

COUNCIL COMMITTEE MINUTES

Concurrent Special Committee Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

VOTING RECORD LEGEND	
MOV: MOVED	ABST: ABSTAIN
SEC: SECOND	ABS: ABSENT
M -- MAYOR RUDIN	D5 -- SERNA
D1 -- SHORE	D6 -- MUELLER
D2 -- FERRIS	D7 -- KASTANIS
D3 -- POPE	D8 -- ROBIE
D4 -- CHINN	

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: February 16, 1989

MEETING TIME: 4:00 p.m.

LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

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CITY OF SACRAMENTO
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I HEREBY CALL Special Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento, and Parking Authority of the City of Sacramento to be conducted concurrently with the Council committee meetings listed below, which are incorporated herein by reference. The Special Meetings are called to permit Members who are not on the listed committees to attend the meetings and participate in the discussions. In the event five (5) or more members of the City Council are present at a Committee meeting, only those items listed on the agenda can be acted on or discussed.

The meeting was called to order at 4:07 p.m. by Chairman Terry Kastanis.

PRESENT: Committeemembers Kastanis, Mueller and Shore.

ABSENT: Committeemember Pope.

GUEST: Councilmember Serna.

1. Ordinance adding Section 3-D-7-d to the Comprehensive Zoning Ordinance relating to fencing materials.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.

COMMITTEE ACTION: APPROVED.

VOTING RECORD: MOVED: Shore; SECONDED: Mueller
AYES: Shore, Kastanis, Mueller
ABSENT: Pope

MINUTES:

Diane Balter, Deputy City Attorney, was present to discuss this item, which was brought before the Committee at the request Councilmember Dave Shore. She explained that enforcement of this ordinance would be through Nuisance Abatement and would be considered an infraction. She also noted that Nuisance Abatement had expressed a concern that this new enforcement procedure could potentially result in an increased workload for their Department,

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and Attorney Balter said she would keep the Committee and Council informed. Shore moved, Mueller seconded, and it was unanimously agreed to approve the ordinance adding Section 3-D-7-d to the Comprehensive Zoning Ordinance relating to fencing materials and to forward it to Council with their recommendation.

2. AB 43 (Elder) relating to crimes appropriation.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis
AYES: Mueller, Kastanis, Shore
ABSENT: Pope

MINUTES:

There was no discussion on this item. Mueller moved, Kastanis seconded, and it was unanimously agreed to support AB 43 relating to crimes appropriation.

3. SB 312 (Boatwright) relating to mandatory water meters.

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION.

COMMITTEE ACTION: OPPOSED.

VOTING RECORD: MOVED: Shore; SECONDED: Mueller
AYES: Shore, Mueller, Kastanis
ABSENT: Pope

MINUTES:

Mel Johnson, Director of Public Works, discussed this item. He said he was asking the Committee to oppose SB 312. He explained that this bill was not yet set for hearing, but Ken Emanuels, the City's legislative advocate, feels the City should start writing letters in opposition now. Committeemember Kastanis asked whether Sacramento was the only City in the state that didn't have water meters. Mr. Johnson said that lots of cities do not have them, and that most of the Valley cities are not metered, although Rio Linda does have water meters now. He explained that the City is

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unique, in that most of its water source is groundwater, which goes back into the River and is reused. Committeemember Shore stated that he feels this is punitive and a way to attack the City because it has adequate water. Shore moved, Mueller seconded, and it was unanimously agreed to oppose SB 312 relating to mandatory water meters.

4. AB 8 (Floyd) relating to motorcycle helmets.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Shore; SECONDED: Mueller
AYES: Shore, Mueller, Kastanis
ABSENT: Pope

MINUTES:

Robert Terry, legal assistant to Assemblyman Floyd, was present to discuss this bill. Committeemember Kastanis asked Mr. Terry what happened last year, since the City had taken a position of support on this same issue. Mr. Terry explained that some support organizations had independently solicited support but that they did not follow up.

Mr. Terry explained to the Committee that AB 55, another motorcycle helmet bill, will be heard on the same day. He said that AB 55 limits the use of motorcycle helmets to persons under the age of 21 years. He explained that last year Governor Deukmejian was erroneously provided with the information that most accidents involved persons under the age of 21, and the Governor vetoed last year's bill. Mr. Terry continued by saying that the CHP actually stated that 77% of fatal accidents involved persons over the age of 21, and 69% of those injured were over the age of 21; the average age was 25 years old. This was the reverse of what the Governor had understood.

Mr. Terry said that the City could support both AB 8 and AB 55, but that the Governor would probably sign the less effective bill.

Shore moved to support AB 8, with the request that we send letters stating that the City supports limits on motorcycle drivers and passengers of all ages. Mueller seconded the motion, and Kastanis concurred.

COMMITTEE ACTION SHEET

5. Ordinance adding Article II to Section 62 of the Sacramento City Code, relating to contributor statements (anti-laundering ordinance).

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.

COMMITTEE ACTION: RECOMMENDED REVISIONS.

REPORTS BACK: BRING BACK TO COMMITTEE IN MARCH.

VOTING RECORD: MOVED: Shore; SECONDED: Mueller
ABSENT: Pope

MINUTES:

This item was brought before the Committee at the request of Councilmember Joe Serna. Mr. Serna stated he was concerned that a separate declaration was created for individual contributors and for contributors other than individual. Deputy City Attorney Rich Archibald explained that it was too difficult to interpret when only one form was used, due to the rules and regulations of the Political Reform Act and the passage of Proposition 73. Mr. Archibald stated that the Political Reform Act requires that forms must be filled out stating that a person is a candidate for office, then the candidate must open a campaign fund and no deposits can be made into this fund without a signed statement by the contributor. Serna stated that if he receives contributions on a certain date but he can't deposit them without signed contributor statements, the most important thing would be the date of deposit and the date of signature of contributor form. Mr. Archibald said that the FPPC must have the date a contribution is received, and that this is not always the date of deposit. Committeemember Kastanis asked whether he would be in violation of FPPC regulations, enforceable by the District Attorney, if he had contributions with incomplete contributor statements which require him to hold the checks. Mr. Archibald stated that the FPPC has rules on what to do with checks that are not deposited.

Committeemember Kastanis expressed his concern about how cumbersome this method would be [getting contributor statements] at a party, and said he feels there has to be an easier way than this. Mr. Archibald said that is is the simplest way that staff could devise. He said that the rules say that contributions over \$100.00 must be made by check or money order with the name of the donor.

There was considerable discussion as to incorporating the two proposed contribution statements into one. Mr. Archibald said it

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could be done, but that the form would have to be much longer. Committeemember Kastanis asked why the form did not use common English. Mr. Archibald answered by saying that he used the terminology of the Political Reform Act.

There was also discussion as to the fact that it is not "laundering" if the source of the contribution is identified, and that the intent of this ordinance is to put the burden on the contributor rather than on the candidate, who is unaware of the source of every contribution he/she receives. Serna explained that a candidate does not always know what is going on out there, and whether an intermediary knows or does not know the funds are laundered, it is the intermediary's problem, not the candidate's. He went on to say that people could probably still launder funds, but it would be more difficult to do.

Committeemember Shore expressed his feeling that the contributor statements would have a "chilling effect" on the contributors, and that a contributor might say "I don't want to sign this thing!" Committeemember Kastanis said he wished the forms could be less onerous -- less "legalese" and more common English. He suggested that perhaps the "legalese" could be printed on the back of the form and a more simple form to fill out on the front. Committeemember Kastanis stated that the Committee needs staff to consider looking at the form and making it more friendly.

Mr. Archibald stated that the City Clerk's office has some immediate concerns with the use of these contributor statements, such as storage and whether or not the Clerk's obligations go beyond providing copies of the statements to the general public.

Mr. John Scribner spoke at this time. He noted that there is a 10-day limit from the time a contribution is received until the time it is to be deposited. He feels this should be noted in the ordinance. He also feels the contributor statement forms should have a place for an I.D. number; major donors (\$5,000 or more in a fiscal year) are given I.D. numbers. Mr. Scribner said he hopes that the Committee directs staff to prepare an information manual, so staff can save time by not having to answer a lot of calls for clarification.

There was discussion among the Committee members as to whether it was really necessary to give the City Clerk's office an original and one copy of each contributor statement. Bill Taylor of the City Clerk's office stated that this was essential because of the safety factor. He said that their office does not want the public

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handling originals, and there is always the possibility that someone could walk off with the originals, leaving the Clerk with no records at all.

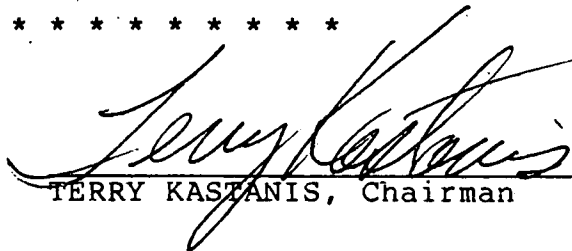
Shore moved to approve the ordinance adding Article II to Section 62 of the Sacramento City Code, relating to contributor statements as presented, with the recommendation that (1) the forms be revised to be more "friendly"; (2) the PAC I.D. number be added to the forms; (3) the information be included in the ordinance regarding the 10-day limit from the time of receipt of a contribution to the time it must be adopted; and (4) a report back from the City Clerk's office regarding storage of the forms and also regarding their office's processing obligations. Mueller seconded the motion and Kastanis concurred. These changes and reports back will be presented at the March 16, 1989 meeting of this Committee.

Shore noted that the provisions of this ordinance will raise the cost of campaigns. The other Council members presented agreed that this was true. Mueller stated that this ordinance would probably make public financing of campaigns more appealing to candidates.


Serna asked the Committee at this time to consider moving the elections to even-numbered years. There was some discussion, and it was felt that this matter should be presented to a joint Law and Legislation/Budget and Finance Committee meeting. This will be looked into.

The meeting was adjourned at 4:55 p.m. and the Committee went into closed session to discuss a Workers' Compensation case.

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TERRY KASTANIS, Chairman

ATTEST:


JUDY VARVEL, Secretary