


SACRAMENTO AD-HOC CHARTER COMMISSION

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

April 4, 1989

TO: Members, Law and Legislation Committee

FROM: Roy Brewer, Chairman

SUBJECT: PROPOSED LEGISLATION TO ESTABLISH THE SACRAMENTO AD-HOC CHARTER COMMISSION AS A CHARTER COMMISSION UNDER SPECIFIED CONDITIONS.

RECOMMENDATION

It is recommended that the Sacramento City Council adopt a resolution which:

1. Approves the proposed urgency legislation, attached as Exhibit A, constituting the Sacramento Ad-Hoc Charter Commission as the Sacramento Charter Commission; and,
2. Authorizes the County Legislative Advocate to seek approval by the State Legislature and Governor.

BACKGROUND

The Sacramento Ad-Hoc Charter Commission has been working diligently for the past few months to identify a Charter proposal and local government reorganization plan which might be acceptable to you and the voters of Sacramento. If the Commission were successful in the next few months, neither it nor the Board or City Council will possess the authority to place the Charter proposal before the voter in a timely and efficient manner.

Therefore, attached is proposed legislation which accomplishes the following:

— enables the Sacramento Ad-Hoc Charter Commission to become a Charter Commission, with these conditions:

- 1) requires a future affirmative vote of a majority of both the Board of Supervisors and the City Council.
- 2) permits a Charter to reorganize the City and County without the inclusion of the three small cities and the special districts
- 3) permits the Charter to be voted upon in Folsom, Isleton, and Galt without a companion and separate ballot measure asking these voters whether they desire to merge with a new City/County government. The legislation permits this second ballot measure to be submitted to the voters when desired by these jurisdictions anytime in the future, if ever.

- 4) includes a process for special districts who desire merger with the City/County government when, and if, desired by that agency or its constituents.

— since it is urgency legislation, it provides, if appropriate, authority to submit a ballot proposal this year or as soon as is practicable.

POLICY MATTERS

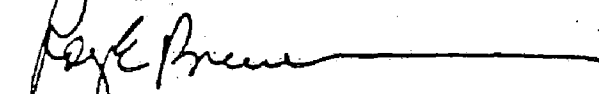
Current policy precludes the City or the County from placing a Charter proposal before voters which excludes the three small cities and the special districts. It is necessary to change state law and policy in order to accomplish this form of local government reorganization.

The Commission believes that this proposed legislation strikes an appropriate balance between the apparent desire of the legislative bodies to review a Charter proposal before authorizing its submission to the voters and the need to act in a timely and responsible manner in reorganizing local government.

It is, therefore, recommended that the Sacramento City Council:

1. approve the attached legislation to constitute the Sacramento Ad-Hoc Charter Commission as the Sacramento Charter Commission; and,
2. authorize the County Legislative Advocate, to seek approval by the State Legislature and Governor.

Sincerely,



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

RES:adj

Attachment

89'153

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION APPROVING THE PROPOSED URGENCY LEGISLATION TO CONSTITUTE THE SACRAMENTO AD-HOC CHARTER COMMISSION AS THE SACRAMENTO CHARTER COMMISSION AND AUTHORIZING THE COUNTY LEGISLATIVE ADVOCATE TO SEEK APPROVAL BY THE STATE LEGISLATURE AND GOVERNOR.

WHEREAS, the Sacramento City Council finds and determines that it is important to explore possibilities for more efficient delivery of local government services through local government reorganization; and,

WHEREAS, the Sacramento Ad-Hoc Charter Commission requires official status as a Charter Commission for the purpose of presenting a Charter proposal to the voters of Sacramento; and,

WHEREAS, it is necessary to amend current state law regarding government reorganization to accomplish this task in a timely manner.

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

1. Approves the proposed urgency legislation attached as Exhibit A amending the government code relating to government reorganization ; and,
2. Authorizes the County Legislative Advocate to seek approval by the State Legislature and Governor.

SACRAMENTO CITY COUNCIL

By: _____
Mayor

Attest:

City Clerk

AMENDED IN SENATE _____, 1989
INTRODUCED BY SENATOR LEROY GREENE

An act to amend Sections 51902, 51903, 51916, 51917, 51918, 51920, 51929.6, 51939, 51939.1, 51941, 51944 and 51953, and to add Sections 51921.5 of the Government Code, relating to government reorganization, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 51902 of the Government Code is amended to read:

51902. It is further found and declared that in order to strengthen and make more efficient and responsive the overall administrative process of local government, the legislative, administrative and executive authority of all or any of the cities and special districts in Sacramento County and the County of Sacramento should be clearly defined and responsibility established under a ~~single/general/purpose~~ government consolidating the County of Sacramento and all or any of the cities and special districts in Sacramento County, subject to approval of the electorate.

SECTION 2. Section 51903 of the Government Code is amended to read:

51903. The Legislature finds that a general statute cannot be made applicable to this matter because of the facts and circumstances peculiar

8

to the local governmental jurisdictions within the County of Sacramento. Therefore, the provisions of this chapter shall be applicable only to the County of Sacramento and the incorporated cities and special districts within the County of Sacramento, and are intended to implement, for the County of Sacramento and the cities and special districts, the provisions of Article ~~XZ~~ XX of the California Constitution providing for consolidation of the County of Sacramento ~~a/country~~ with all or any of the cities within the county.

SECTION 3. Section 51916 of the Government Code is amended to read:

51916. "Charter commissioners" or "charter commission" shall mean the members of the charter commission ~~CITIZENS COMMITTEE/ON/LOCAL GOVERNMENTAL/REORGANIZATION, /AN/EXISTING NONPROFIT/CORPORATION/AND/CITIZENS/ COMMITTEE~~ established by concurrent resolutions of the county and largest city to formulate a proposal and charter for government reorganization for presentation to the electorate.

SECTION 4. Section 51917 of the Government Code is amended to read:

51917. "Reorganize" and "reorganization" means the consolidation of a county with any or all of the cities within the county pursuant to Article ~~XZ~~ XX of the California Constitution. Reorganization shall also include any special districts which petition to be included as part of the consolidated government.

8

SECTION 5. Section 51918 of the Government Code is amended to read:

51918. The incorporated cities within the County of Sacramento and the County of Sacramento, and any special districts which petition to be included as part of the consolidated government, may be reorganized pursuant to the provisions of this chapter.

SECTION 6. Section 51920 of the Government Code is amended to read:

51920. Reorganization proceedings pursuant to this chapter shall be deemed to have commenced with the appointment of the charter commissioners by the county and largest city. The county and the largest city shall appoint the charter commissioners by resolution.

SECTION 7. Section 51921.5 is added to the Government Code to read:

Notwithstanding any other provision of law, no special district and none of the other cities shall initially be included in the consolidated government unless, by resolution of its governing board, the special district or other city petitions the charter commission established pursuant to this chapter to be included as part of the consolidated government. At least sixty (60) days prior to the approval of a charter by the commission, the commission shall give each special district and the other cities

8

written notice of their right to petition to join the consolidated government. Any special district or other city desiring to join the consolidated government shall so petition the charter commission within thirty (30) days of receipt of the written notice. Any such petition shall be without conditions. Notwithstanding any other provision of law to the contrary, any special district so petitioning to be included as part of the consolidated government shall, upon adoption of the charter, be subject to the charter and dissolved or otherwise reorganized according to the terms of the charter. Any of the other cities so petitioning to be included as part of the consolidated government shall, upon adoption of the charter and a decision by that city's voters not to retain its existing local government structure pursuant to Section 51929.6, be subject to the charter and dissolved or otherwise reorganized according to the terms of the charter.

SECTION 8. Section 51929.6 of the Government Code is amended to read:

51929.5 Upon the ballots used at the election within each of the other cities that has petitioned to join the consolidated government shall also be printed the words as a separate question or proposition: "If the proposed Charter of the City-County of Sacramento is adopted as the governing law of the City-County of Sacramento, shall the City of _____ retain its local governmental structure?"

8

SECTION 9. Section 51939 of the Government Code is amended to read:

51939. Upon the filing with the Secretary of State of the Charter of the consolidated City-County of Sacramento ~~which has been approved by the Legislature~~ pursuant to Section 3 of Article XI of the California Constitution, the reorganization is complete and the cities and the counties, and all special districts which petitioned to be included as part of the consolidated government, are reorganized and consolidated into the City-County of Sacramento as provided in the charter and in accordance with Sections 51939.1 and 51940.

SECTION 10. Section 51939.1 of the Government Code is amended to read:

51939.1 The provisions of Sections 51940 through 51947, inclusive, shall not apply to any of the other cities which has not petitioned to join the consolidated government or any of the other cities which has voted, pursuant to Section 51929.5, to retain its existing local governmental structure, or to any districts such as special assessment districts created by and governed by the legislative bodies of such other cities, or to any special district which did not petition to be included as part of the consolidated government; provided, however, that the Charter of the City-County of Sacramento shall have effect throughout the entire county with respect to county government powers and jurisdiction.

8

SECTION 11. Section 51941 of the Government Code is amended to read:

51941. Upon reorganization ~~every~~ any special district within the county or exercising all or any part of its jurisdiction or powers within the county which had petitioned to be included as part of the consolidated government, except as may be otherwise provided in the charter, is deemed dissolved. The functions of all such dissolved districts shall be assumed by the city-county government, except as may be otherwise provided in the charter. The provisions of Section 51942, 51943, 51944, and 51945 shall be applicable to the merger of every such special district as part of the consolidated government pursuant to this chapter.

SECTION 12. Section 51953 of the Government Code is amended to read:

51953. The charter may provide for the manner in which any of the other cities which has elected to retain its local governmental structure pursuant to Article 3 or its governmental independence pursuant to Article 3.5, whichever is applicable may at any time become consolidated and merged into the consolidated government following a majority vote of its voters voting thereon. The charter may also provide that any special district which did not petition for inclusion as part of the consolidated government may at any time become part of the consolidated government through any of the following means:

(1) a majority vote of the special district's

3

voters voting thereon; (2) any procedure estab-
lished in the charter; or (3) applicable state
law to the extent that it is not inconsistent
with the charter.

SECTION 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are: In order to make the necessary changes to existing provisions of law to authorize the establishment of a charter commission in Sacramento County with sufficient time to place a charter before the voters at the November 1989 election, it is necessary that this act take effect immediately.

3651r/MLD