

MINUTES

LAW AND LEGISLATION COMMITTEE MEETING

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Thursday, February 4, 1988

City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 4:06 p.m. by Chairman Terry Kastanis.

PRESENT: Committee members Kastanis, Mueller, Shore
ABSENT: Committee member Pope
GUEST: Council member Lynn Robie

1. Tobacco Tax and Health Protection Act of 1988.

RECOMMENDATION OF STAFF: RECOMMEND ENDORSEMENT
REPORTS BACK: NONE
COMMITTEE ACTION: APPROVED AND FORWARDED TO COUNCIL.
VOTING RECORD: MOVED: KASTANIS; SECONDED: SHORE
AYES: KASTANIS, MUELLER, SHORE
ABSENT: POPE

MINUTES:

Lt. Jim White of the Sacramento Police Department was present to discuss this initiative. He explained that this initiative would raise taxes on tobacco products and that the funds would go toward research on tobacco-related diseases and on education. He said this proposed tax would raise approximately \$600 million. There was discussion regarding required signatures statewide, and it was noted that signatures were being collected by members of the Lung Association, Cancer Society, Heart Association, etc. Committee member Shore asked how the Police Department became involved in this issue, and Lt. White stated that Chief Kearns is into physical fitness. This initiative, therefore, is a health-related issue rather than a police issue. Cecelia DeCuir of the Lung Association was present to express their support of this initiative, as was Tron Win, who is on the Board of Directors of the American Cancer Society and is also a Co-Chair of the Tobacco Tax Initiative. Mr. Win stated that 900,000 signatures are needed by April 30, 1988. Chairman Kastanis moved, Council member Shore seconded, and it was unanimously agreed to endorse the Tobacco Tax and Health Protection Act of 1988. There was then some discussion

COMMITTEE ACTION SHEET

1. CONTINUED FROM PREVIOUS PAGE:

as to whether or not the City could have petitions for this in City offices. Jim Jackson, City Attorney, stated that the City is not allowed to spend City time on this type of thing. Committee member Shore felt this could lead to all types of issues being brought to City offices for endorsement or opposition and that we would be inundated with all kinds of petitions. Council member Robie suggested petitions be presented by non-City employees, and that it be done before or after work or during lunch breaks. City Attorney Jackson stated he would check into this further.

2. Legislative Work Plan for 1988.

RECOMMENDATION OF STAFF: FILE

MINUTES:

Ken Emanuels, Legislative Advocate for the City of Sacramento, went over the guidelines he has proposed for the handling of legislation involving the City. These guidelines are in the Law and Legislation Committee agenda packet. He explained procedures aimed at eliminating duplication of research by himself and City departments, and told how he would bring legislation to the attention of the proper City personnel for their input. He also said that he would be meeting with persons involved in upcoming legislation, as good will is very important.

3. Discussion of matters for June 1988 election.

RECOMMENDATION OF STAFF: FILE

NOTES BACK: CONTINUED TO FEBRUARY 11, 1988

MINUTES:

Jim Jackson, City Attorney, passed out a letter (copy attached) explaining the items that should be discussed. He said that a decision by the City Council on these items would have to be made by March 1st in order to be placed on the June ballot, or in July in order to be placed on the November ballot.

The first item discussed was the matter of Council pay. Attorney Jackson stated that the City Charter can say the standard will be what the State law says, so that if the State law changes, the

ITEM CONTINUED TO NEXT PAGE

COMMITTEE ACTION SHEET

3. CONTINUED FROM PREVIOUS PAGE:

City can ride with it. It was pointed out that the \$100.00 maximum pay for Council members was set in 1948.

Chairman Kastanis stated that with regard to changing Council election dates to even-numbered years, this would result in a savings to the City by eliminating the September primary. Committee member Shore also pointed out that this would allow for greater voter participation in Council elections. Council member Shore stated that his wish is that the Council move their elected dates up a year (or add a year), and said that he would be willing to serve a year shorter to save this bill. It was also suggested that this item be written as to become effective in 1992 so that those Council members now serving won't be affected and no one could claim prejudice.

Chairman Kastanis suggested that instead of amending the City Charter, why not just eliminate Section 150 and leave Council pay, date of election, etc. and make those changes by ordinance. Attorney Jackson stated that Section 150 deals with the Elections Code, and that the City Clerk intended that to apply to items 3 and 4 only.

Attorney Jackson pointed out that staff and Frank Mugartegui of General Services would like to raise the levels of contracts from \$5,000 to \$25,000 for public projects and from \$10,000 to \$25,000 for supplies (Article XIV of the City Charter, §§201 and 202).

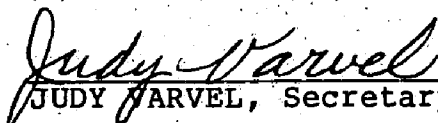
It was agreed by all Committee members that this agenda item regarding the June 1988 election be continued to next week for a final decision by the Committee to bring before the full Council.

The meeting was adjourned at 5:08 p.m.

* * * * *


TERRY KASTANIS, Chair

ATTEST:


JUDY VARVEL, Secretary



**OFFICE OF THE
CITY ATTORNEY**

JAMES P. JACKSON
CITY ATTORNEY

THEODORE H. KOBEY, JR.
ASSISTANT CITY ATTORNEY

**CITY OF SACRAMENTO
CALIFORNIA**

February 4, 1988

812 TENTH STREET
SACRAMENTO, CA
95814-2694

916-449-5346

DEPUTY CITY
ATTORNEYS:
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
LAWRENCE M. LUNARDINI
GARLAND E. BURRELL, JR.
DIANE B. BALTER
RICHARD F. ANTOINE
TAMARA MILLIGAN-HARMON
RICHARD E. ARCHIBALD
LINDA M. GONZALEZ

Law & Legislation Committee
Sacramento, CA 95814

Re: City Charter Amendment Proposals - 1988

Members in Session:

The purpose of this letter is to identify the known City Charter proposals and to furnish the Council with information so that it can make a decision as to which election in 1988 it wishes to place Charter Amendments before the voters. The Council would also need to determine which measures it wishes to place on the ballot. For the June primary election, the final date to take action is March 1, 1988. The measures would have to be drafted and prepared in final form to place them on the ballot by that date. Therefore, the decision to place the measures on the ballot should be made, hopefully, by February 16, 1988. If the ballot measures are to be considered at the statewide general election in November, then the final action of the Council would be taken in early August, 1988.

The attached information on the costs of placing measures on the ballot has been furnished by the City Clerk. As you can see, there is a real group discount if all measures are placed on the ballot at the same election.

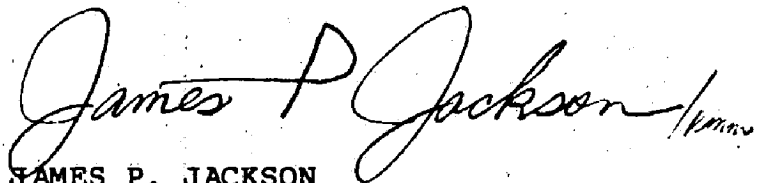
The measures to be considered for placement on the ballot are as follows:

1. **Council Pay** - Former Councilman Smallman asked that the Council place a Charter Amendment on the ballot which would raise Council pay to the level authorized for Council Members under state law. A copy of the relevant state law is attached for your information.
2. **Changing Council Election Dates to Even Numbered Years** - Councilman Smallman also requested a change in council election dates to even numbered years. Councilman Serna had pre-

viously requested that such an amendment be prepared. A number of policy issues would need to be decided before this language could be drafted. Much work would have to be done in a short time if this measure is to go on the June ballot.

3. Appointment to Office in Lieu of Election - One Candidate -We attach a set of amendments to City Charter Sections 152 and 154 relating to the appointment to office in lieu of an election if there is only one candidate running for said office. This matter is presented to the Council by the City Clerk and was prepared by her after some Council Members asked why an election had to be held if there was only one candidate for the office. The proposed language is patterned after the language in Elections Code Section 22843.5.
4. Vacancies in Office - Term - Sections 28 and 46 of the Charter are proposed by the City Clerk for amendment to make it clear that any person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent and until a successor has qualified. This added language makes it consistent with the language in the Charter related to the Mayor and Council Members who are elected at regular elections.

Very truly yours,



JAMES P. JACKSON
City Attorney



RECEIVED

FEB 04 1988

CITY ATTORNEY'S OFFICE

OFFICE OF THE
CITY CLERK

LORRAINE MAGANA
CITY CLERK

ANNE J. MASON
ASSISTANT CITY CLERK

JANICE M. BEAMAN
DEPUTY CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 500
915 I STREET
SACRAMENTO, CA
95814-2671

ADMINISTRATION
916-49-5799

OPERATION SERVICES
916-49-5426

SPECIALIZED SERVICES
916-49-8200

MEMORANDUM

TO: JAMES P. JACKSON, CITY ATTORNEY

FROM: LORRAINE MAGANA, CITY CLERK *LM*

SUBJECT: ESTIMATED COSTS FOR JUNE AND NOVEMBER 1988 SPECIAL ELECTIONS

DATE: FEBRUARY 3, 1988

The following are estimated costs for measures on the June and/or November 1988 election ballots:

June 1988 - Estimated Registration 177.310

1 measure	61.275
2 measures	62.303
4 measures	64.359
6 measures	66.415
8 measures	68.471

November 1988 - Estimated Registration 185.556

1 measure	63.579
2 measures	64.655
4 measures	66.807
6 measures	68.959
8 measures	71.111

There is an additional cost incurred by this office for advertising. This additional cost would depend upon the number of measures and length. In any event, the cost should not be more than a few thousand at the maximum number of measures.

CCO:88031

bc: Anne
David
Dixie

§ 36516. Council members; ordinance providing salary; salary schedule; compensation for council members, municipal election; increase or decrease

(a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(1) In cities up to and including 35,000 in population, up to and including three hundred * * * dollars (\$300) per month;

(2) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month;

(3) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(4) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(5) In cities over 150,000 * * * up to and including * * * 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(6) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

* * *

(b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

(Amended by Stats.1972, c. 591, p. 1053, § 1; Stats.1974, c. 1378, p. 3000, § 2; Stats.1984, c. 100, § 2.)

Sec. 152 Elections.

(a) The general city election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, and the primary city election shall be held on the sixth Tuesday before the date of the general city election of the same year, or, if either of these days falls on a legal holiday other than an election 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 council district with a council member whose term expires at the end of or during the same year as the election, two candidates for the office of council member from that district. When the term of office of mayor expires at the end of or during the same year as the election, there shall be chosen by the voters of the entire city at the primary election two candidates to fill the office of mayor. Notwithstanding any other provision in this Charter to the contrary, in the event that any candidate for nomination to the office of council member or the mayor 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 city council to be, elected to such office.

(c) At the general election, the voters of each council 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 council member whose term expires at the end of or during the same year as the election.

(d) If, by 5 p.m. on the 63rd day prior to the day fixed for the primary or the general election, there is only one candidate for mayor or for a council seat, the city clerk shall submit a certificate of these facts to the city council, and shall inform the city council that it may, at a regular or special meeting held before the primary or the general election, as the case may be,

adopt one of the following two courses of action:

- (1) Appoint to the office the single candidate; or,
- (2) Hold the election.

The city clerk shall publish a notice of the facts described in this subsection, and the courses of action available. Publication shall be made pursuant to Government Code § 6061 in any newspaper of general circulation so designated by the city clerk.

After the publication, the city council may make the appointment or direct the election to be held. The person appointed, if any, shall qualify, take office and serve exactly as if elected at the general election for that office.

If, by the 50th day before the primary or general election date, an appointment has been made pursuant to this subsection, the city clerk shall not accept for filing any statement of write-in candidacy which is submitted after 5 P.M. on the 50th day prior to the primary or general election date.

If, by the 50th day before the primary or general election date, no person has been appointed pursuant to this subsection, the election shall be held.

In the event that an appointment to office is made to a specific council seat or to the office of mayor pursuant to this subsection, that appointment shall not affect the conduct of the primary or general election for other offices or city measures.

3/26/84

Draft Charter Amendment - ~~1/17/84~~

Sec. 154 Special elections to fill vacant offices.

(a) A special election to fill a vacancy in office of the mayor or council member shall be called by the city council as soon as said vacancy occurs, but in no event later than 14 days following the date upon which said vacancy occurs.

The special election to fill said vacant office shall be held on the next regular election date following the date upon which said election is called at which time permits said election to be lawfully held, or at an earlier date as may be fixed by the city council. The candidate receiving the greatest vote in said election shall be elected to fill said vacant office.

As used in this section, the term "regular election date" means the primary municipal election date for council elections and any election date specified in section 2500 of the Elections Code of the State of California as the same now reads or may be hereafter amended.

(b) If, by 5 p.m. on the 63rd day prior to the day fixed for the special election, there is only one candidate for the vacant office, the city clerk shall submit a certificate of those facts to the city council, and shall inform the city council that it may, at a regular or special meeting held before the special election, adopt one of the following two courses of action:

- (1) Appoint to the office the single candidate; or,
- (2) Hold the election.

The city clerk shall publish a notice of the facts described in this subsection, and the courses of action available. Publication shall be made pursuant to Government Code § 6061 in any newspaper of general circulation as designated by the clerk.

After the publication, the city council may make the appointment or direct the election to be held. Subject to subsection (c) below, the person appointed, if any, shall qualify, take office and serve exactly as if elected at a special election for that office.

If, by the 50th day before the special election date, an appointment has been made pursuant to this subsection, the city clerk shall not accept for filing any statement of write-in candidacy which is submitted after 5 P.M. on the 50th day prior to the special election date.

If, by the 50th day before the special election date, no person has been appointed pursuant to this subsection, the election shall be held.

(c) Notwithstanding the provisions of § 152 of this charter, a person elected pursuant to subsection (a) of this section shall take office at the next regular meeting following the meeting at which the city council adopts the canvass of votes, and a person appointed pursuant to subsection (b) of this section shall take office at the next regular meeting following the date of appointment.

Draft Charter Amendment - ^{3/26/84}~~1/17/84~~

Sec. 28 Vacancies.

A vacancy on the city council other than the office of the mayor shall be filled by special election to be called by the council as provided in section 154 of this Charter, unless such vacancy occurs 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 council. A person so elected or so appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent, and until a successor has qualified.

3/26/84

Draft Charter Amendment - ~~2/17/84~~

Sec. 46 Mayor - Vacancy.

A vacancy in the office of the mayor shall be filled by special election to be called by the city council as provided in section 154 of this charter, unless such vacancy occurs 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 city council then in office. A person so elected or so appointed to fill a vacancy in the office of mayor shall hold office for the unexpired term of the former incumbent, and until a successor has qualified.