



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
April 10, 2007

**Honorable Mayor and
Members of the City Council**

**Title: Technical Ordinance Amendments to Update City Code Relating to
Compensation of Public Members of City Boards and Commissions**

Location/Council District: Citywide

Recommendation: Adopt an **Ordinance** amending Sections 2.76.060, 2.80.050, 2.90.070 and deleting Sections 2.44.010, 2.53.100, 2.54.100, 2.60.040, 2.64.070, 2.86.100, 8.100.140 of the Sacramento City Code to update portions of the Code that no longer apply as a result of voter approval of Section 29 of the Sacramento City Charter that provides the City's Compensation Commission with the authority to establish compensation for public members of City Boards and Commissions.

Contact: Mark Prestwich, Special Projects Manager, (916) 808-5380

Presenters: None

Department: City Manager's Office

Division: Governmental Affairs

Organization No: 0320

Description/Analysis

Issue: Section 29 of the Sacramento City Charter provides the City's Compensation Commission with the authority to establish compensation for public members of City Boards and Commissions. Several sections of the Municipal Code, however, continue to note specific compensation rates for meeting attendance or refer to other bodies for the determination of meeting compensation. The proposed ordinance will remove antiquated sections of the Municipal Code.

Policy Considerations: None

Environmental Considerations: None

Commission/Committee Action: The City's Law and Legislation Committee approved the proposed ordinance on March 6, 2007 and forwarded the proposed ordinance to the Mayor and City Council for consideration.

Rationale for Recommendation: The proposed ordinance is necessary to update sections of the Municipal Code and remove confusion associated with antiquate provisions that no longer apply.

Financial Considerations: None

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: M. J. Prestwich
Mark Prestwich, Special Projects Manager

Approved by: Patti Bisharat
Patti Bisharat, Director of Governmental Affairs

Recommendation Approved:

for Ray Kerridge
Ray Kerridge
City Manager

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Attachment 1

Background

On November 5, 2002, Sacramento voters approved Charter Amendment "S" establishing a City Compensation Commission. The Commission was granted the authority to establish compensation for the Mayor, City Council and public members of City Boards and Commissions. The approval of Charter Amendment "S" thereby amended Section 29 of the City Charter.

Several sections of the Municipal Code, however, continue to note specific compensation rates for meeting attendance or refer to other bodies for the determination of meeting compensation. The proposed amendment will remove antiquated sections of the Municipal Code.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING AND REPEALING SECTIONS OF THE SACRAMENTO CITY CODE RELATING TO THE COMPENSATION OF PUBLIC MEMBERS OF CITY BOARDS AND COMMISSIONS

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

SECTION 1.

Section 2.76.060 of the Sacramento City Code is amended to read as follows:

2.76.060 Organization.

A. Within fifteen (15) days after the appointment of the members of the commission, they shall meet and organize by electing from their members a chairman and vice chairman who shall hold office at the pleasure of the commission.

B. The commission annually shall select a chair and vice-chair. The chair, or in the chair's absence the vice-chair, shall preside at all meetings of the commission.

C. The commission shall hold regular meetings at least once a month. The commission may, by resolution, adopt a schedule of regular meetings. The commission shall establish, by a vote of at least five members, a meeting location. Special meetings may be called by the chair or by a majority of the commission members.

D. The commission shall establish procedures for the conduct of its meetings. Five members shall constitute a quorum. At least five affirmative votes shall be required to take any action except to adjourn. Voting by proxy or designee shall not be permitted.

SECTION 2.

Section 2.80.050 of the Sacramento City Code is amended to read as follows:

2.80.050 Appointment.

A. Commencing August 1, 1984, the commission shall consist of eleven (11) members who shall be appointed as follows:

1. Five members shall be appointed by the mayor with the approval of the city council;

2. Six members shall be appointed by the board of supervisors of the county of Sacramento;

3. One of the five members appointed by the mayor shall be selected from the resident population of the housing authority of the city. One of the six members appointed by the board of supervisors shall be selected from the tenant population of the housing authority of the county of Sacramento;

B. Vacancies occurring during a term shall be filled for the unexpired term by the appointing authority or authorities. A member shall hold office until his or her successor has been appointed and qualified;

C. A member shall not be an elective officer or an employee of the city or county but, notwithstanding any other law, may be a member, commissioner or other employee of any other agency, board, commission or authority of or created by or for the city or county;

D. Any member may waive compensation by filing a written waiver-of-compensation form with the controller for the agency.

The city council may designate one of the nontenant commissioner offices, to which the mayor and council make appointments, as an office for which no compensation is paid.

E. For inefficiency, neglect of duty, or misconduct in office, a member may be removed upon the affirmative vote of:

1. A majority vote of the members of the city council as to a commission member appointed pursuant to subsection A of this section; or

2. A majority vote of the members of the board of supervisors of the county as to a commission member appointed pursuant to subsection B of this section; or

3. A majority vote of both the members of the city council and the board of supervisors of the county as to the commission member appointed pursuant to subsection C of this section.

A commission member may be removed only after the affected member has been given a copy of the charges constituting grounds for the removal and the opportunity to appear before the appointing authority or authorities in closed session to answer such charges unless the member requests a public hearing in person or by counsel. A request to appear must be made by the affected member in writing within ten (10) days after receipt of a copy of the charges.

SECTION 3.

Section 2.90.070 of the Sacramento City Code is amended to read as follows:

2.90.070 Commission Meetings.

The commission shall conduct a public meeting to occur semi-annually on the third Wednesday of May and October. Upon the request of the mayor, the commission shall hold special meetings. All meetings shall be held in accordance with the open meeting requirements contained in the provisions of the Ralph M. Brown Act, Government Code Section 54950 et seq.

SECTION 4.

Sections 2.44.010, 2.53.100, 2.54.100, 2.60.040, 2.64.070, 2.86.100, and 8.100.140 of the Sacramento City Code are repealed.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

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B. The commission annually shall select a chair and vice-chair. The chair, or in the chair's absence the vice-chair, shall preside at all meetings of the commission.

C. The commission shall hold regular meetings at least once a month. The commission may, by resolution, adopt a schedule of regular meetings. The commission shall establish, by a vote of at least five members, a meeting location. Special meetings may be called by the chair or by a majority of the commission members.

D. The commission shall establish procedures for the conduct of its meetings. Five members shall constitute a quorum. At least five affirmative votes shall be required to take any action except to adjourn. Voting by proxy or designee shall not be permitted.

~~E. Members of the commission shall be paid fifty dollars (\$50.00) per meeting attended, not to exceed two meetings in any month. For purposes of this section, subcommittee meetings shall be considered meetings eligible for compensation.~~

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C3. One of the five members appointed by the mayor shall be selected from the resident population of the housing authority of the city. One of the six members appointed by the board of supervisors shall be selected from the tenant population of the housing authority of the county of Sacramento;

~~D. From August 1, 1983 through August 1, 1984, four members from the former Sacramento county community development and revenue sharing advisory commission shall serve as voting members of the commission. During this period, total commission membership shall be thirteen (13).~~

~~E. The terms of office of all commission members shall expire August 1, 1984. Commencing August 1, 1984, three of the six city appointments shall be for terms of two years and three of the six city appointments shall be for four years. Thereafter, all city appointments shall be for four years. County appointments shall be as provided in the county code.~~

FB. Vacancies occurring during a term shall be filled for the unexpired term by the appointing authority or authorities. A member shall hold office until his or her successor has been appointed and qualified;

GC. A member shall not be an elective officer or an employee of the city or county but, notwithstanding any other law, may be a member, commissioner or other employee of any other agency, board, commission or authority of or created by or for the city or county;

HD. ~~Each member shall receive as compensation the sum of seventy five dollars (\$75.00) for each commission meeting attended; provided that the total compensation of each member shall not exceed three hundred seventy five dollars (\$375.00) in any one month and further provided that the term "compensation" as used herein shall mean compensation received by said member from both the city and the county for services as a member of the commission. In addition, each member shall receive necessary travel and subsistence expenses incurred in the discharge of his or her duties. Any member may waive compensation by filing a written waiver-of-compensation form with the controller for the agency.~~

~~Notwithstanding anything to the contrary in this section, †The city council may designate one of the nontenant commissioner offices, to which the mayor and council make appointments, as an office for which no compensation is paid.~~

IE. For inefficiency, neglect of duty, or misconduct in office, a member may be removed upon the affirmative vote of:

1. A majority vote of the members of the city council as to a commission member

appointed pursuant to subsection A of this section; or

2. A majority vote of the members of the board of supervisors of the county as to a commission member appointed pursuant to subsection B of this section; or

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The commission shall conduct a public meeting to occur semi-annually on the third Wednesday of May and October. Upon the request of the mayor, the commission shall hold special meetings. ~~Each member shall receive a one hundred dollar (\$100.00) stipend for each meeting attended.~~ All meetings shall be held in accordance with the open meeting requirements contained in the provisions of the Ralph M. Brown Act, Government Code Section 54950 et seq.

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