes of this section only, the rural area of the city-county as determined from time to time under Article 8 shall be considered unincorporated territory and the approval of the voters of the city-county shall not be required for the annexation of a portion of the rural area to one of the cities continued under Section 1001.

**Section 1004. Changes in State Law.** The board of supervisors shall seek enactment of appropriate State legislation to conform the provisions of State law to Sections 1002 and 1003.

## ARTICLE 11

### BOARDS, COMMISSIONS AND AGENCIES

**Section 1101. Boards and Commissions — Continuation.** All boards and commissions other than governing bodies, and the members, officers and employees thereof, 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 board of supervisors.

**Section 1102. Boards and Commissions — Creation and Appointments.** The board 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, terms of office and removal. Except as otherwise expressly provided in this charter, the mayor shall appoint all members of boards and commissions, subject to the concurrence of a majority of the board of supervisors; provided that advisory boards and advisory commissions to the board of supervisors shall be appointed and function as prescribed by the board.

**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. Removal of Members of Boards and Commissions.** For good cause, neglect of duty or misconduct in office, a member of a city-county board, committee or commission who has been appointed for a specified term by the board of supervisors or by the mayor with the approval of the board of supervisors, may be removed from office during such term by the board of supervisors. Such member may be removed only after such member has been given a copy of the charges against such member at least ten days prior to a hearing to be held on the charges. At the hearing the member shall have an opportunity to be heard in person or by counsel.

**Section 1105. Meetings.** The board of supervisors by ordinance shall prescribe open public meeting requirements comparable to those contained in Section 412 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 1106. Agencies.** The existence, status, jurisdiction, rights, powers and obligations of redevelopment agencies, housing authorities, parking authorities, 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 board 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 said agencies. Thereafter, the board of supervisors by ordinance 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 applicable State law and any outstanding obligations of such agency or authority.

## 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, the board 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 according to the services districts established pursuant to Article 8 and according to other provisions of this charter requiring or permitting differences in rates or levels of taxation between areas. Such 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. Should the board 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 said rate or rates were applied to various service districts, areas and tax zones in the city-county, shall thereupon 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 Levied by or for Special Districts, Community Councils or Other Sub-Governments.** Unless otherwise provided by ordinance, all property taxes levied by or for special districts re-established by this charter or the board of supervisors pursuant to Article 9, community councils, and other sub-governments created by this charter or by ordinance, shall be levied and collected by the city-county as part of the property tax levy under Section 1202, and shall be distributed upon collection to such agencies according to their entitlement thereto.

**Section 1204. Property Taxation — Community Councils.** Each community council may establish an ad valorem property tax to be levied by the city-county government on all taxable property within its community district, in addition to any other property tax levied by the city-county government, following a majority vote of the voters in the community district voting to authorize such tax at a maximum rate which shall be set forth in the ballot proposition. Taxes collected by the city-county government from such tax levy shall be returned to the community council for expenditure in accordance with its budget as approved by the board of supervisors.

#### Section 1205. Property Tax Limitations.

(A) For fiscal years of consolidated governments commencing prior to July 1, 1976, property tax rate limitations under State law applicable to such consolidated governments shall be applied and shall be calculated as though this charter had not been adopted, and the respective limits so determined shall apply.

(B) For the fiscal years of the city-county commencing on and following July 1, 1976, property tax rate limitations to the extent required by State law shall be determined in the following manner:

(1) As used in this subsection (B), the term "property taxes" means only that portion of the property tax levy which is subject to limitation under the provisions of any applicable State law prescribing maximum property tax rates for cities. The property tax levy allowed community councils under Section 1204 shall be in addition to the maximum property taxes determined under

this subsection (B). There shall be excluded from the computations under this section both assessed valuation in redevelopment projects which results in the taxes levied thereon being paid to the redevelopment agency, and the amount of annual tax revenues so paid to the redevelopment agency.

- (2) The board of supervisors shall determine the total amount of property taxes levied by all of the consolidated governments for either the 1971-72 or the 1972-73 fiscal year. Such total amount shall be divided by the total assessed valuation of all taxable property within the entire city-county territory for such selected fiscal year. The board of supervisors shall determine from such calculation a maximum "base year" tax rate which may be levied by the city-county government. The maximum "base year" tax rate so determined:
- (a) shall be adjusted to take in account cumulative changes in population and cost of living and offsetting changes in assessed valuation, or other factors, to the extent and in the manner allowed by State law imposing tax rate limitations on other cities, counties, and cities and counties;
  - (b) shall be adjusted to raise an amount of revenues equal to the amount raised in fiscal year 1975-76 from any business license tax and utility user tax which will not be produced by such taxes in subsequent fiscal years by reason of Section 1206; and
  - (c) may be adjusted to raise the amount of additional revenues which could have been raised by any consolidated government under applicable State law on the basis of that portion of said government's tax rate previously allowed but not levied.
- (3) For the 1976-77 and subsequent fiscal years, the board of supervisors shall determine the maximum amount of property taxes which can then be levied under applicable State law (subject to adjustment as provided in subsection (B) (2) and applicable State law) as the product of the maximum "base year" tax rate, as adjusted, multiplied by the assessed valuation of all taxable property within the city-county for the then current fiscal year to which the tax rate is to apply. The board of supervisors shall then allocate for such fiscal year to the city-county and sub-governments the total amount to be raised from property taxes for such year, taking into consideration the policies expressed in Article 8, and shall establish property tax rates based thereon. Allocations to special districts re-established under Section 902 of Article 9 shall be determined for such districts as though they had not been consolidated and merged under this charter.

#### **Section 1206. Limitations on Other Taxes.**

(A) For the fiscal years of the city-county commencing on and following July 1, 1976, the city-county shall have the powers of a county only, with respect to the ability to establish and levy a business license tax. This subsection (A) shall not apply to any special business improvement district now existing or which may be hereafter formed pursuant to the provisions of State law authorizing a special business tax for purposes of such district.

(B) For the fiscal years of the city-county commencing on and following July 1, 1976, the city-county shall have the powers of a county only, with respect to the ability to establish and levy a utility user tax.

**Section 1207. Budgetary and Financial Procedures.** Consistent with the provisions of this charter, the board of supervisors by ordinance or resolution shall establish budgetary and financial policies and provide for budgetary and financial procedures for the city-county government and all sub-governments.

#### **Section 1208. Assumption of Obligations.**

(A) General obligation indebtedness of all consolidated governments as of the effective date of this charter shall be assumed as a general obligation by the city-county government; provided that general obliga-

tion indebtedness incurred by any consolidated government following the date of adoption of this charter and prior to its effective date shall remain payable from the area subject to such indebtedness if the board of supervisors by ordinance shall make that determination. 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 40 of Article XIII 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 pension plans in existence on the effective date of this charter shall be assumed by the city-county government; provided that the unfunded liability of any such retirement system or pension plan which is the legal responsibility of a consolidated government for services of employees rendered prior to the effective date of this charter shall remain an obligation of the area subject to such unfunded liability. As promptly as possible following the effective date of this charter the board of supervisors shall engage an independent professional actuarial firm to determine such unfunded liability, if any, of retirement systems and pension plans. The board of supervisors shall then determine and levy in each area subject to such liability such special tax as may be necessary to amortize, over such period of time as shall be determined reasonable by the board, the unfunded retirement system or pension plan liability for which such area is responsible under this subsection.

(C) Lease payments 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 40 of Article XIII 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.

**Section 1209. 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 1210. 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 on a daily basis where feasible and in any event not less often than every seven days without any deduction on account of any claim for fees, commissions, or any other cause or pretense, together with a detailed statement of the same in writing, a duplicate copy of which shall be filed with the auditor at the same time, in such form as the auditor may require.

## **ARTICLE 13**

### **PERSONNEL ADMINISTRATION**

**Section 1301. Purpose.** The general purpose of this article is to establish 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, or political affiliation. The board 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 handicapped persons.

#### **Section 1302. Equal Opportunity.**

(A) It shall be a policy of the city-county government and community councils to provide equal opportunity in employment for all persons, and to provide a continuing affirmative action program for equal employment opportunity at each level of government.

(B) The mayor, chief administrative officer, board of supervisors, each elective official and each appointing power shall exercise personal leadership in establishing, maintaining and carrying out a continuing affirmative 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.

**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 board of supervisors other than clerical personnel;
- (E) staff employees of the mayor;
- (F) one community manager for each community as established according to the provisions of this charter;
- (G) the chief administrative officer, agency and department heads and their principal managerial assistants as determined by ordinance;
- (H) one chief deputy to each elective and appointed city-county officer other than the mayor and supervisors, and such other exempt assistants and deputies as may be authorized by ordinance;
- (I) doctors and dentists employed in their professional capacity or because of their professional qualifications by the city-county;
- (J) persons serving the city-county without compensation;
- (K) persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the mayor, chief administrative officer, board of supervisors, or other elected officers. No person shall be employed in such a capacity more than six months in any twelve calendar months;
- (L) 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 six months in any twelve calendar months;
- (M) public safety auxiliaries as defined by ordinance. No persons shall be employed in such a capacity more than six months in any twelve calendar months.

**Section 1304. Personnel System.** The mayor shall propose and the board 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 or reduction. Methods and appeal procedures for removal, suspension or reduction shall be subject to collective negotiations, in conformance with applicable State law, with recognized employee organizations.

As used in this article and elsewhere in this charter, "collective negotiations" means meeting and conferring in good faith in an effort to reach mutual understandings in respect to all matters within the scope of negotiations as specified in this charter or applicable State law.

**Section 1305. Administration of Personnel System.** 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, after hearing or with mutual agreement of recognized employee organizations, subject to the approval of the board of supervisors, shall establish personnel rules consistent with this charter including but not limited to rules providing for leaves of absence, layoff, transfer, reinstatement, and re-employment. Such rules shall provide for each appointing power to administer the rules applicable to the employees under its jurisdiction and control. Such rules shall specify the circumstances in which an employee who has permanent status in a class who accepts other city-county employment in probationary, provisional or exempt status, shall have a right to return to such employee's former class. No rule established pursuant to this section shall be effective until approved by the board of supervisors by ordinance or resolution.

**Section 1306. Employee Organizations.** City-county employees shall have the right to organize, join or refuse to organize or join in any employee organizations freely and without fear of penalty or reprisal. Wages, hours, and terms and conditions of employment shall be subject to collective negotiations, in conformance with applicable State law, with recognized employee organizations.

**Section 1307. Negotiations.** The mayor and the board of supervisors jointly shall determine the position to be taken by the city-county government in negotiations with recognized employee organizations with respect to wages, hours, and other terms and conditions of employment. Written agreements reached with recognized employee organizations shall be subject to approval by the board of supervisors and the mayor. The mayor, the chief administrative officer, and other management representatives may meet with the board of supervisors in executive session on matters concerning employee-employer relations in conformance with applicable State law.

#### **Section 1308. Civil Service Commission.**

(A) A civil service commission shall be established by ordinance which shall set forth the number and qualifications of its members. The commission shall be so constituted as to include representatives of various view points. The members of the commission shall be appointed by the mayor subject to confirmation by a majority vote of seven members of the board of supervisors. Recognized employee organizations shall be consulted by the mayor prior to the appointment of commission members. The members of the commission shall serve staggered four-year terms, following an initial two-year term for the majority of the commission members, and until their successors are qualified.

(B) The commission shall insure that the merit principles are followed in the selection and classification process and shall have the final authority as specified by ordinance, to resolve employee appeals regarding the selection and classification process.

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

#### **Section 1309. Employment Relations Commission.**

(A) The provisions of this section shall apply to the extent they are not in conflict with applicable Federal or State law and shall be implemented by appropriate ordinances adopted by the board of supervisors.

(B) An employment relations commission shall be established by ordinance which shall set forth the number and qualifications of its members. The employment relations commission shall act as an

impartial party to insure compliance with the employer-employee relations processes as required by this section and provided by ordinance. The members shall serve staggered four-year terms, following an initial two-year term for a majority of the commission members, and until their successors are qualified.

(C) Commission members shall be public members who shall not hold any other office or position of employment with the city-county. The commission shall be appointed in the following manner: One third of the membership shall be directly appointed by the mayor and confirmed by a majority vote of the board of supervisors. One third of the membership shall be appointed by the mayor from a list of ten submitted by recognized employee organizations. The list shall be developed as follows: Each certified employee organization shall nominate two names to the list and each certified employee organization shall have the right to strike a name, one at each turn until only ten names remain on the list. The remaining one third of the membership and chairperson shall be selected by the two thirds so appointed, provided that if the resultant number of members would be an even number, the two-thirds first appointed shall select the remaining one-third plus one so that the total number of members is an odd number.

(D) The employment relations commission shall have jurisdiction over the following areas:

- (1) supervision of procedures for dealing with the recognition, certification and decertification of recognized employee organizations as bargaining agents for employee organizations;
- (2) supervision of procedures for dealing with bargaining unit determination;
- (3) resolution of charges of unfair labor practices as shall be defined by ordinance;
- (4) supervision of procedures for dealing with impasses resulting from the negotiation process, allowing either management or recognized employee organizations to declare an impasse, and engaging in the resolution of impasses as may be authorized by ordinance;
- (5) such other duties and functions as shall be prescribed by ordinance.

(E) The employment relations commission shall be appointed as soon as possible following the election and qualification of the mayor and board of supervisors under this charter so that it may act with respect to matters referred to it under this section during the transition period.

#### **Section 1310. Employees of Community Councils, Special Districts.**

(A) Employees of the community councils shall be city-county employees selected by the community councils from lists of qualified personnel established by the city-county government. They shall remain city-county employees while employed by community councils. For purposes of supervision, discipline or removal, the community council or its designee shall be deemed the appointing power, provided that the city-county government may transfer or reassign any employee against whom a community council or its designee has taken disciplinary or removal action.

(B) Employees of special districts re-established in the rural area of the city-county under Article 9 shall be employees of such special districts and shall not be deemed city-county employees for purposes of this article.

#### **Section 1311. 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 board 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 either nine members of the board of supervisors or a majority vote of the voters of the city-county voting on a proposition to approve such system.

(C) Nothing in this section shall prevent the board of supervisors from modifying a retirement system continued or established hereunder in accordance with law and pursuant to the provisions under which such system was originally established, and subject to a vote of the electorate of the city-county when such modification would have been subject to a vote of the electorate of any consolidated government, or from establishing a new retirement system from time to time subject to approval of either nine members of the board of supervisors or a majority vote of the voters of the city-county voting on a proposition to approve such new system. The modification of any existing retirement system or adoption of a new system shall be subject to collective negotiations.

(D) Notwithstanding the provisions of the existing retirement system of the City of Sacramento, the board of supervisors by ordinance shall provide a limitation on the extent to which contribution rates of employees of the City of Sacramento who are members of that city's retirement system on the effective date of this charter may be further increased beyond comparable contribution rates such employees would be subject to under the existing or new retirement system to which new employees of the city-county in the same classification are assigned. In no event shall the contribution rate of any employee of the City of Sacramento who remains a member of that city's retirement system be subject to further increase to exceed 125 percent of the comparable contribution rate such employee would be subject to if he were a member of the existing or new retirement system to which new employees in the same classification of the city-county are assigned. Nothing in this subsection shall be deemed to require a decrease in the contribution rates applicable to such employee on the effective date of this charter.

(E) No funds or property created by or for the benefit of members of a retirement system or pension plan of a consolidated government may be diverted to any use or purpose other than for a retirement system or pension plan, and no transfer or reallocation of such funds shall be made to adversely affect vested rights of any persons employed or retired under any retirement system or pension plan.

**Section 1312. Retroactivity.** Wages, hours and terms and conditions of employment may be made retroactive to a date when a new agreement with an employee organization would have otherwise gone into effect, in cases of prolonged negotiations or court appeals.

## **ARTICLE 14 ELECTIONS**

**Section 1401. First Elections.** The first elections under this charter in September, 1975, and November, 1975, shall be held and conducted and candidates nominated and qualified therefor, in the manner provided in Section 1708 of Article 17.

**Section 1402. Election Code.** The first elections under Section 1401 shall be governed by the procedures in Article 17 and general State law applicable to cities. Not later than 90 days prior to the first day for filing nomination papers for the first elections under this charter in September, 1977, the board of supervisors shall adopt an Election Code Ordinance, providing an adequate and complete procedure to govern city-county and community council elections, including the nomination of candidates for all elective offices. All 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 said Election Code Ordinance.

**Section 1403. Nominations.** Nominations of candidates for all elective offices shall be made in the manner prescribed by the Election Code Ordinance.

#### **Section 1404. Elections.**

(A) The general city-county election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, and the primary city-county election shall be held on the sixth



Tuesday before the date of the general city-county election of the same year, or, 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 known as special elections.

(B) At the primary election, there shall be chosen by the voters of each supervisor district with a supervisor whose term expires at the end of or during the same year as the election, two candidates for the office of supervisor from that district. When the term of office of mayor or other county-wide elective office expires at the end of or during the same year as the election, there shall be chosen by the voters of the entire city-county at the primary election two candidates to fill the office of mayor or such county-wide elective office. Notwithstanding any other provision in this charter to the contrary, in the event that any candidate for nomination to the office of supervisor or the mayor or other county-wide elective office shall receive a majority of the votes cast for all the candidates for nomination for such seat or office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the board of supervisors to be, elected to such office.

(C) At the general election, the voters of each supervisor district in which a primary election was held shall select from among the two candidates chosen at the primary election in each district one candidate to succeed to the office of the supervisor whose term expires at the end of or during the same year as the election, and there shall be chosen by all of the voters of the entire city-county from among the two candidates chosen at the primary election for each of the county-wide offices one candidate to succeed to each of the county-wide elective offices on the ballot.

(D) Members of community councils shall be nominated and elected as provided in Section 703 of Article 7.

(E) Electors of the city-county residing in cities not consolidated by this charter are electors of the city-county and their supervisor 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 propositions. This provision is a clarification of this charter and not an exception to or qualification of other provisions.

**Section 1405. Taking Office.** All elected officials shall take office the first Monday of the December following their election.

**Section 1406. Financial Disclosure and Campaign Reporting.** The board of supervisors shall provide in the Election Code Ordinance requirements for financial disclosure, campaign reporting, and campaign spending limitations, for all elected officials and candidates for elective office of the city-county, including candidates and elected members of community councils and other sub-governments established under this charter.

**Section 1407. Application of General Law.** Unless otherwise provided for by ordinances hereafter 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 hereafter 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 and Referendum.** All provisions of State law applicable to cities relative to the initiative may be invoked by the electors of the city-county, and all ordinances which may be passed by the board of supervisors shall be subject to referendum, whenever the use of the initiative or referendum is permitted by State law applicable to cities.

**Section 1502. 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 1503. Elections Code.** The board of supervisors may include procedural provisions in the Elections Code Ordinance consistent with this article.

## ARTICLE 16 MISCELLANEOUS PROVISION

### Section 1601. Franchises.

(A) The board of supervisors shall have 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 board shall provide by ordinance uniform procedures for the granting or issuing thereof, the taxes, charges, fees or other compensation to be paid therefor and the penalties for the violation thereof.

(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 1602. Continuing Provisions of Former Charters.

(A) The board of supervisors shall adopt ordinances to continue in effect, without substantial modification, the following provisions of the former Charter of the City of Sacramento as the same existed on the date of adoption of this charter:

Section 264. E. B. Crocker Art Gallery.

Section 265. Ann Land Memorial Fund.

Section 266. William Land Park Fund.

(B) Ordinances required to be adopted under this section shall be adopted as soon as possible on or immediately following the effective date of this charter.

(C) Ordinances adopted under this section shall continue in full force and effect unless repealed or amended by ordinance submitted to and approved by the electorate of the city-county.

**Section 1603. Financial Disclosure.** Financial disclosure provisions applicable to elected officials under Section 1406 of Article 14 shall also be applicable to members of boards and commissions, and to such other officers and employees as shall be designated by ordinance.

**Section 1604. Regulation of Lobbying Activities.** The board of supervisors by ordinance shall regulate lobbying activities, as shall be defined by the board, before the mayor, board of supervisors, and agencies, boards and commissions, and sub-governments of the city-county government.

**Section 1605. Conflicts of Interests.** The board 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 community councils and elected and appointed candidates and members of governing bodies of other sub-governments.

**Section 1606. Ordinances to Carry Into Effect Charter Provisions.** It shall be the duty of the board 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 1607. Water Supply and Meters.** 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 public ownership of the city-county, including future acquisitions and expansions thereof, shall always be owned and administered by the city-county government. No water meters shall ever be attached to residential water service pipes, except (1) to maintain, expand or complete water distribution systems within the city-county which are utilizing meters of residential water on the effective date of this charter, and (2) to comply with any Federal or State law or regulation, and (3) to comply with the terms or conditions of any Federal or State grant or loan. The board of supervisors by ordinance may regulate by meter the charges for water supply for all other water users.

**Section 1608. Severability.** If any provision of this charter, or the application thereof to any person or circumstances is held invalid, the remainder of this charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

**ARTICLE 17**  
**TRANSITION**

**Section 1701. Effective Date of Charter.**

(A) This charter shall take effect immediately upon its filing with the Secretary of State to the extent necessary to provide for:

- (1) the districting of the city-county into supervisor districts under Section 1707 and Article 4;
- (2) the determination of community boundaries under Section 1709 and Article 7;
- (3) the division of the city-county into urban and rural areas under Section 1709 and Article 8;
- (4) the division of the city-county into services districts under Article 8;
- (5) the qualification, nomination and first election of the mayor and supervisors under Section 1708 and Articles 4, 5 and 14;
- (6) the qualification, nomination and first election of members of community councils under Section 1708 and Section 703 of Article 7;
- (7) the appointment and qualification of officials of the city-county under Article 6, and the appointment of agency and department heads and other officers and employees exempt from civil service provisions under Article 13;
- (8) the continuation of existing government organization during the period of the transition under Section 1702;
- (9) the exercise of transition duties and functions under Section 1706; and
- (10) the succession provisions of Article 2;

(B) For all other purposes this charter shall take effect the first Monday in December of 1975.

**Section 1702. Continuation of Governing Bodies; Existing Governmental Structure.**

(A) The elected and appointed members of governing bodies of all of the consolidated governments shall continue in office until the first Monday in December, 1975, and thereafter until the city-county board 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 provision of law, continue to hold such office until the first Monday in December, 1975, and thereafter until the city-county board 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 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 pending completion of the permanent reorganization of governments and consolidation of 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 chief administrative officer acting under the mayor (or, until the mayor's appointment of such officer, directly by the mayor) and ordinances and resolutions adopted by the board of supervisors and shall continue until June 30, 1978, except as earlier terminated or modified pursuant to ordinance or resolution of the board of supervisors.

(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 until superseded by new ordinances adopted by the board 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, including Article XVI thereof, necessary for the succession and transition provisions of this charter.

**Section 1703. Status of Employees.** No person employed for six months immediately prior to the effective date of this charter by any consolidated government in a civil service position or position of comparable full time employment as determined by the board of supervisors 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. Subject to the foregoing and collective negotiations 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 board of supervisors. This section shall be construed to require, to the extent deemed feasible and practicable by the board 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.

**Section 1704. Status of Recognized Employee Organizations.** For a minimum of one year following the effective date of this charter, all recognized employee organizations of the consolidated governments shall continue to be recognized and all organizational rights of said organizations shall continue. After the one-year minimum transition period provided hereunder, the employment relations commission established under Article 13 shall determine when reorganization of each particular agency, service, or employee class is sufficiently complete to warrant the determination of representation units and the election of recognized employee organizations to represent those units. The employee relations commission shall thereupon supervise the determination of representation units and the election of recognized employee organizations to represent those units.

**Section 1705. 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 first Monday in December, 1977; 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 1706. 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) From the date of adoption of this charter to its effective date, no consolidated government shall undertake or incur any obligation of any kind whatsoever, including the hiring of new personnel and the granting of wages and other benefits, extending beyond June 30, 1976, unless:

- (1) in the case of the former County of Sacramento, its board of supervisors shall expressly approve and find, by a two-thirds vote of all its members, that such obligation is a matter of

public necessity and the incurring of such obligation will not be inconsistent with the provisions of this charter;

- (2) in the case of the former City of Sacramento, its city council shall expressly approve and find, by a two-thirds vote of all its members, that such obligation is a matter of public necessity and the incurring of such obligation will not be inconsistent with the provisions of this charter; or
- (3) in the case of any other consolidated government, the board of supervisors of the former County of Sacramento shall expressly approve and find, by a two-thirds vote of all its members, that such obligation is a matter of public necessity and the incurring of such obligation will not be inconsistent with the provisions of this charter.

(C) The board of supervisors of the County of Sacramento shall make provision prior to the effective date of this charter for funds, meeting and clerical facilities, staff and technical assistance, and any other matters as may be required for the election and proper functioning of the mayor and board of supervisors of the city-county and for the conduct of the city-county government until the commencing of the fiscal year commencing July 1, 1976. The board of supervisors of the County of Sacramento is hereby authorized to adopt, and shall adopt, a salary ordinance setting the compensation of the mayor and each member of the board of supervisors of the city-county government in a sum equal to the compensation of a member of the board of supervisors of the County of Sacramento on the date of adoption of this charter, and said compensation ordinance shall remain in effect until suspended, superseded, repealed, amended or re-adopted.

#### **Section 1707. Original Supervisor Districts.**

(A) An apportionment commission is hereby created, consisting of the county clerk, the public member of the Sacramento Local Agency Formation Commission, the chairperson of the Sacramento Charter Commission as of July 1, 1974, and two additional members appointed by the three members specified. Any vacancy in the commission shall be filled by the remaining members. As used in this section, "Sacramento Charter Commission" means the Citizens Committee on Local Governmental Reorganization referred to in Chapter 5 (commencing with Section 51900), of Part 2, Division 1, Title 5 of the Government Code of the State of California.

(B) The apportionment commission shall constitute itself and shall begin functioning as soon following the adoption of this charter as practicable. Staff and technical assistance shall be provided to the commission by the City of Sacramento and the County of Sacramento. The commission shall hold public hearings and receive testimony.

(C) By not later than June 27, 1975, the apportionment commission shall certify and file with the county clerk the boundaries for the eleven supervisor districts established under Article 4, said boundaries to be established in accordance with the standards set forth in Section 404 of Article 4.

(D) The determinations of the apportionment commission 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 1708. First Election of Mayor and Supervisors, Community Councils.**

(A) The first election of mayor and supervisors under this charter shall be held with primary elections in September and general elections in November of 1975. The existing board of supervisors of the County of Sacramento, the county clerk 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 703 of Article 7 shall be held with the primary elections in September of 1975. The existing board of supervisors of the County of

Sacramento, the county clerk and other election officials of the County of Sacramento 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 members of community councils in accordance with the provisions of this charter.

#### **Section 1709. Original Community Boundaries, Urban and Rural Areas.**

(A) A community boundary commission is hereby created, consisting of one appointee of the existing board of supervisors of the County of Sacramento, one appointee of the existing Sacramento City Council, one appointee of the chairperson of the Sacramento Charter Commission, and four public members appointed by the first three members. Any vacancy in the commission shall be filled by the remaining members.

(B) The community boundary commission shall constitute itself and shall begin functioning as soon following the adoption of this charter as practicable. Staff and technical assistance shall be provided to the commission by the City of Sacramento and the County of Sacramento. The commission shall hold public hearings and receive testimony.

(C) The community boundary commission shall determine and establish, pursuant to the provisions of Section 801 of Article 8, by reference to existing planning documents of the City of Sacramento and the County of Sacramento, and in consultation with the planning commissions of the City of Sacramento and the County of Sacramento, the boundaries of the urban and rural areas of the city-county. The community boundary commission shall then determine and establish, pursuant to the provisions of Section 702 of Article 7, boundaries for communities within the urban area, and shall designate each community by name or description. Every part of the urban area shall be included within the boundaries of a community.

(D) By not later than June 27, 1975, the community boundary commission shall certify and file with the county clerk the boundaries for communities established under Article 7, said boundaries to be established in accordance with the standards set forth in Section 702 of Article 7.

(E) Concurrently with the filing of community district boundaries, the community boundary commission shall certify and file with the county clerk the boundaries of the urban area and the rural area of the city-county in accordance with the provisions of Section 801 of Article 8.

(F) The determinations of the community boundary commission under this section shall be final, and upon filing of the boundaries of communities and the urban and rural area of the city-county with the county clerk, said boundaries shall be deemed established.

**Section 1710. Fire Insurance Ratings.** In order to achieve the benefits of more favorable fire insurance ratings throughout the city-county as a result of service improvements made possible by the adoption of this charter, and to assure no adverse impact on existing fire insurance ratings throughout the city-county, the city-county government shall not make any changes in water systems or fire service within any area separately rated for fire insurance immediately prior to the effective date of this charter if the effect of such changes in water systems or fire service would be to adversely change the fire insurance rating for that area. For purposes of this section, "fire insurance rating" means the rating or grade assigned under and in accordance with schedules in effect from time to time by the Insurance Services Organization or successor thereto.

**Section 1711. Charter Amendment Concerning Law Enforcement.** The board of supervisors shall prepare and place before the voters of the city-county at a special election consolidated with the State-wide election in November, 1976, a proposition or propositions in the alternative amending this charter to merge the offices of sheriff and chief of police into a single office and designating whether such office shall be an elective or appointive position and the manner of selection of a person to fill such office.

**Section 1712. Board of Education — Sacramento City Unified School District.**

(A) It is the intent of this provision to continue the provisions of the Charter of the City of Sacramento affecting the Board of Education of the Sacramento City Unified School District only for such period of time as will allow the amendment of State law to permit an orderly transition for the government of said District from charter provision to State law and the termination of this charter provision.

(B) This section shall terminate and be of no further force and effect upon the effective date of an ordinance of the board of supervisors which finds that such termination may occur with an orderly transition of the government of the Sacramento City Unified School District under State law. If State law has not been amended to provide such an orderly transition by January 1, 1976, the board of supervisors shall diligently seek the introduction and passage of such an amendment to State law.

(C) The government of the Sacramento City Unified School District shall be vested in a board of education consisting of seven members who shall be nominated and elected from the district at large. The board of education shall annually elect one of its members as president of the board, to serve for a term of one year, without the right of succession. Such person may be removed from the presidency by a vote of four members. Absence from three consecutive regular meetings, unless excused by resolution of the board, shall operate to vacate the seat of any member so absent. The superintendent of schools shall be ex officio secretary of the board of education.

- (D) (1) The members of the board of education shall be elected for a term of four years, three to be elected at a regular election and four to be elected at the next regular election. Each member of the board shall receive the sum of \$20.00 per meeting attended not to exceed the sum of \$100.00 per month.
- (2) Vacancies in the board of education from whatever cause shall be filled by the remaining members of the board of education for the remainder of the unexpired term. If the remaining members fail to agree, the vacancy shall be filled as provided by general law.
- (3) members of the board of education shall be electors of the Sacramento City Unified School District and residents therein.
- (4) Elections shall be held biennially and the three candidates and the four candidates who receive a plurality of the

votes cast are elected to membership on said board, and their terms of office shall be four years, respectively, beginning January 1st, following their elections to the board of education. All such elections shall be known as regular school district elections. All other school district elections that may be held shall be known as special school district elections.

- (5) Except for the dates of elections, as herein provided, all elections, including the filing and nominations of candidates for members of the board of education, shall be held and conducted as provided by the State constitution and general laws relating thereto.

(E) The board of education shall have the entire control and management of the public schools of the Sacramento City Unified School District in accordance with the Constitution and the general laws of the State and is vested with all the powers and charged with all the duties provided by this charter.

**Section 1713. Temporary Suspension or Modification of Charter Provisions Pending Completed Reorganization.** Notwithstanding any provision of this charter to the contrary, the city-county board of supervisors shall have the power by ordinance adopted by eight votes to suspend or modify any provision of Articles 7, 8, or 9 of this charter, except provisions of Article 7 for the activation and election of community councils, for a limited period of time if the board finds and determines that such suspension or modification is necessary in order to enable the completion of reorganization of the consolidated governments hereunder and further finds that such suspension or modification will not otherwise be inconsistent with the objectives and intent of this charter.

**CERTIFICATE OF COUNTY CLERK**

I hereby certify that the foregoing is a true and correct full copy of the proposed Charter of the City and County of Sacramento filed with my office on August 12, 1974, by the Sacramento Charter Commission for the proposed reorganization of city and county governments which will appear on the ballot as Measure A at the November 5, 1974 General Election.

Dated: August 12, 1974.

/s/ W. N. DURLEY  
Sacramento County Clerk

OFFICIAL ELECTION MATTER  
W. N. DURLEY, *County Clerk*  
REGISTRATION AND ELECTION DIVISION  
1021 "J" STREET  
SACRAMENTO, CALIF. 95814  
(POSTMASTER: Do Not Forward or Return)

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*Note: Sample ballot and polling place location is being mailed under separate cover.*